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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 30, 2009.

I hereby appoint the Honorable EARL BLUMENAUER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord God Almighty, You lead Your people, guide them, and help them in their every need. You respond to their faith in many ways. You may use anyone or anything to come to the aid of Your people.

At times You bring government or charitable organizations to assist Your people. At other times, family members or neighbors help as they are able. At other times, You empower a person from within with greater imagination or intuition, with more education, or the ability to change direction. Sometimes all anyone can do is to pray.

So today we pray for all those who are overwhelmed by personal or social difficulties. We pray for those drowning in debt, those threatened by firestorms or foreclosure on their homes, by illness, by depression, unemployment or lack of faith. Be faithful, Lord, to Your people, even when they are unfaithful and help those most in need. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. JACKSON of Illinois 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

THERE IS NOTHING MORE IMPORTANT THAN HEALTH CARE

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

Mr. COHEN. Mr. Speaker, Daniel Webster reminds us on a daily basis in a plaque, a stone engraved above the Speaker's rostrum, that in our time here in Congress we're supposed to do something that's worth being remembered, something valuable. Forty-four years ago today Medicare was signed into law. That Congress did something worthwhile. The Congress that produced Medicaid did something worthwhile. Both those Congresses were vilified, and people said both of those programs were socialism.

Well, they were wrong; they were American. They were caring programs that have helped with people in sickness and getting them healthy in an affordable manner. This Congress can do something worthy of being remembered by passing national health care and taking care of people and extending Medicare and Medicaid to another group of Americans and making sure that we're no longer the only civilized industrialized country in the world that doesn't have health care for all of its citizens.

It's time that we act and we do what Daniel Webster charges us to, and that's to do something worthy of being remembered. Nothing is more important than health care.

PUT VIETNAM BACK ON THE CPC LIST NOW

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

Mr. CAO. Mr. Speaker, how much longer must we tolerate Vietnam's outrageous and continuous violations of its people's religious freedom and human rights? Just over a week ago, the Vietnamese government assaulted, arrested and imprisoned dozens of Catholics in the Diocese of Vinh for erecting a temporary place of worship on Tam Toa Parish Church that was destroyed during the Vietnam War. If this is not sufficiently egregious and reprehensible to draw our attention and condemnation, I do not know what is. However, the sad reality is that this is just one of the many audacious and concerning violations perpetrated by the Vietnamese government since it was removed from the list of Countries of Particular Concern in 2006.

Arrests of religious leaders and political activists, intimidation of worshippers, and collusion in labor trafficking have become a common practice by the Vietnamese government. We cannot continue to tolerate unjust, inhumane and illegal practices. Vietnam must be put back on the CPC list, and I urge the State Department to do so expediently.

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H.R. 3326

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

Mr. NYE. Mr. Speaker, I rise today in support of our troops and our military families and in support of a provision in the manager's amendment to the Defense appropriations bill which will help our military families.

Mr. Speaker, injured military personnel and veterans, including many who live in my district, often have to travel far from home to receive specialized medical treatment, taking them away from their families during a difficult time. The Fisher House Foundation is a public-private partnership which provides housing to allow military family members to be close to their loved ones during hospitalizations or medical treatment. Each year the Fisher House program serves about 10,000 families at no charge, enabling them to focus on their husbands and wives, parents, sons and daughters.

This amendment includes a provision which I offered to give more support to the Fisher House Foundation to provide housing to more military families. Mr. Speaker, the troops I worked with in Iraq and Afghanistan were willing to put their lives on the line for our country, and we should do everything in our power to ease the burden on our wounded warriors and their families. I hope my colleagues will join me in supporting this valuable program and in supporting our military families.

IN THEIR OWN WORDS

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

Mr. WILSON of South Carolina. Mr. Speaker, here are a few thoughts on the Democrat health tax bill by Democrats:

''This bill . . . does not strike the balance between preserving what works in our current system and fixing what does not work.''

Another: ''To try to pay for health care reform on the backs of small businesses, I can't support that.''

Finally: ''The (House) bill being presented, with a poorly defined public option, is a Trojan horse leading to government-controlled health care, and it is not in the best interests of the public.''

These are the words and concerns of some of our Democrat colleagues. The Democrat plan raises taxes and mandates on small businesses, killing jobs. It creates a government takeover of health care that will knock millions of Americans, including senior citizens on Medicare, off their current plans.

There is a better way to help Americans afford health care, and it starts with empowering the people, not Big Government.

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

JUST DON'T GET SICK

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

Ms. SHEA-PORTER. Mr. Speaker, here's the problems Americans are facing today: no money, no insurance, get sick, disaster; preexisting condition, no insurance, get sick, disaster; laid off, no insurance, get sick, disaster; employer drops coverage, no insurance, get sick, disaster.

This is what the Democrats are trying to fix. This is what the public option and the exchange will fix. It allows people who like their insurance to keep it, and it will cover those who do not have insurance. The Republican health plan very simply is: just don't get sick.

HEALTH CARE REFORM

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

Ms. McCOLLUM. Mr. Speaker, reforming our Nation's health care system is an urgent national priority. Ensuring high-quality, affordable, access to health care for all Americans is our task here in Congress. Yet, opponents of reform are working to kill the bill and to do nothing about exploiting health care costs other than help insurance companies profit.

Democrats are working for real reform that empowers patients and their doctors to make the right choices for you. Democrats want health insurance for all Americans with a focus on saving and in investing and prevention for our children. Democrats want to make prescription drugs affordable and guarantee that preexisting conditions will be treated and not denied by insurance company bean counters. Democrats want a system that ensures all patients will receive evidence-based, quality care that's the standard.

My State of Minnesota has proven that high-quality, low-cost health care is a possibility here in the United States, and it should be the standard for all Americans. The time for action is now. We need to pass real health care reform.

YOU'RE JUST TOO OLD

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

Mr. POE of Texas. Mr. Speaker, when government runs health care, senior citizens sometimes are refused treatment because of their age. In Sweden, an 83-year-old woman was refused medical surgery by the government-run hospital. They said she was just too old for treatment. Marianne Skogh had pain and numbness in her legs for 5 years. She waited more than a year trying to get approval for back surgery to cure the problem. She was rejected by the government. Without the operation, she would be living in incredible turmoil. She said, ''What kind of life is that?''

Despite her long wait, Marianne was told her ailment was treatable but she was just too old for surgery. The government-run hospital said since she had previous heart surgery, they were denying her the back surgery. They told her just to take some pain pills. When the pain pills didn't help, the government still wouldn't let her have the surgery. Marianne ended up paying for the operation herself with some private funds and funds she received from friends. She's now pain-free.

Government-run health care lets bureaucrats decide who receives rationed care and who doesn't, who lives and who just dies. And that's just the way it is.

AMERICA NEEDS QUALITY AFFORDABLE HEALTH CARE

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

Ms. KAPTUR. Mr. Speaker, America faces a vital decision to improve health care for all, both its quality and affordability. But follow the money. Ask yourself, Who's making the big bucks off the current arrangement? Aren't you tired of all those expensive medicine ads on TV? If you weren't sick before you watch them you're sick afterwards.

Pharmaceutical companies are the third most profitable industry in our country. They don't even manufacture most of those medicines here anymore. They outsourced them long ago. And their CEOs grab millions of dollars a year in salaries and bonuses from our middle class that's struggling more each year just to pay for insurance. And the insurance companies? They're raking in your health insurance dollars too. They don't deliver an ounce of care, but they've become the ninth most profitable industry in our country. Go to any state capital. Who owns the highest buildings in those towns? Insurance companies. That says it all. America needs quality, affordable health care, not insurance and pharmaceutical kingdoms.

□ 1015

LISTEN TO THE SENIORS

(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 have a lot of friends on the Democrat side of the aisle, and we, as Republicans, really care about your future, so I'd like for you to know that one of the largest voting blocs in the country is that of the senior citizens. When they read this and find out about it—and we are going to make sure they do—they're going to really hold you accountable.

So, when you go home, listen to your seniors because they're going to know what's in this bill, and I don't want you guys to lose. I really don't.

DOING NOTHING IS NOT AN OPTION

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

Ms. CHU. Mr. Speaker, not in six decades have we been this close to achieving the most crucial task of reforming our health care system. Let me be clear: we would be derelict in our duty to the American people if we let this opportunity go to waste.

Now, our colleagues on the other side of the aisle claim that this legislation amounts to the government takeover of health care and that Americans will be stripped of their choices of doctors and plans, but the reality is that everybody in this country will lose if they don't have health care reform.

People like Mary Smith, a 45-year-old with diabetes who just lost her job, she will no longer have to worry about whether she can get insurance again. Certainly, in my district, everybody will benefit, the 155,000 who lack health care coverage but, also, the majority of my constituents who are insured. They will have stability, security and peace of mind in having health care that they can count on no matter what happens. You will always have options for coverage even if you change or lose your job. You will never be denied coverage if you get sick.

Doing nothing is not an option.

BETTER ALTERNATIVE FOR HEALTH CARE REFORM

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

Mr. FLEMING. Mr. Speaker, as a doctor, one of the main reasons I came to Congress was to push for health care reform, that is, commonsense reform, not nonsense reform as proposed by our Democrat colleagues. That's why I'm proud to be an original cosponsor of the Empowering Patients First Act, a Republican bill for reform.

This bill contains all of the essential elements of good health care reform, including expanding private insurance to all Americans who want it, removing preexisting illnesses, improving portability, subsidies to the working poor, access to excellent primary and specialty care and, of course, instituting lawsuit reform. All of this is accomplished without a government takeover, without gutting Medicare, without long lines or bureaucrats interfering in the sacred doctor-patient relationship; and it is budget neutral.

It is obvious that private insurance, no matter who pays for it, is the gold standard. As we return to our districts and debate this important issue, I believe we will find that Americans truly want private insurance options, not the government takeover of health care with the Soviet-style central planning of our economy.

THE RECOVERY ACT IS CREATING JOBS

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

Mr. SCHRADER. Mr. Speaker, I've come to the floor this week to dispel the assertion by Republican colleagues that the Recovery Act is not creating jobs. It's simply not accurate. I would like to talk to you about the first four construction transportation projects under way in my district.

Oregon 22, one of the few roads that connects the Willamette Valley to the Oregon coast, is getting two overlay construction projects, employing 44 and 80 workers respectively. These projects make sure that freight and tourists can keep our economy going.

Twenty workers are being put to work replacing the concrete barriers on Interstate 5, a major valley thoroughfare. This makes our highways safe. There are 120 workers who are being put to work paving and rebuilding sections of Highway 101, the only north-south road that connects the small Oregon coastal communities.

Mr. Speaker, those are 261 jobs under way in my district alone at this early stage of the recovery, and there are more in the works.

BRING FISCAL DISCIPLINE BACK TO WASHINGTON

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

Ms. FOXX. Mr. Speaker, in December 2007, our economy slipped into a recession, and since then, the recession has only gotten worse. The American people are hurting.

President Obama and Democrats in Congress promised that their stimulus plan would bring ''immediate'' relief. Unfortunately for the American people, the results are rolling in. Two million American jobs have been lost since the stimulus was signed into law. More than 400,000 jobs were lost in the month of June alone.

Just when you thought it was clear that we can't spend, borrow and tax our way to a growing economy, Democrats propose a government takeover of health care that will lead to higher taxes, to more government spending, and to even further job losses.

The American people deserve a real plan for real recovery, not another excuse to increase spending, to raise taxes, and to grow government. The Republican economic recovery plan brings fiscal discipline back to Washington, and it puts money back into the hands of the American people.

JOBS AND STIMULUS

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

Mrs. MALONEY. Mr. Speaker, President Obama inherited a labor market in free fall. When President Bush left office in January, job losses peaked as employers slashed a stunning 741,000 jobs.

Congress worked quickly with the new administration to restore financial stability and to pass a recovery package that is beginning to take hold. The pace of job losses has eased from its decline at the end of the Bush administration. Last week, Federal Reserve Chairman Ben Bernanke testified that the unemployment rate would be higher right now without the legislation Congress enacted.

By restoring financial stability and by implementing stimulus measures and a responsible budget, we will make the investments necessary to lay the foundation for economic recovery that will put Americans back to work now and that will create the jobs of the future.

HEALTH CARE

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

Mr. REICHERT. Mr. Speaker, when the House Ways and Means Committee recently considered the health care overhaul proposal, I supported an amendment that said if our constituents must join the government-run public plan, so should Members of Congress. Unfortunately, the Democrats rejected this amendment.

Mr. Speaker, I ask today: If the government-run plan is great enough for the American people, why isn't it good enough for the Members of Congress?

Americans deserve the freedom to choose their health care. This plan doesn't give them that choice. It will force Americans into a plan that supporters of the bill simply don't want.

We need to work together to protect and to strengthen the health care of every American, not take away choice and drive up costs. I urge my colleagues to reject this bill, to work together on a plan that will lower costs, while maintaining the freedoms of Americans to choose their health care.

And that is just some straight shooting from the sheriff.

IT IS TIME TO ENACT REAL HEALTH CARE REFORM

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

Ms. EDWARDS of Maryland. Mr. Speaker, it is time to speak a little truth to power, to the powerful special interests and to the insurance companies that are willing to deep-six health care reform for millions of Americans by spreading misinformation and by scaring people. All the while, these big insurance companies raise deductibles, premiums, and copays. They drop people with preexisting conditions. They

limit coverage, and they reap billions in excessive salaries, profits, and bonuses.

Look at the facts: United Health earned $2.9 billion last year. WellPoint reported profits of $2.5 billion. For CEO pay, United Health Group's Stephen Hemsley made $3.2 million. WellPoint's Angela Braly made $9.8 million. It doesn't stop there. Former United Health Group's CEO, Bill McGuire, left his job in 2006 and still took home $1.1 billion. That's a lot of zeros.

Who are we kidding, Mr. Speaker? This is all about money—campaign contributions, CEO salaries, millions in advertising to kill reform, and billions in profits. That's what's at stake here.

It's time to stop this nonsense and enact real reform that includes a public insurance option based on Medicare rates and with a network of providers to lower costs and to provide quality care.

THE SEVEN DIRTY WORDS WE CAN'T USE

(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, this year, we lost a comedian of some note named George Carlin. One of the marks of his career was when he challenged the FCC with the seven dirty words. We're now engaged in a debate on health care, and we've been told that there are a number of phrases that we can't use because we're attempting to speak truth to power, power being the Democratic leadership here in the House.

What are these dirty words or phrases we can't use to describe the leading Democratic health care proposal?

We can't call it ''government-run'' even though that's what it's going to be inevitably. We can't call it ''single-payer'' even though that's where they're going. We can't call it ''socialized medicine.'' I don't know why not, but we can't. We can't call it ''ObamaCare.'' We can't call it ''rationed care'' even though rationing is an absolutely essential element to their plan. We can't call it the ''government mandate care'' even though it's full of mandates. The word ''shall'' appears, I believe, 100 times in the bill. ''Shall'' means ''must,'' which means a mandate. You can't call it ''keep your change care'' because, frankly, there won't be any change for you to keep.

The seven dirty words we can't use.

THE URGENCY OF HEALTH CARE REFORM

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

Mr. CARSON of Indiana. Madam Speaker, I rise today to speak to the urgency of health care reform. I want to share the story of Holly, an Indianapolis woman who has courageously fought and won two bouts with breast cancer. Thankfully, Holly's medical costs were largely covered by insurance. While she praises the care and treatment she received, Holly is rightly worried about the future.

Due to her history of recurring cancer, Holly will be uninsurable if she ever loses her job and, with it, her employer-based health insurance plan. Holly and thousands of people across my district know that the status quo will leave millions more uninsured, in some cases even fighting for their lives.

We must push forward with overhauling our health care system, not only for the 47 million who are uninsured but for the millions more who will be added to these rolls unless we act. Now is not the time for fear-mongering. Now is not the time for political posturing or for narcissistic behavior. We must be Representatives in the true sense of the word and act on behalf of the American people.

HONORING ST. ANN'S 150TH ANNIVERSARY

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

Mr. LANCE. Madam Speaker, I rise this morning in honor of the 150th anniversary of St. Ann's Roman Catholic Church in Hampton, Hunterdon County, New Jersey.

St. Ann's was officially established in 1859, and Father Claude Rolland of France was named its first resident pastor.

Throughout its history, St. Ann's has faithfully fulfilled its mission while, at the same time, helping to establish eight other Catholic churches in Hunterdon and Warren Counties. Due to its contribution to the history of our State in 2003, the church was designated by New Jersey as a Site of Historical Note. Today, St. Ann's Parish is enjoying a period of significant growth under the leadership of its current pastor, Father Michael Saharic.

I congratulate St. Ann's Church for its 150 years of service to the communities of Hampton, Glen Gardner and surrounding areas and as a pillar of faith.

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 the 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. Broun submitted an amendment to the Committee on Rules to H.R. 3326, Department of Defense Appropriations Act, 2010;

Whereas that gentleman's amendment would have required that none of the funds made available in this Act be used to standardize the design of future ground combat uniforms across the military branches;

Whereas defense appropriations have typically been used to provide funding for various types of equipment such as uniforms;

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, Ms. 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. 685, the rule to accompany H.R. 3326, be amended to allow the gentleman from Georgia's amendment to be considered and voted on in the House.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). 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.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 685 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3326.

□ 1031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, with Mr. BLUMENAUER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the committee of the whole rose on Wednesday, July 29, 2009, all time for general debate had 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 147, line 4.

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

H.R. 3326

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

Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $39,901,547,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,095,581,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,528,845,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,938,850,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,308,513,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,918,111,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $610,580,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,600,462,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,525,628,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,949,899,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $30,454,152,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,657,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $34,885,932,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,557,510,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $33,785,349,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $27,929,377,000: *Provided*, That not more than $50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That of the funds provided under this heading, not less than $29,732,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications,$2,621,196,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation;

care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,280,001,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $228,925,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,079,228,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,353,627,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,888,741,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $13,932,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $415,864,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $285,869,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $494,276,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $11,100,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $277,700,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $109,869,000, to remain available until September 30, 2011.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $404,093,000, to remain available until September 30, 2012.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $100,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and

other expenses necessary for the foregoing purposes, $5,144,991,000, to remain available for obligation until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,358,609,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,681,952,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,053,395,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $9,293,801,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $18,325,481,000, to remain available for obligation until September 30, 2012.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,226,403,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $794,886,000, to remain available for obligation until September 30, 2012.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $739,269,000;

Carrier Replacement Program (AP), $484,432,000;

NSSN, $1,964,317,000;

NSSN (AP), $1,959,725,000;

CVN Refueling, $1,563,602,000;

CVN Refuelings (AP), $211,820,000;

DD(X), $1,073,161,000;

DDG–51 Destroyer, $1,912,267,000;

DDG–51 Destroyer (AP), $328,996,000;

Littoral Combat Ship, $2,160,000,000;

LPD–17, $872,392,000;

LPD–17 (AP), $184,555,000;

Intratheater Connector, $357,956,000;

LCAC Service Life Extension Program, $63,857,000;

Prior year shipbuilding costs, $454,586,000;

Service Craft, $3,694,000; and

For outfitting, post delivery, conversions, and first destination transportation, $386,903,000.

In all: $14,721,532,000, to remain available for obligation until September 30, 2014: *Provided*, That additional obligations may be incurred after September 30, 2014, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,395,081,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,563,743,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,956,182,000, to remain available for obligation until September 30, 2012; *Provided*, That no funds provided in this Act for the procurement or modernization of C-17 aircraft may be obligated until all C-17 contracts funded with prior year ''Aircraft Procurement, Air Force'' appropriated funds are definitized.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such

plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $6,508,359,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $809,941,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $16,883,791,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,036,816,000, to remain available for obligation until September 30, 2012.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $82,846,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,151,884,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,197,300,000, to remain available for obligation until September 30, 2011: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $27,976,278,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,721,723,000, to remain available for obligation until September 30, 2011: *Provided*, That, notwithstanding any other provision of law, of the funds made available under this heading for missile defense programs, not less than $80,000,000 shall be available for the Kinetic Energy Interceptor Program.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $190,770,000, to remain available for obligation until September 30, 2011.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,455,004,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,692,758,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $29,891,109,000; of which $28,257,565,000 shall be for operation and maintenance, of which not to exceed two percent shall remain available until September 30, 2011, and of which up to $15,537,688,000 may be available for contracts entered into under the TRICARE program; of which $384,142,000, to remain available for obligation until September 30, 2012, shall be for procurement; and of which $1,249,402,000, to remain available for obligation until September 30, 2011, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,510,760,000, of which $1,146,802,000 shall be for operation and maintenance, of which no less than $84,839,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $34,905,000 for activities on military installations and $49,934,000, to remain available until September 30, 2011, to assist State and local governments; $12,689,000 shall be for procurement, to remain available until September 30, 2012, of which no less than $12,689,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $351,269,000, to remain available until September 30, 2011, shall be for research, development, test and evaluation, of which $348,669,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving

under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,237,684,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $364,550,000, of which $183,000,000 shall be for Attack the Network, to remain available until September 30, 2011; $25,000,000 shall be for Defeat the Device, to remain available until September 30, 2012; $35,000,000 shall be for Train the Force, to remain available until September 30, 2010; $121,550,000 shall be for Staff and Infrastructure, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $288,100,000, of which $287,100,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2012, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $290,900,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $611,002,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2010: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: *Provided further*, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled ''Explanation of Project Level Adjustments'' in the report of the Committee on Appropriations of the House of Representatives accompanying this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: *Provided*, 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 budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That

transfers may be made between working capital funds and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a report within 30 days of enactment of this Act that certifies full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are identified in that report for production beyond advance procurement activities in the fiscal year 2010 budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

F-18 aircraft variants.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2010, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2011.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That

for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under federal law.

SEC. 8019. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity, commencing on the date on which the preliminary planning for the study begins through the date on which a performance decision is rendered with respect to the function, excluding time during which the study is suspended because of protests before the Government Accountability Office or United States Court of Federal Claims but including time during which the study is performed subsequent to such protests.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than $34,756,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $26,433,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $7,426,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $897,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2010 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2010, not more than 5,582 staff years of technical effort (staff years) may be funded for defense FFRDCs, not more than 3,236 staff years may be funded for the systems engineering and integration FFRDCs and not more than 1,264 staff years may be funded for laboratory FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,082 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2011 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $125,200,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement

memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2010. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, and Minnesota.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2011 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2011: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2011.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used——

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the House of Representatives accompanying this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Army, 2009/2011'', $131,900,000;

''Shipbuilding and Conversion, Navy, 2009/2013'', $177,767,000;

''Other Procurement, Navy, 2009/2011'', $18,844,000;

''Aircraft Procurement, Air Force, 2009/2011'', $687,071,000;

''Missile Procurement, Air Force, 2009/2011'', $60,000,000;

''Other Procurement, Air Force, 2009/2011'', $36,400,000;

''Research, Development, Test and Evaluation, Navy, 2009/2010'', $20,000,000;

''Research, Development, Test and Evaluation, Air Force, 2009/2010'', $70,000,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2009/2010'', $189,357,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following—

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program:

Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government.

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8065. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8066. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8067. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8068. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8069. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $106,754,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8071. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2010.

SEC. 8072. In addition to amounts provided elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense, to

remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $202,434,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $45,792,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, $50,036,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $72,400,000 shall be for the Arrow Missile Defense Program, of which $25,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8074. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $454,586,000 shall be available until September 30, 2010, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading Shipbuilding and Conversion, Navy, 2004/2010:

New SSN, $26,906,000;

LPD-17 Amphibious Transport Dock Program, $16,844,000;

Under the heading Shipbuilding and Conversion, Navy, 2005/2010:

New SSN, $18,702,000;

LPD-17 Amphibious Transport Dock Program, $16,498,000;

Under the heading Shipbuilding and Conversion, Navy, 2007/2011:

DD(X) Program, $309,636,000;

Under the heading Shipbuilding and Conversion, Navy, 2008/2012:

LPD-17 Amphibious Transport Dock Program, $66,000,000.

SEC. 8075. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8076. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Orthotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapy Assistants, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, Medical Technologists, Medical Technicians, Pharmacy Technicians, Health System Specialists, Medical Instrument Technicians, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8077. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 8078. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8079. (a) In addition to the amounts provided elsewhere in this Act, $3,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $3,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management cooperation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8080. The budget of the President for fiscal year 2011 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8081. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8082. Up to $2,500,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8083. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $88,700,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations; $30,000,000 to the Red Cross; $6,000,000 to the SOAR Virtual School District; $5,000,000 to The Presidio Heritage Center; $5,000,000 to the Paralympics Military Program; $4,800,000 to the Arrest Deterioration of Ford Island Aviation Control Tower, Pearl Harbor, HI; $2,000,000 to the Go For Broke program; $1,000,000 to Our Military Kids; $3,000,000 to the New Jersey Technology Center; $2,000,000 to the Women in Military Service for America Memorial; $500,000 to the Marshall Legacy Institute; $1,000,000 to the Vietnam Veterans Memorial Fund for Demining Activities; $7,400,000 to the Edward M. Kennedy Institute for the Senate; and $1,000,000 for the Riverside General Hospital in Houston, Texas, for the treatment of psychological health issues.

SEC. 8084. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8085. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8086. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8087. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided*

further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8088. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8089. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) None of the funds appropriated by this Act may be used to institute an inter-Service common contract for acquisition of MQ–1 or MQ–1C UAVs until 30 days after the Secretary of Defense certifies to the congressional defense committees that a common contract would achieve cost savings, be interoperable with, and not create undue sustainment costs compared to the current fleet.

SEC. 8090. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8091. Up to $15,000,000 of the funds appropriated under the heading, ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8092. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2011.

SEC. 8093. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8094. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8095. The Secretary of Defense shall create a major force program category for space for the Future Years Defense Program of the Department of Defense. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8096. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40 Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

SEC. 8097. Notwithstanding any other provision of law, none of the funds made available in this Act may be used to pay negotiated indirect cost rates on a contract, grant, or cooperative agreement (or similar arrangement) entered into by the Department of Defense and an entity in excess of 35 percent of the total cost of the contract, grant, or agreement (or similar arrangement): *Provided*, That this limitation shall apply only to funds made available in this Act for basic research.

SEC. 8098. The Secretary of Defense shall maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

SEC. 8099. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: *Provided*, 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 by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8100. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8101. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8102. The Department of Defense shall continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8103. (a) CONTINUATION OF STOP-LOSS SPECIAL PAY.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $8,300,000 is hereby appropriated to the Secretary of Defense to carry out this section. Such amount shall be made available to the Secretaries of the military departments only to provide special pay during fiscal year 2010 to members of the Army, Navy, Air Force, and Marine Corps, including members of their reserve components, who, at any time during fiscal year 2010, serve on active duty while the members' enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a ''stop-loss authority'') authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(b) SPECIAL PAY AMOUNT.—The amount of the special pay paid under subsection (a) to or on behalf of an eligible member shall be $500 per month for each month or portion of a month during fiscal year 2010 that the member is retained on active duty as a result of application of the stop-loss authority.

(c) TREATMENT OF DECEASED MEMBERS.—If an eligible member described in subsection (a) dies before the payment required by this section is made, the Secretary concerned shall make the payment in accordance with section 2771 of title 10, United States Code.

(d) CLARIFICATION OF RETROACTIVE STOP-LOSS SPECIAL PAY AUTHORITY.—Section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111–32) is amended by adding at the end the following new subsection:

''(i) EFFECT OF SUBSEQUENT REENLISTMENT OF VOLUNTARY EXTENSION OF SERVICE.—Members of the Armed Forces, retired members, and former members otherwise described in subsection (a) are not eligible for a payment under this section if the members—

''(1) voluntarily reenlisted or extended their service after their enlistment or period of obligated service was extended, or after their eligibility for retirement was suspended, pursuant to a stop-loss authority; and

''(2) received a bonus for such reenlistment or extension of service.''.

SEC. 8104. Appropriations available to the Department of Defense for the purchase of heavy and light armored vehicles for force protection purposes may be used for such purchase, up to a limit of $262,000 per vehicle, notwithstanding other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8105. During the current fiscal year, not to exceed $10,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army,'' ''Operation and Maintenance, Navy,'' and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8106. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That the funds transferred under this provision are to be merged with, and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8107. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of the reprogramming that —

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

(2) eliminates a program, project or activity;

(3) augments funds for existing projects in excess of 10 percent or more; or,

(4) reduces by 10 percent or more funding or personnel for a project;

(b) None of the funds provided for the National intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) made after August 1, 2010, except in extraordinary circumstances and after the Committees on Appropriations of the House of Representatives and the Senate are notified 30 days in advance of the reprogramming.

SEC. 8108. None of the funds appropriated or otherwise made available by this Act, or that remain available for obligation for the Department of Defense from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be used to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76, as of the date of enactment of this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. During the current fiscal year, the Secretary of Defense may transfer to the appropriation ''Foreign Currency Fluctuations, Defense'' unobligated amounts of funds appropriated for operation and maintenance for fiscal year 2007, 2008, or 2009 and unobligated amounts of funds appropriated for military personnel for any of such fiscal years if such unobligated amounts are not necessary for the liquidation of obligations or for the making of authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations: *Provided*, That the amount in the appropriation ''Foreign Currency Fluctuations, Defense'' may not exceed the amount specified in subsection 2779(d) of title 10, United States Code, as a result of the transfer: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained in this Act.

SEC. 8110. The amounts appropriated in Title II of this Act are hereby reduced by $289,570,000 to reflect excess cash balances in Department of Defense Working Capital Funds.

SEC. 8111. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $1,000,000, within the Intelligence Community until the Director of National Intelligence certifies to the congressional intelligence committees that the system is being developed and managed in accordance with the Business Transformation requirements.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees notification of approvals under paragraph (1) no later than 30 days after certification. Each such notification shall include a statement confirming that the following steps have been taken with respect to the system:

(1) Business process reengineering.

(2) An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.

(3) Assurance the system is compatible with the enterprise-wide business architecture.

(4) Performance measures.

(5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

(c) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8112. (a) In addition to funds made available elsewhere in this Act, there is hereby appropriated $439,615,000 to remain available until transferred: *Provided*, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''Aircraft Procurement, Air Force'', and ''Research, Development, Test and Evaluation, Air Force'', only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

(b) The Secretary of Defense is directed to award one or more contracts for the aerial refueling tanker replacement program according to either of the following alternatives:

(1) A contract to a single offeror based on a best value or lowest cost source selection derived from full and open competition, subject to the condition that non-development aircraft produced under such contract must be finally assembled in the United States. Such competition and source selection shall include evaluation of the life-cycle costs of each aircraft over a 40-year period (including costs of fuel consumption, military construction and other factors normally associated with operation and support of tanker aircraft) and shall include an independent 40-year life-cycle cost estimate conducted by a federally funded research and development center; or

(2) Contracts awarded to each of the two offerors that responded to Request for Proposal No. FA8625-07-R-6470 (as released on January 29, 2007) subject to the condition that all non-development aircraft produced under any such contracts must be finally assembled in the United States.

(c) The Secretary of Defense shall certify in writing to the congressional defense committees by October 1, 2009, which of the procurement alternatives in subsection (b) represents the most cost-effective and expeditious tanker replacement strategy that best responds to United States national security requirements. The certification shall be accompanied by a report to the congressional defense committees detailing the rationale for such certification.

SEC. 8113. (a) Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if

the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS.—Not more than 40 days of benefits may be provided to a member or former member of the Armed Forces under this section.

(e) FORM OF PAYMENT.—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—(1) The authority to provide benefits under this section shall expire on the date that is 1 year after the date of the enactment of this Act.

(2) Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SEC. 8114. (a) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN IRAQI REFUGEES.—Section 1244(g) of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 398) is amended by striking ''for a period not to exceed eight months'' and inserting ''to the same extent, and for the same periods of time, as such refugees''.

(b) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN AFGHAN ALLIES.—Section 602(b)(8) of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111–8; 123 Stat. 809) is amended by striking ''for a period not to exceed 8 months'' and inserting ''to the same extent, and for the same periods of time, as such refugees''.

SEC. 8115. (a) With respect to the list of specific programs, projects and activities contained in the tables entitled ''Explanation of Project Level Adjustments'' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XXI of the House of Representative, when awarded to a for profit entity, shall be awarded under full and open competition.

(b) For profit entities previously awarded a contract with the Department of Defense which remains in effect during fiscal year 2010, to provide such programs projects or activities as described in subsection (a), shall be considered to have satisfied the conditions of full and open competition, provided that any such contract was awarded under full and open competition.

SEC. 8116. The amounts appropriated in title II of this Act are hereby reduced from the specified accounts in the specified amounts:

''Operation and Maintenance, Navy'', $192,000,000;

''Operation and Maintenance, Marine Corps'', $28,000,000;

''Operation and Maintenance, Air Force'', $188,000,000;

''Operation and Maintenance, Defense-Wide'', $142,000,000.

SEC. 8117. In carrying out Congressionally Directed Medical Research programs related to breast cancer research, the Secretary of Defense shall ensure the following:

(a) The selection process for choosing an individual to serve as a member of an integration panel shall be fair and representative of the interested community so that the integration panel consists of a diverse representation of the breast cancer survivor and advocacy community; and

(b) An individual serving as a member of an integration panel may not be an employee, serve on the board of, or have a financial relationship with the same organization (including any organization related to such organization through common board membership, financial support, or other similar relationship) as that of another individual serving as a member of such panel.

SEC. 8118. None of the funds appropriated or otherwise made available by this Act, or that remain available for obligation for the Department of Defense from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be used to eliminate any personnel positions from the 194th Regional Support Wing of the United States Air National Guard as of the date of enactment of this Act.

SEC. 8119. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, the District of Columbia, or any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained, as of April 30, 2009, at the Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, the District of Columbia, or any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of detaining or prosecuting such individual until 2 months after the plan detailed in subsection (c) is received.

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with not transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A certification by the President that any risk described in paragraph (1) has been mitigated, together with a full description of the plan for such mitigation.

(5) A certification by the President that the President has submitted to the Governor and legislature of the State or territory (or, in the case of the District of Columbia, to the Mayor of the District of Columbia) to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to the country of such individual's nationality or last habitual residence or to the freely associated States of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), or the Republic of Palau, or to any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services or the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.

TITLE IX

OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $10,492,723,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,622,717,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $997,470,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,855,337,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $302,637,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $39,040,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $31,337,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $24,822,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $839,966,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $18,500,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $41,836,029,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $4,975,665,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,961,279,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $7,858,895,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $7,397,800,000, of which:

(1) not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $1,540,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $163,461,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $54,447,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $69,333,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $100,740,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $257,317,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $231,889,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for expenses directly relating to overseas contingency operations by United States military forces, $14,636,901,000, to remain available for obligation until expended: *Provided*, That of the funds made available under this heading, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, the defense health program appropriation, and working capital funds accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary shall notify the congressional defense committees 15 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $7,462,769,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command-Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall,

not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $1,636,229,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $469,470,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,219,466,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $370,635,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $5,635,306,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $889,097,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $73,700,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $698,780,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $260,797,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,100,268,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $825,718,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $36,625,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $256,819,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,275,238,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $489,980,000, to remain available until September 30, 2012: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of items of equipment as designated by the Chief of the National Guard Bureau and the Chiefs of the reserve components of the Armed Forces, $500,000,000, to remain available for obligation until September 30, 2012, of which $300,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RAPID ACQUISITION FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the Rapid Acquisition Fund. For the Rapid Acquisition Fund, $40,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, for the purpose of providing for Joint Urgent Operational Needs: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That funds so transferred shall be merged with and shall be available for the same purposes and the same time period as that account to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such funds may be transferred back to this appropriation: *Provided further*, That the transfer authority provided herein is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $3,606,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such funds may be transferred back to this appropriation: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $57,962,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $38,280,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $29,286,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $115,826,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $412,215,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,155,235,000, which shall be for operation and maintenance: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities'', $317,603,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $1,490,000,000, of which $730,000,000 shall be for Attack the Network, to remain available until September 30, 2011; $600,000,000 shall be for Defeat the Device, to remain available until September 30 2012; and $160,000,000 shall be for Train the Force, to remain available until September 30, 2010: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $8,876,000: *Provided*, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2010.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $3,000,000,000 between the appropriations or funds made available to the Department of Defense in this title, with the exception of the ''Overseas Contingency Operations Transfer Fund'': *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2010: *Provided further*, That the amount in this section is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan or Iraq, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan, up to a limit of $75,000 per vehicle, notwithstanding other limitations applicable to passenger carrying motor vehicles.

SEC. 9005. Not to exceed $1,300,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, of the funds provided, $500,000,000 shall not be available until 5 days after the Secretary of Defense has completed a thorough review of the Commander's Emergency Response Program and provided a report on his findings to the congressional defense committees.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9007. During fiscal year 2010 and from funds in the ''Defense Cooperation Account'', as established by 10 U.S.C. 2608, the Secretary of Defense may transfer not to exceed $6,500,000 to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority: *Provided further*, That the amount in this section is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 9008. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9009. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9010. (a) REPORT ON IRAQ TROOP DRAWDOWN STATUS, GOALS, AND TIMETABLE.—In recognition and support of the policy of

President Barack Obama to withdraw all United States combat brigades from Iraq by August 31, 2010, and all United States military forces from Iraq on December 31, 2011, Congress directs the Secretary of Defense (in consultation with other members of the National Security Council) to prepare a report that identifies troop drawdown status and goals and includes—

(1) a detailed, month-by-month description of the transition of United States military forces and equipment out of Iraq; and

(2) a detailed, month-by-month description of the transition of United States contractors out of Iraq.

(b) ELEMENTS OF REPORT.—At a minimum, the Secretary of Defense shall address the following:

(1) How the Government of Iraq is assuming the responsibility for reconciliation initiatives as the mission of the United States Armed Forces transitions.

(2) How the drawdown of military forces complies with the President's planned withdrawal of combat brigades by August 31, 2010, and all United States forces by December 31, 2011.

(3) The roles and responsibilities of remaining contractors in Iraq as the United States mission evolves, including the anticipated number of United States contractors to remain in Iraq after August 31, 2010, and December 31, 2011.

(c) SUBMISSION.—

(1) Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter through September 30, 2010, the Secretary of Defense shall submit the report required by subsection (a) and a classified annex to the report, as necessary.

(2) The Secretary may submit the report required by subsection (a) separately as provided in paragraph (1) or include the information required by this report when submitting reports required of the Secretary under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410).

The Acting CHAIR. No amendment shall be in order except the amendments printed in House report 111–233. Each amendment in part A of the report 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 read, and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; not to exceed eight of the amendments printed in part B of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, shall be in order, may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; an en bloc amendment, if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, consisting of all the amendments printed in part B of the report, shall be in order, shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; not to exceed two of the amendments printed in part C of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee, shall be in order, which may be offered only in the order printed in the report, shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

After disposition of the amendments specified in the first section of House Resolution 685, 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 amendments specified in the first section of House Resolution 685 shall not be subject to a demand for division of the question.

PART A AMENDMENT NO. 1 OFFERED BY MR. MURTHA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111–233.

Mr. MURTHA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. MURTHA:

Page 8, line 11, before the period at the end, insert the following: '': *Provided,* That $60,199,000 shall be made available for the Joint POW/MIA Accounting Command''.

Page 103, line 3, strike ''$10,000,000'' and insert ''12,000,000''.

Page 118, after line 15, insert the following new sections:

SEC. 8120. None of the funds appropriated or otherwise made available in this Act may be used for advance procurement of the F–22 aircraft: *Provided,* That $368,800,000 of the funds made available in title III under the heading ''Aircraft Procurement, Air Force'' may be available for the following programs in the following amounts:

(1) $64,000,000 for production line shut down activities for the F–22.

(2) $138,800,000 for spare engines for F–22 and C–17 aircraft.

(3) $79,000,000 for LAIRCM kits for the Air National Guard.

(4) $37,000,000 for advanced targeting pods.

(5) $50,000,000 for advanced radar development.

SEC. 8121. The amount appropriated in title VI under the heading ''Defense Health Program'' for operation and maintenance is hereby reduced by $26,000,000 and the amount appropriated under such heading for research, development, test, and evaluation is hereby increased by $26,000,000.

SEC. 8122. None of the funds appropriated or otherwise made available in this Act may be used to award to a contractor, or convert to performance by a contractor, the provision of utilities at the United States Military Academy at West Point.

SEC. 8123. The amounts otherwise provided by this Act are revised by reducing the amount made available under title II under the heading ''Operation and Maintenance, Air Force'', and increasing the amount available under title VI under the heading ''Chemical Agents and Munitions Destruction, Defense'', by $50,000,000.

SEC. 8124. None of the funds appropriated or otherwise made available in this Act may be used by the Secretary of the Army to convert government-owned ammunition production assets to the private sector.

Page 122, line 3, strike ''*Provided,* That'' and insert ''*Provided,* That up to $241,503,000 of the amount under this heading shall be transferred to the Coast Guard 'Operating Expenses' account: *Provided further,* That''.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Pennsylvania (Mr. MURTHA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MURTHA. This amendment provides $60,199,000 to be made available for a joint POW/MIA account, $2 million additional funding for the Fisher House, for a total of $12 million, for redirecting $368,800 otherwise available for advanced procurement of additional F–22 aircraft spare parts. Let me explain—well, some money shifting from the health program and some chemical agents and so forth. In other words, some amendments we couldn't get to in the floor.

The major difference is that I had advanced funding for the F–22 in the bill, and obviously the Senate, in its wisdom, defeated the possibility of the F–22 passing. So what I've done is say, okay, if we're not going to have an F–22, let's at least fund the original 187 airplanes at the fullest robust level. And that's the only difference, actually, that we have between myself and Mr. YOUNG.

So with that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition to the manager's amendment.

The Acting CHAIR. The gentleman from Florida is recognized for 10 minutes.

Mr. YOUNG of Florida. Mr. Chairman, as Chairman MURTHA suggested, we basically support this manager's amendment. We have no opposition, and in fact, support it except for the one item that has to do with the air superiority aircraft, the F–22.

We support the original position that Chairman MURTHA offered to the subcommittee and the subcommittee agreed to, and that was to be able to keep the production line open for the F–22. We're just really concerned that 187 aircraft cannot guarantee that we will control the air over the battlefield if that situation develops.

I now include a chart that I discussed yesterday in general debate on the number of aircraft, fighter aircraft, that we have bought over the years, and how many of them we have lost through attrition, through accidents, and through actual combat.

AIRCRAFT HISTORY

F–4: Production: 1958 to 1979 by McDonnell Douglas; Built: 4,138 (2,874 USAF; 1,264 Navy and MC); Lost: 71 combat losses plus 54 lost in accidents (3%).

F–14: Production: 1970 to 1992 by Northrop Grumman; Built: 679; Lost: 121 (18%); Retired in 2007.

F–15: Production: 1974 to 1985 by McDonnell Douglas/Boeing; Built: 1,118; Destroyed: 117 (10%); Active Today: 618.

F–16: Production: 1978 by General Dynamics/Lockheed Martin; Built: 2,230; Destroyed: 334 (15%) includes 25 destroyed due to battle damage; Active Today: 1,167.

F–18: Production: 1983 by McDonnell Douglas/Boeing; Built: 1,048; Lost in accidents: 170

(includes 2 shot down in Gulf War); Stricken for maintenance and exceeding life limits: 246 (40%); Active Today: 632.

F–22: Production: 2001 to 2009 by Lockheed Martin; Building: 187; Projected losses: 6, leaving only 181 (3% like the F–4); 19, leaving only 168 (10% like the F–15); 28, leaving only 159 (15% like the F–16); 34, leaving only 153 (18% like the F14); 75, leaving only 112 (40% like the F–18).

187 just doesn't really, in my opinion, doesn't guarantee that we will have what we need. Hopefully, we'll never need them, but we just don't know that we might not need them. And if we need them and don't have them, where are we and where is the soldier on the ground? If we need them and don't have them, somebody else's airplane may be over that battlefield.

So it would have been better if we could have had a straight up-or-down vote on the F–22 issue, and I requested of the Rules Committee to make such an amendment in order, and they chose not to do so.

So I will vote against this manager's amendment—again, not because we're opposed to the manager's amendment, but we think that we are threatening the future security of air control and air superiority over the battlefield.

I reserve the balance of my time.

Mr. MURTHA. I yield myself 2 minutes.

I certainly agree with what the gentleman said. I have a great concern about air superiority, but the problem is we need 292 votes in the House. The President is hard over on this issue. We need 66 votes in the Senate, and there is no chance of us getting that kind of a vote.

So what I'm trying to do is make sure that that is robustly funded, the ones that are there, because the very thing Mr. YOUNG mentioned, the fact that these airplanes have high maintenance, they cost about $50,000 an hour to maintain, and it's very expensive and very burdensome. So I want to make sure they have the spare parts they need, the engines they need in order so the ones we have, have what they need.

With that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield now to a very distinguished member of the subcommittee, the gentleman from New Jersey (Mr. FRELINGHUYSEN) for 3 minutes.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I rise in opposition to the amendment authored by our chairman. I don't quarrel with many of the provisions of the Murtha amendment. He's absolutely right on in most regards. But, Mr. Chairman, I ask my colleagues to remember one day, April 15, 1953. On that date is the last time a U.S. soldier, sailor or marine was killed by an attack from the air. It's nearly 60 years ago, during the Korean War.

Air dominance has been the game changer that has allowed our ground troops to execute their missions. We have air dominance today. Our job here is to make sure we have it tomorrow, and certainly the committee is going to do that. But air dominance is fragile and could slip away quickly. As we gather here today, the Russians are producing advanced fighter aircraft. We know that. The Chinese are apparently working to reverse engineer some of those advanced fighters for their own use, and we know certain countries are producing and selling very sophisticated air defense systems; more accurate, more lethal, more mobile, more difficult to neutralize than any systems our Air Force and Navy has ever faced. Hence, the need for the F–22.

The Air Force has 187 F–22 Raptors. It does not have 187 for combat deployment. We would like that to be the case. About 130 or so are ready, what we call combat coded with the full package, and they're ready for those missions. Approximately 60 are maintained, as I understand, for training and testing purposes.

And the question, of course, arises—and I support the F–25 Joint Strike Fighter. It's on its way, but when and how soon. The Joint Strike Fighter, as we know, is not the Raptor, doesn't have those capabilities. I think we need to keep the F–22 assembly line alive and warm. Once it's shut down, there is virtually no prospect that we can bring it back again. You can't flip the switch to bring the Raptor back into production.

So I rise in reluctant opposition to the amendment. I respect the chairman's desire to sort of keep the line open, have spare parts, but I do oppose the amendment.

Mr. MURTHA. I reserve.

Mr. YOUNG of Florida. I will yield to the gentleman from Georgia (Mr. KINGSTON), a member of the subcommittee, for 2 minutes.

Mr. KINGSTON. I thank the gentleman from Georgia and the gentleman from Pennsylvania.

I wanted to speak about the F–22 issue because, as we know, the Senate has cut off funding for it, but I do have some concerns about our fighter fleet.

Currently, the military inventory is 3,500 fighter aircraft. That's 2,400 for the Air Force, 1,100 for the Navy and the Marine Corps. Most of these aircraft were purchased at high annual rates during the 1980s. These aircraft will reach the end of their service in the next 10 years.

So what we're talking about is something that maybe could be more important in the next decade or within the next decade than might be to people today, but the Air Force will replace the A–10, the F–16, and the F–15 with the F–22 and the F–35 Joint Strike Fighter.

To give you an idea of some of these ages, there are 350 A–10s with an average age of 28 years, 470 F–15s with an average of 26 years, 220 F–15s with an average of 17 years, 1,200 F–16–S's with an average of 20 years. We have roughly 140 Raptors to replace the fleet and have no F–35–S's and will not have them until 2013. And of course the F–22 production line will end in 2011. That's the Air Force.

Now, as respects the Navy, the Navy will replace the carriers and F/A–18 Hornets with Super Hornets and the F–35–Js, Joint Strike Fighters. The reason they're doing this is to have 125 carriers with an average age of 14 years each, 620 Hornets with an average age of 19 years.

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

Mr. YOUNG of Florida. I yield the gentleman from Georgia 1 additional minute.

Mr. KINGSTON. I thank the gentleman.

What I will do, I will submit some of these statistics for the record. But I guess the bottom line is that we're very concerned with the need to replace the aging fleet in the Navy and in the Air Force, and I believe keeping the F–22 line open resolves some of this.

The Defense Committee has worked very hard on this. There's been a lot of good bipartisan dialogue. I know both sides care about it, whether you're for or against this amendment, but I think that at this time we need to go on this very cautiously and very slowly.

I appreciate the chairman's and the ranking member's leadership on this issue and look forward to continue working with you.

Mr. MURTHA. I just want to reiterate what I said.

The political climate has changed substantially. We're in a situation where the President's hard over, and we are doing the best we can to have robust funding for the fleet. That's what I intend to do, or I hope, when this amendment passes, that's what we'll have done.

With that, I reserve the balance of my time.

□ 1045

Mr. YOUNG of Florida. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I appreciate the difficulty we're in; but once again, to have air superiority requires two things: technical superiority, which the F–22 provides, as well as numerical superiority, which was why originally we were going to build 750. Up until last year, 381 was the minimum. Everyone from Air Combat Command, to Air National Guard, to every study says 243 is the number. There is no data that says 187 is the correct number, other than the Secretary. If the Russians are going to build a new generation and sell 200 to 300 at the same time we cut 250 legacy planes from our Air Force, at the same time we stop the F–22, at the same time the F–35 is not going to be available until 2014 at the earliest and still has problems, we may find ourselves on the wrong side of history

if we do not stand up for the F–22. If we can spend $5 billion on ACORN but complain about $2 billion for 18,000 jobs to continue on a plane that we need, there is something in our prioritization that needs to be reviewed.

I appreciate the position of the gentleman from Pennsylvania, but here is the time we need to make a statement that the future is essential.

Mr. MURTHA. I yield myself 1 minute.

I will say to the gentleman, as I have said before, we're doing the best we can with what we have. Politically, it's changed so dramatically that we just have no alternative than to make sure that what we have is robustly funded.

With that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, can I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Florida has 2 minutes remaining. The gentleman from Pennsylvania has 7 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

I want to say and to make sure that Members understand that I know that Mr. MURTHA is not opposed to the F–22 and that he supports it because it was in his original mark that he presented to the subcommittee. And I understand the change in political mode that we have experienced. But you know, from the time that I came here, we were fighting about the F–14. There were those who didn't want to do the F–14, which was a very important aircraft for our fleet protection. Most of our new aircraft have been opposed by certain quarters in the country. The M1 tank, which is by far the world's best tank, was opposed by certain groups of people. Well, we cannot afford to allow an enemy to control the air over our troops. It's as simple as that. We have never sent our soldiers into battle with only 187 fighter aircraft in our inventory that have the capability to control the air over the battlefield. So yes, it's expensive. Freedom doesn't come free. I'm not really opposed to this amendment, but I'm going to vote against it because of the F–22 issue.

I yield back the balance of my time.

Mr. MURTHA. I yield back the balance of my time and call for an affirmative vote on the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURTHA).

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

Mr. YOUNG of Florida. Mr. Chairman, I demand a recorded vote.

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

PART A AMENDMENT NO. 2 OFFERED BY MR. CONAWAY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111–233.

Mr. CONAWAY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. CONAWAY:

Page 8, line 11, after the dollar amount, insert the following: ''(increased by $1,000,000) (reduced by $1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. I thank the Chair. I appreciate that, and I will endeavor to not use all the 5 minutes.

Mr. MURTHA. Will the gentleman yield?

Mr. CONAWAY. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. We're willing to accept the amendment.

Mr. CONAWAY. Mr. Chairman, thank you for accepting the amendment.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. CONAWAY. Yes, sir, I will.

Mr. YOUNG of Florida. Mr. Chairman, we support this amendment and are happy to accept it.

Mr. CONAWAY. Thank you very much.

Let me briefly explain what it does because on the surface, it looks like it's just an in-and-out with no real issue. I will be quick. The issue allows me to talk about financial management, internal controls, and clean audits at the Department of Defense. This is, as it should be, a high priority that is reflected in the priorities set by the Secretary of Defense himself. It's not really up to the Appropriations Committee to find these funds. These funds ought to come out of hide. It's important they do that.

Yesterday or the day before, the Secretary announced a $60 billion savings search for the Department of Defense. He can't find that money without good internal controls. The authorization committee has said this is now a priority. We've accelerated the movement by 4 years, the point at which the Department of Defense needs to have clean, audited financial statements. Sarbanes-Oxley made that function of internal control a high priority when it was passed. Businesses had to do what was referred to as section 404 reviews. It was difficult, it was painful, and it was expensive. But almost every one of those publicly held companies will tell you today that after they put those new controls in place, that they are better. Their financial statements are better. Their decisions based on financial information are better. The same thing would apply to the Department of Defense if they would make this a priority. It has to be a priority for the Secretary of Defense, the appropriations committee and the authorization committee.

Mr. MURTHA. Would the gentleman take yes for an answer?

Mr. CONAWAY. I did. I just want to get this on record. I did take yes for an answer. The importance of financial statement auditing is important. It needs to be a priority.

I yield back the balance of my time.

The Acting CHAIR. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The amendment was agreed to.

PART A AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 111–233.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 596 in part A.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. FLAKE:

Page 35, line 2, after the dollar amount, insert ''(reduced by $160,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 685, 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. Before I start with this amendment, I want to say that I support the part of the manager's amendment that the gentleman from Pennsylvania offered with regard to the F–22 program. I'm glad that we're doing what we're doing there, and I commend the committee for sticking with what the President wanted there. I think we've done the right thing.

This amendment would remove $160 million in funding for the U.S.-made first responder radios for use by Mexico's police force. This request is not classified as an earmark but is programmatic funding, and it came to my attention last week when it was featured in a story by the Washington Post. According to the article, 12 Members of Congress requested this funding which is to be used for radios with certain specifications. The article goes on to say that while no specific company is named in the bill, Motorola, which makes radios that fit the parameters set forth in the bill and which is based in Illinois, home to seven of the requesting Members, appeared to be the intended beneficiary of this funding. At the same time, the article points out that because this request is not considered to be an earmark, the Members who requested it are not required to publicly report it. Typically they have

to sign a certification saying they have no financial interest in the earmark, and that was not the case here.

Mr. Chairman, if it looks like an earmark, sounds like an earmark, I think it's an earmark. It ought to be disclosed under House rules, and it isn't here. Even if we accept that funding directed to a nameless company based on a certain set of requirements that only one company could provide is not an earmark, then we're met with an inconvenient problem: Why bother to make the earmark process more open and transparent when it would be just as easy to request the funding—in this case, funding that is several times more expensive than the average earmark—by calling the beneficiary a program and tailoring its description to suit the needs of one company? It's bad enough that this bill includes over 500 earmarks directed at private companies. The sponsors of those earmarks are all required to disclose their requests on their Web sites; and they even certify, as I mentioned, that they have no financial interest. But that is not the case here. They write letters, but it doesn't show up as an earmark.

The Post article quotes Bill Allison, senior fellow at the Sunlight Foundation, as saying, ''It kind of makes a mockery of the disclosure requirements we have. They will disclose the little things, the $1 million projects; but when you have big-ticket items, you don't have Members willing to take responsibility for those.'' I agree with Mr. Allison's assessment. If we truly want to drain the swamp and make the earmark process more transparent, we can't continue to allow private companies to be funded outside the current House rules.

I urge support for my amendment and reserve the balance of my time.

Mr. MURTHA. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

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

Mr. FLAKE. I would inquire of the gentleman on the subcommittee if he believes that this is an earmark; and if it is, why Members aren't required to certify that they have no financial interest if they're requesting money for it?

I yield the gentleman time to respond.

Mr. MURTHA. I will use my own time.

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

The Acting CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. FLAKE. I will reserve the balance of my time.

Mr. MURTHA. I have the right to close, and I reserve my time.

Mr. FLAKE. We have a process here that I think over the years has been abused severely. We see that whenever we pick up the paper. We see examples of earmarks that have gone out of this place in prior years with no notice at all. Last year we didn't even have any opportunity to offer any amendments. The Appropriations Committee didn't even mark up the Defense bill. We see story after story from prior years of what happens when we don't have adequate disclosure and transparency. I would submit that that's what we're continuing here. We have a programmatic request that 12 Members signed a letter. Seven of those Members represent the State in which the recipient of the earmark clearly will receive a huge contract, and yet we don't have to file the disclosure requirements that we do for regular earmarks. I would say that we should not fund this programmatic request, which is really a stealth earmark, and get back to the process that we at least pretend to follow here, where we have disclosure and accountability. I would urge support of the amendment.

I yield back the balance of my time.

Mr. MURTHA. I rise in opposition to the amendment. I am trying to figure out what the gentleman is trying to do. This was in the table from the White House, from the administration, the Defense Department. This would delete $160 million in drug interdiction and counter-drug activities which go to Mexico, Afghanistan and Colombia. The Defense Department has the authority to train and equip foreign governments for counter-drug activities since Congress enacted section 1004 of the '91 National Defense Authorization Act. This funding will enable the Department of Defense to provide digital communication equipment to our allies in order to fight the increasing drug trade and execute this funding at the discretion of the Department of Defense.

I mean, I can't imagine anything that's more important to us and our troops in Afghanistan than the amount of money that we're putting in for anti-drug interdiction. So I would urge the Members to vote against this amendment.

I yield back the balance of my time.

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

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

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

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

PART A AMENDMENT NO. 4 OFFERED BY MR. SESSIONS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111–233.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. SESSIONS:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 1001. Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the use of hyperbaric oxygen therapy (in this section referred to as ''HBOT'') under the Secretary of Defense. Such report shall include the following:

(1) The number of members of the Armed Forces, veterans, and civilians being treated with HBOT.

(2) The types of conditions being treated with HBOT and the respective success rates for each condition.

(3) The current inventory of all hyperbaric chambers being used by the Secretary of Defense (including the locations, the purposes, and the rate of use of such chambers).

(4) Any plans for expanding the use of HBOT for treatment.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Texas Mr. (Sessions) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

□ 1100

Mr. SESSIONS. Mr. Chairman, thank you very much, and I appreciate the opportunity for you to recognize me.

Mr. YOUNG of Florida. Mr. Chairman, would the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, we are very familiar with this amendment. We know of the great work Mr. SESSIONS has done relative to the hyperbaric chambers for treatment of all types of wounds and diseases, and we are very pleased to accept this amendment.

Mr. SESSIONS. I thank the gentleman, and I appreciate his help.

Mr. MURTHA. If the gentleman would yield, I agree with the amendment.

Mr. SESSIONS. I thank the gentleman, the chairman of the committee, Mr. MURTHA.

Mr. Chairman, I would just like to say that this committee, as well as the Rules Committee, has been very open to receiving information about the current status of hyperbaric oxygen treatment as an opportunity for us to learn more about how we will help our returning veterans and those who have been injured in conflicts around the globe.

This body has worked very closely with not only Secretary Gates, General Casey, the Chief of Staff of the United States Army, but also with their designee, General Lori Sutton, who is working very closely with the Congress to make sure that we pay attention to the head trauma injuries of our soldiers as they engage in trying to help the United States win the war on terror.

I want to personally thank not only the gentleman, Mr. YOUNG, and the

gentleman, Mr. MURTHA, but also the appropriators, Mr. WAMP and Mr. EDWARDS. I would also like to thank the chairwoman of the Rules Committee, Ms. SLAUGHTER, for not only making this amendment in order, but also the words of support that have been expressed on behalf of the Armed Services Committee, but also the Rules Committee.

I thank both these gentlemen for accepting my amendment.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

PART A AMENDMENT NO. 5 OFFERED BY MR. TIERNEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111–233.

Mr. TIERNEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. TIERNEY:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in title IV under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' shall be available for the Kinetic Energy Interceptor program, and the amount otherwise provided under such heading is hereby reduced by $80,000,000.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my colleague, Congressman HOLT, and I are offering this amendment striking $80 million that's in the bill for the Kinetic Energy Interceptor program. Mr. HOLT and I believe that the Kinetic Energy Interceptor program no longer warrants Congress' support, and we are not alone in that assessment.

The Bush administration made the initial decision to terminate the KEI program in its fiscal year 2010 Program Objectives Memorandum last fall. Then, President Obama did not include funding for it in his budget proposal, and both the House Armed Services Committee and the Senate Armed Services Committee did not specify funding for it in their respective authorization bills.

Secretary Gates has testified that ''the missile's 38 or 39 feet long. It weighs 12 tons. There's no extant ship we can put it on. We would have to design a new ship.''

The head of the Missile Defense Agency, Lieutenant General O'Reilly, has said that the KEI program is being terminated because ''its capability is inconsistent with the missile defense mission to counter rogue nation threats.''

The KEI program was intended to be a 5-year development program that is now a 16-year development program.

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

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. TIERNEY. Mr. Chairman, I would just like to say the majority leader is fond of saying that it is never too late to do the right thing, and here is our opportunity to do the right thing.

We have to, at some point in time, start looking at all of our budgets, and that includes the Defense budget, to make sure that we're not putting money out that needs to be put towards other priorities.

Here you have the Missile Defense Agency's director itself saying that this program should be terminated. You have the Secretary of Defense in two administrations saying the program should be terminated. You have, from what I can hear from people, the silence of those that say they are against this amendment, not arguing that in fact this is a program that should move forward.

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

Mr. MURTHA. I continue to reserve.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to my colleague from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank my friend from Massachusetts.

Almost no one believes that the Kinetic Energy Interceptor program is necessary or that it will be completed successfully. The Director of the Missile Defense Agency, the Secretary of Defense, and the President have all called for the termination of the program. House and Senate Armed Services Committees have supported that position.

I understand the desire of the chairman of the subcommittee (Mr. MURTHA) to get something of value from all the money that has been already spent, but stringing this program along is not the answer. Even after the removal of this money there will be plenty of funding to learn from the mistakes of the program.

Mr. Chairman, even if the KEI were successful, it will never work well enough to change our strategy. Missile defense systems must be perfect to achieve their professed goals, and we can never get that perfection.

The fact that we don't need them against our friends and that they will only encourage our enemies to build more offensive systems to get around, this so-called shield are the arguments against this missile defense. The best this flawed system could ever provide is a provocative, yet permeable defense. I urge my colleagues to adopt the amendment.

Mr. MURTHA. Mr. Chairman, I continue to reserve.

Mr. TIERNEY. I am happy, I guess, to keep on talking. I think that the desire to have the final word without any rebuttal is somewhat indicative of the strength of an argument, but if that is the gentleman's choice, certainly you are able to do that.

I would note that the administration urges the Congress to support the President's initiative to terminate or reduce programs that fund narrowly focused activities and duplicate existing programs and that have outlived their usefulness. It particularly mentions the Kinetic Energy Interceptor program as one of those, indicating that we can better target scarce resources and redirect funds to programs with a greater potential for results. And that, of course, is in the Statement of Administration Policy with respect to this bill.

Let me, if I can, Mr. Chairman, just read what the Director of the Missile Defense Agency says about this, and he said this on May 21, 2009:

''The original KEI mission grew from a boost phase only mission to a boost and mid-course mission. The development schedule grew from 5½ years to 12 to 14 years (depending on spirals), program cost grew from $4.6 billion to $8.9 billion, and the missile average unit production cost grew from $25 million to over $50 million per interceptor. Technical issues delayed the first booster flight test date (established in 2007) by over a year,'' and this year any further testing is highly unlikely.

''Given the above and that 15 percent of the $8.9 billion worth of work on contract till 2018 has been accomplished, the KEI program was terminated.''

And further, you have the Secretary of Defense, Mr. Gates, indicating that this is one decision that he didn't have to make or take credit for. The Missile Defense Agency itself, under the Bush administration, essentially eliminated the Kinetic Energy Interceptor, or thought that it had.

First of all, he said this has been a 5-year development program that now looks like it's about to be a 16-year development program. There has not been a single flight test. There has been little work on the third stage of the kill vehicle, which is obviously critical. A big part of the program is that it needs to be close to the launch site to be able to be effective, and the 38- or 39-foot size of the instrument and the weight of 12 tons means that we have no extant ship that could actually be used to get close enough. It would be virtually of limited or no use against Iran or Russia or the Chinese. It has very limited capability, and that is why this is not a productive way to proceed on this matter.

There may be some argument by some here—and we will never know

until after we're finished talking, of course—that we want to keep some of this money in for research purposes. Let me suggest to my colleagues that there is a significant amount of money in research, development and testing within the entire Department of Defense budget as well as within the budget for the Missile Defense Program.

I urge my colleagues to support this motion and thank the chairman for the time.

Mr. MURTHA. I rise in opposition to the amendment. It will strike $80 million out of the Kinetic Energy Interceptor program.

In my estimation, what I said to the Defense Department over and over again, all at once, after all these years of no oversight in the Defense Department, they get nothing from the program. We've got the same thing in the Presidential helicopter. We've got the same thing in many of these other programs. What I'm trying to convince them is they have to have oversight earlier in a research program.

Now, the Under Secretary tells me that in the new research programs he is going to try to have a cost cap or some kind of effectiveness so that they measure it, benchmarks of some sort so that they can measure these earlier.

We may have to adjust this in conference if this amendment doesn't pass, but I ask the Members to vote ''no'' on this amendment, and we will see what we can work out. The program has already spent $1 billion, and we ought to get something out of it.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

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

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

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

It is now in order to consider amendments printed in part B of House Report 111–233.

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 Acting 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:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhanced Navy Shore Readiness Integration.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Let me just state, since the gentleman wouldn't yield time at the end of his statement for me to ask, with the last earmark amendment I had, the only information we have from the committee says that the money is to go to Mexico for a program in Mexico, for radios for Mexico. Afghanistan was never mentioned. If it is covered, we don't know that.

But when the Appropriations Committee takes 18 minutes to mark up the bill and then brings it to the floor and then the chairman of the subcommittee won't answer a question about it, to just say, Well, it's for Afghanistan as well, that doesn't help with this process at all. And I think that will be the pattern today, whether to simply reserve time and then not yield any so we can have any kind of colloquy to find out what really is at the heart of these earmarks or what these are really for.

So I hope that changes. I hope we have a real discussion here because we didn't get it in the Appropriations Committee. Remember, 18 minutes to approve a bill unanimously, with more than 1,000 earmarks in it that nobody in the full body had seen, and we only got a copy of days before the bill came out. Eighteen minutes.

Anyway, this amendment would prohibit $5 million from going to fund Enhanced Navy Shore Readiness Integration. The earmark is going to Concurrent Technologies. Now, most people who have been following this process will know that name and know it well because Concurrent has drawn considerable attention due to its proclivity for earmarks. According to Taxpayers for Common Sense, Concurrent received more than $200 million in earmarks between 2001 and 2006.

Concurrent technically is a nonprofit organization, with revenues in the hundreds of millions of dollars. And it is receiving earmark after earmark after earmark after earmark, although questions are raised all over the place. According to the Center for Responsive Politics, Concurrent Technologies' employees have donated more than $113,000 to current members of the House Defense Appropriations Subcommittee since 1998.

Let me just use a chart here. This chart kind of explains the phenomenon that we will see over and over and over again. And with every earmark amendment I am offering today, this pattern exists where Members of Congress will earmark dollars; the earmark spending goes to the earmark recipient; the earmark recipient will then turn around; and lobbying firms representing the earmark recipient, PACs there, executives from the lobbying firm, executives from the company itself, contribute handsomely to Members of Congress, and it recycles again and again and again. Circular fund-raising, that's what we're talking about here.

Now, I will point out that when Members of Congress request an earmark, they are forced to sign a certification letter saying that they have no financial interest. This kind of circular fund-raising is not illegal, and that's not what I'm alleging at all. But is it right? And should we, as Members of Congress, tolerate it again and again and again when these companies like Concurrent Technologies are in the news for having problems explaining what they've done with the earmark money that they've received again and again? And here we go saying, Now we have transparency and accountability, and we've changed the earmark process, and yet here we are again appropriating more money through an earmark to Concurrent Technologies.

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

Mr. DICKS. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I reserve my time.

Mr. FLAKE. Mr. Chairman, when we were discussing earmarks earlier in the appropriation cycle, one Member defending his earmark came to the floor and said he was getting an earmark for a university. Based on things I've read in the papers, this college does not have a lobbyist, either a Federal or State lobbyist. No one from the school has donated to my campaign; nothing at the school is named after me or is proposed to be named after me. To my knowledge, the school has never received an earmark of any sort from the Federal Government prior to this.

I would ask the gentleman, the sponsor of the earmark, if he can make the same statement with regard to this earmark. Have moneys come back from the recipient of the earmark?

And I would yield him time to do so.

□ 1115

Mr. DICKS. Mr. Chairman, I reserved my time and I will answer this on my own time.

Mr. FLAKE. Roll Call has noted that PMA, and we will get to another PMA earmark a little later, has been—well, let me step back just a bit. Sunlight Foundation has noted that Concurrent Technologies paid PMA $320,000 in lobbying fees in 2008 and received more than $14 million in earmarks sponsored by five Members, including the sponsor of this amendment. This signifies an impressive 4,463 percent return on investment. It's no wonder this process of circular fund-raising continues.

According to the Center for Responsive Politics, the sponsor of this earmark is reportedly among the five top recipients of PMA contributions. Roll Call noted that PMA has been the largest source of campaign contributions since 2001 and PMA and its client have

provided the sponsor of this earmark with nearly $200,000 in campaign contributions since 2001.

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

Mr. DICKS. Mr. Chairman, I rise in strong opposition to this amendment offered by Mr. FLAKE.

In addressing my colleagues, I want to begin by clarifying what the funds designated for Enhanced Navy Shore Readiness Integration are directed to.

Several years ago the Navy adopted a significantly different approach to managing all of its installations on U.S. soil. The commander of Navy Installations Command operates an $8 billion enterprise for the Nation. Now, you can imagine that when making changes in such a vast enterprise, its leaders want to explore innovative options; but they need to carefully evaluate ideas to find the best ones. They also need to test out an idea as a pilot project, and that's exactly what happened here.

The Concurrent Technologies Corporation is a nonprofit. In fact, they just had a competitive bid which they won a few months ago. They do great work for the United States Navy. The Navy often matches the money that Congress puts up because the work is of such high quality. And this company is located in Bremerton, Washington, one of its branch offices. They do great work for Navy Region Northwest.

I don't have anything named after me. My family has no interest in this in any way, shape, or form. This is a good, solid program; and this company this year has no one representing it. It doesn't have a lobbying firm. Well, the gentleman wants to make various insinuations, but I still funded it because it was quality work. It was work that was meritorious. And Congress has the right to do this.

Congress also has the right to review national programs. National programs should be considered by Congress. We can either increase the funding for them or decrease the funding for them. We have the right to do that. Congress has the power of the purse, and we can't give it away because it's in the Constitution. And this is an important issue.

Now, all I can tell my colleagues here is that this is a good operation in Bremerton. They're doing fine work for the United States Navy, and I urge a ''no'' vote.

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

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

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

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

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

PART B AMENDMENT NO. 258 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 258 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 258 offered by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC.____. None of the funds provided in this Act shall be available for Reduced Manning Situational Awareness.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, before I get to the substance of the amendment, if people out there want to know why members of the Appropriations Committee, and particularly the Defense Subcommittee, are loathe to talk about these earmarks and to talk about this process and why the markup in the full committee took a full 18 minutes, this might explain it.

If you look here to the left of this chart, 33 percent of the dollar value of the earmarks in the Defense Appropriations bill go to just under 4 percent of the Members of this body. One-twenty-fifth of the Members in this body take home 33 percent of the earmarked dollars in this appropriations bill. So I don't blame them for wanting to get through this quickly, for having an 18-minute markup where nobody really talks about anything; you just shove it on through and it's a unanimous vote. If you want to know why, here it is.

But this Congress, the rest of the body, the rank-and-file Members who aren't on that committee ought to be concerned, particularly when over and over again there are press stories that are unflattering about what happens when earmarks go in this fashion. The Washington Post's top story above the fold today is another one, talking about how Members are loathe to get rid of these pork projects in the bill or these earmarks.

So I would submit that if anybody out there is wondering why this process goes so quickly and Members are so disinclined to debate, why not? If you can do it, do it. If 4 percent of the Members in this body can take home 24 percent of the earmarks, that's a pretty good gig. But the rest of us ought to be concerned, and I think the country is concerned, certainly the press is reporting that there is an issue there.

This amendment would remove $5 million for funding for the Reduced Manning Situational Awareness program. According to the sponsor of this program, it's a command and control system with smart sensors, 3–D visualization, video analytics, and bandwidth management.

I'm not here to argue the merits of the program. I frankly don't have much knowledge in that area. But what we see here again is an earmark going to a private company. Sometimes Members will say, I'm just working for my district; I'm just getting earmarks for economic development in my district. In this case the company is not even located in the sponsor's district.

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

Mr. YOUNG of Florida. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I am not going to talk about the amendment because the gentleman has conceded that the program it would fund is essential to force protection, and that is the case.

But I think the point that I want to make is there has been a lot of misleading information suggested here, not necessarily intentionally and I don't think with any attempt to besmirch anyone's character. We have heard on the cap-and-trade bill ''read the bill.'' We have heard on the health bill, if we ever see one, ''read the bill.'' And I agree with all of that. We ought to be reading the bills.

I don't think my friend from Arizona has read this bill, and it is not nearly as big as the cap-and-trade bill was or the health bill will be. But had he read the bill, he would have found on page 113, section 8115(a) that it says: ''Those which are considered congressional earmarks for purposes of rule XXI of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition.''

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

Mr. FLAKE. Mr. Chairman, I'm glad the gentleman brought up this phrase in the bill that it should be opened to full competition. The reason for the earmark is to get around competition. We all know that. Now we can have language in the bill that requires that. But I had a meeting with some Defense Department procurement officials and the Comptroller General a while ago, and I asked the Defense Department officials, What is your process with these earmarks? And they said, We subject them to full competition, basically except when we don't. So I asked them, Can you do a random sample of earmarks in the 2009 or 2008 Defense bill and come back to me and let me know how many went to the intended recipient for the earmark?

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. I yield.

Mr. DICKS. The gentleman obviously hasn't read the bill because it's in the bill that you have to compete these projects if it is done by a for-profit

company. Congress has passed a law saying you have to compete these. So the gentleman is wrong in so many ways, but on this one you are really wrong.

Mr. FLAKE. I thank the gentleman for trying to clarify that. But I would submit that that is the process that the Defense Department says that they follow now. So they will take this language and say that's what we do already, except when we don't. And when they don't subject it to full competition, they simply issue what's called a J&A. And the J&A is the justification for why that earmark was not subject to competition.

I have asked for months and months and months, and I'm still waiting for some of those J&As. But we know with uncanny precision these earmarks end up with the intended recipient and simply putting in language in here, which my guess is will be taken out in the Senate anyway, though it doesn't mean much in the first place, it will not likely survive the Senate; but if it does, the Defense Department will say we do that anyway.

If it's subject to full competition, the gentleman mentioned with Concurrent Technologies that they had won in open competition for another pot of money. Well, great. If they're so good, why do we have to earmark money for them? Why don't we say compete on your own like everybody else? That is the purpose of these earmarks, to get around competition. That is the purpose of it. So to say, well, we inserted language in it and that will solve it all, it simply doesn't because the Defense Department knows who butters their bread. They know that they need to follow with uncanny precision the intended recipient.

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

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

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

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

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

PART B AMENDMENT NO. 315 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 315 offered by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Body Armor Improved Ballistic Protection, Research and Development.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, let me just finish the thought I had before.

President Bush a couple of years ago said that earmarks that end up in the report language and not in the bill itself, like these earmarks, that he would instruct the Federal agencies to ignore them and to simply openly compete contracts out there. This Appropriations Committee inserted language after the President did that and said that the President or the Federal agencies should have to follow the language in the report even though it wasn't legislative language.

So if we're all keen on competition here, why in the world, until the public started to focus on it, did we instruct the Federal agencies and say you have to take the language that's in the report as if it were law?

Anyway, let's get to this amendment.

This amendment would remove $2.2 million in funding for KDH Defense, for a Body Armor Improved Ballistic Protection.

I have not come here to debate the merits of the earmark. Again, I'm not an expert in improved ballistic protection defense. But I should say again I think people in our military are and the Pentagon is and that they should probably make this decision rather than a single Member of Congress.

As reported by Roll Call earlier this week, KDH Defense has received millions in earmarks to produce an underwater swimmer detection sonar system for the Navy to be used to protect its docks and ships. KDH's expertise lies in sewing bulletproof vests, but reportedly this earmark project was the first product to be delivered by KDH Electronic Systems, a startup company affiliated with KDH.

After several years and a series of botched agreements with subcontractors, KDH has yet to deliver this product. Based on the statements made by the president of KDH, it doesn't appear as though they ever will. And yet we are here today again ready to provide KDH with millions more in taxpayer dollars.

I would ask why are we doing this when we already have information that some of the individuals or companies that will be associated with this earmark haven't exactly done well in the past, haven't produced what they said they would, in some cases have little expertise in the area that they say they do in order to get the earmark?

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

□ 1130

Mr. MURTHA. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. FLAKE. Mr. Chairman, again, here we have the same pattern of circular fund-raising. Again, I am not alleging any illegal activity here. This is legal. It is unfortunate, but it is legal for Members to sign a certification that they have no financial interest in the earmark. But our same Ethics Committee issues guidance to the Members saying campaign contributions do not necessarily reflect or constitute financial interest.

That, I would submit, Mr. Chairman, is the wrong approach, and we are going to continue to see story after story where earmark recipients simply don't have the capability or the inclination to deliver on the product that they said they would deliver on, and yet they still continue, even in this environment with investigations swirling around all over, to receive these same earmarks.

By now, my colleagues are familiar with the PMA scandal that has plagued this body for months. There is an investigation, at least they are looking into it, we are told, by our own Ethics Committee here.

I am unconvinced that the PMA scandal will be the last scandal we see in this body. I am convinced that there will be earmarks that we approve today that later investigation will determine were not aboveboard, that these companies receiving these earmarks simply weren't delivering, because we have seen that again and again and again, and yet we go through this same process as if nothing were amiss.

I reserve the balance of my time.

Mr. MURTHA. I reserve my time.

Mr. FLAKE. Mr. Chairman, an editorial in The New York Times, entitled ''Political Animal 101,'' referred to the ''relationship between campaign dollars and the customized appropriations they are fed by grateful lawmakers'' as ''the ultimate in symbiotic survival and cynical influence trading.''

That is The New York Times. There have been editorials in the Washington Post. They have been in Roll Call and The Hill and just about everywhere. The mainstream media has done a great job investigating this and showing that this process leaves a lot to be desired.

Again, it doesn't have to be illegal to be something that Members of this body should stand up and say, you know, our House should have a higher standard here. We ought to have a higher standard than whether we can survive an investigation going on by the Justice Department right now, that we ought to leave some confidence with the public that we are doing things right here. And I would submit when you have more than 1,000 earmarks, more than 500 of which represent no-bid contracts to private companies like this one, then we have got a problem.

I urge support of the amendment.

The Acting CHAIR. The gentleman's time has expired.

Mr. MURTHA. Let me read again to the gentleman from Arizona. ''With respect to the list of specific programs, projects and activities contained in the tables entitled Explanation of Project Level Adjustment in the report of the Committee on Appropriations of the House of Representatives, those which are considered Congressional earmarks for purpose of rule XXI of the House of Representatives, when awarded for a profit entity, shall be awarded under full and open competition.''

Now, let me tell you, you talk about old awards. KDH was awarded on 14 July 2090, a competitive $39.4 million contract for 65,000 vests for the Army and Air Force. They must be doing a good job or they wouldn't have been made that award.

I went to Iraq. They were short—would the gentleman, I know the staff has a lot of information for him, but I would like him to listen to what I am saying.

I went to Iraq and I found with the First Division a 44,000 shortage of armor. The biggest complaint I get from the troops in the field—I don't know how often you visit the field, Mr. FLAKE. I don't know how often you come to the people that do this work.

When I go in the factories, their sons and daughters are working in this place. They love the work that they do. They know they are doing work that is under very specific guidelines set by the government.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind Members to address their remarks in debate to the Chair.

Mr. MURTHA. You are absolutely right. I am sorry, Mr. Chairman.

Mr. Chairman, I want you to know that when I go to visit these plants and I see these people working, whose sons and daughters are fighting, they know how important these vests are. They know how important the work that they do is for the Defense Department.

I remember 20 years ago when I brought defense companies into my district and I had 24 percent unemployment. We didn't have the specifications. We didn't have any small business that could do the work. We didn't get any awards. Once we learned the ISOs, once we were able to perfect it, once we were able to compete—the people of my district are hardworking—we got the unemployment down to below the national level and diversified the economy.

All I can do is bring people in. I can't direct them where to do the business of the Defense Department. They do it on their own. They are the ones that award the contracts. I visit those plants and I see those hardworking people. I see what they do for this great country. Not only the troops serving in Iraq and Afghanistan, but the public who work in these defense organizations do everything they can to help this great country.

We put money into the budget. We have an obligation to take care of our district. We have an obligation to take care of this great country. And the people working in my district work hard.

I visit these plants and these bases all the time. I visit the troops and I ask them, What are your biggest problems? The biggest problem is employment, Mr. Chairman. The biggest problem is the fact that the vests are too heavy for Afghanistan. They are working on trying to get vests that aren't so heavy.

I just went out to the hospital the other day. I don't know how often Mr. FLAKE goes to the hospital. I am sure he goes quite often. Every week he probably goes to the hospital. But I will tell you this. I go to the hospital.

I saw a young fellow who was wounded two years ago. His organs were outside of his body for 10 days. He had a bag for about 6 months. He got rid of the bag. They did another operation.

This goes on continuously. Nobody has done more work for the medical profession, putting earmarks in for breast cancer, ovarian cancer, all of those things, because we feel so strongly about it.

We want a great defense in this country, and the people working in the defense industry do a great job. We don't appropriate this money for anybody except the people that do the work, and if they do the work, they are awarded the contracts. And they are competitive contracts, and it is very clear in our bill, and it doesn't come out of the bill. It has been in title X of the bill ever since I can remember. They have to be competitive if they are pro-profit.

With that, I yield back the balance of my time and ask for a ''no'' vote on the amendment.

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

The amendment was rejected.

PART B AMENDMENT NO. 389 OFFERED BY FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 389 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 389 offered by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. __. None of the funds provided in this Act shall be available for Gulf Range Mobile Instrumentation Capability.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I want to respond a little to what the chairman of the Defense Subcommittee said.

He mentioned some of the horrible things that are happening in Iraq and Afghanistan. I have attended funerals myself of members who were killed by an IED or some other measure out there that they need greater protection from. But that is not what we are talking about here.

The reason we are here and the reason I offered the last amendment is it is going to a firm that, according to press reports, doesn't have the expertise to do what they intend to do and in the past have not delivered on the promises that were made before.

We see stories again and again and again on that same theme, that earmarks go to such companies. In fact, there is a trial going on, I believe, right now in Florida where an earmark recipient has pled guilty, I believe, to distributing earmark money to contractors who had no intention of following through and delivering on the contract. That is why we are here.

So we can talk all we want about the needs of our troops in the field, and that is why I am offering these, because this money should be going to our troops in the field. Instead, it is being bled off, in some cases, according to press reports, to companies who don't know enough about what they are doing to receive the earmark. But they are getting an earmark and getting around competition despite the language in this year's bill which claims that these will be subject to free and open competition.

This particular amendment, Mr. Chairman, would remove $3 million from funding for a Gulf Range Mobile Instrumentation Capability project. Again, I am here not knowing the specifics of the technology here, but I would submit that there are people in the Defense Department that perhaps might know better than some Members. And in this case, I would think that the chairman of the Defense Subcommittee would concede that we shouldn't be giving money to companies that have been implicated, at least it has been alleged, that they are under investigation.

The Wall Street Journal reviewed real estate records and reported that many of the facilities that ProLogic, the recipient of this earmark, uses are partly owned by the family of the CEO, and ProLogic pays the CEO monthly rent that is higher than prevailing local rates. ProLogic was also subpoenaed in a broader Federal investigation into earmarks going to West Virginia, where ProLogic is headquartered.

The Wall Street Journal also noted that four of ProLogic's six facilities were located in the congressional districts of senior members of the House Appropriations Committee. CBS News reported that ProLogic has spent more than $880,000 lobbying and contributed more than $400,000 to congressional campaigns.

I should note this company has denied allegations of wrongdoing and the status of the investigation is currently unknown.

But here we have a company that press reports say is either under investigation or cooperating with an investigation, and we are still giving it an earmark, a no-bid contract. Despite what is said about this will be open to free and open competition, we are giving them an earmark and saying this company at this address should get this money.

I just don't see where this connects with the speech about the needs of our men and women in the military. Again, I will stipulate, we need to make sure that our men and women are armed, that they have force protection, that they have the arms and everything else they need. And that is why I am so against this process that we have here, because we bleed off money that should be going to our military into companies, through no-bid contracts, who in too many cases simply aren't doing the work that they were contracted to do.

With that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I will claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I don't know about the company and the concerns that Mr. FLAKE has about the company. I don't even know the company, but I know the issue and I know the needs for the Eglin Range. The Air Force and the Navy use the eastern part of the Gulf of Mexico for just tremendous amounts of training.

Members will recall that during the debates over oil drilling and drilling for natural gas and doing other kinds of commercial activities in the eastern Gulf of Mexico, we always protected the Gulf of Mexico east of the military mission line because it was so critical to training for our national defense, to train those pilots and those people who are on seaborne missions, to train them so, if they do have to go into harm's way, they will have the proper training.

This is for range sensors to help with the training of those military training programs of the Air Force and Navy. If you recall, the debate was very, very aggressive on that issue, and the Congress on numerous occasions agreed that we had to protect the eastern Gulf of Mexico so that we were free to use those areas for training.

Now, I am not going to vote for this amendment. The interesting thing here is, I think, if Mr. FLAKE were a member of the Armed Services Committee or the Appropriations Committee, he would have a better knowledge of how that works. He may never have even heard of what we call unfunded requirements. He may never have heard of witnesses coming to testify before these committees on the issue of the request by the administration for appropriations and then giving you and giving the members of the committees a list of unfunded requirements, things that they need that were not included by OMB in the budget request.

The Members that have been here for a while might remember that when I first became chairman of this subcommittee, I identified every unfunded requirement that I could and I put it on a scroll and we rolled it across the front of this Chamber so people, Members, could see what the military said they needed but didn't have in the budget request.

I will give you one example. In talking about bombers at a particular hearing some years ago, an Air Force officer said to me, You know, these bombers are really important, but you guys aren't paying attention to something else really important.

I said, Tell us about it. What are you talking about?

□ 1145

He said, do you know that the tugs that we use to pull the bombers out of the hangars to take them out to the runway, we don't have enough? And so, if we have a large mission, we have bombers and aircraft waiting in line to get a tug to pull them out. Well, that's an unfunded requirement, and the committee tries to take care of those unfunded requirements. The Defense Department, under the language that I read earlier, must compete, no matter what the bill says, no matter what the report says about where the committee thinks that the work ought to go, the Defense Department has to compete it.

Now, I don't know how much more transparency we can give to Mr. FLAKE if the projects are competed. But I agree with him. If someone, some company is not doing the job properly, then they ought to be investigated, and they ought to be taken off the list of contractors. In fact, in my own district I had a request for an earmark in this year's bill, and the Inspector General decided to pay that company a visit to see about something. I'm not even sure what it was about because they keep these investigations pretty secret.

But I pulled the request for that earmark until we work it out, until we find out what happened here, what went wrong, what are they investigating. And I think we ought to do that. And I don't think we ought to be providing contracts to anyone who hasn't treated the public trust properly. So Mr. FLAKE and I aren't totally in disagreement, but we're in disagreement on this amendment because that Eastern Gulf of Mexico range that is so important to training Air Force and Navy pilots especially, and seaborne vehicles, is very, very important, and those sensors are part of that training.

I yield back my time.

Mr. FLAKE. I would disagree with the gentleman. I think we're in total agreement on this amendment. CBS News reported ProLogics businesses are getting a lot of attention, a lot of it from the FBI, which is investigating whether it diverted public money for its own private profit. This company is reported to be under investigation. And so should we be giving it an earmark?

The gentleman mentioned that he doesn't know the company. But this we do know; that this company, it's reported by CBS and by others, that it is under investigation, and we're giving an earmark. So when the gentleman says that he thinks that we are in agreement that we shouldn't give earmarks to companies that it's alleged that there's some impropriety going on, I would submit that that's what we have here, according to the press. And unless we know completely that they're clean and doing good work, then we shouldn't give them an earmark. We should instead say to the Department of Defense: you decide. The gentleman mentioned that he doesn't know the company. Does he know if this company is the only company that can provide these services outlined?

Mr. MILLER of Florida. Mr. Chair, I rise in opposition to the amendment.

I stand in vigorous support of my request for a Gulf Range Mobile Instrumentation Capability. This capability will convey enormous long-term benefits and provide weapons systems in a cost effective manner on time.

DISTRICT INTRODUCTION

For those of you that don't know, I represent the First District of Florida, which is home to Eglin Air Force Base, Air Force Special Operations Command, Naval Air Stations Pensacola and Whiting Field, Corry Station, which hosts the Center for Information Dominance and is the proud future home of the Joint Strike Fighter.

ARGUMENT/JUSTIFICATION

The project fufills a critical need. Specifically at Eglin Air Force Base, the 46th Range Group has a need for a capability for remote test, collection, storage and relay of various types of data. This capability can be accomplished with a Gulf Range Mobile Instrumentation Capability. This capability is needed to support test events which occur over large geographic areas on both land and sea. Examples of this testing includes Live, Virtual, Constructive test events, large footprint weapons testing, Directed Energy testing, and hypersonic testing.

This capability does not exist because there is a shortfall across this nation in both adequate range space and instrumentation to realistically test today's long-range stand-off weapons. This problem is expanding with the enhanced performance of weapons in development. The Eglin range remains one of the only locations to test these weapons over its enormous land and water area. The instrumentation shortfalls can and should be addressed today. This project would develop mobile data acquisition capabilities to address the need for cost efficient operations involving remote areas with multiple ranges across the nation. As a simple example, extending a datalink, much like a wireless network, over 150 nautical miles into the Gulf would greatly support test operations. Test professionals need this capability and it will help ensure that our defense test and evaluation capabilities field cost-effective systems.

Developmental test and evaluation brings new capabilities to the battlefield and saves lives. I have had the opportunity to watch some of the magnificent testing conducted on the Eglin range. The 46th Test Wing completed testing last year on the small diameter

bomb and it is now being employed for F–15E Strike Eagles in Afghanistan because it offers unique low-collateral damage capability. This testing could be expedited and improved with the instrumentation capability we are discussing now. Future weapons testing includes Tomahawk, Joint Direct Attack Munition, Non-Line of Sight-Launch System, and continued testing of the Small Diameter Bomb. These programs will all benefit from increased safety, shorter tests, and a better product. In the end, this will convey benefits to Military activities across the nation, as we eventually link geographically separate ranges.

The T&E infrastructure, whether administered by a military service or by a Defense Department entity, continues to be a target for budget cuts year after year. In a recent letter I sent to the Secretary of Defense, and the Undersecretary of Defense for Acquisition, Technology, and Logistics, I questioned why the 2010 funding for Test and Evaluation is $57.9 million below last year's level and noted that such a lack of funding could negatively impact numerous critical Department of Defense programs.

Five senators, including Senator MARTINEZ and Senator NELSON, recently sent a letter to Chairman INOUYE and Senator COCHRAN identifying two Test and Evaluation budget shortfalls in the FY2010 Budget. In fact, Congress created the Director of Test Resource Management in 2003 and in conjunction with the Director of Operational Test and Evaluation, the DTRMC is supposed to be afforded the opportunity to certify each military service's budget every year before it is submitted to Congress. Due to the new Administration and different budget submission timelines, the DTRMC was not able to certify the services' budgets for the Fiscal Year 2010 submission. In the wake of acquisition reform, the Administration must fund areas that contribute to long-term cost savings.

I am looking forward to seeing the contributions of the Gulf Range Mobile Instrumentation Capability to future weapon systems. This capability is a critical need because a shortage exists across the nation of adequate instrumentation systems. However, investments in test and evaluation infrastructure provide magnified benefits because they affect so many weapon systems. The right test resources provide weapon systems on time, in a cost-effective manner.

Mr. FLAKE. I yield back.

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

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

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

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

PART B AMENDMENT NO. 432 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 432 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 432 offered by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Ultra Low Profile EARS Gunshot Localization System.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Just in reference to the last amendment, let me finish my thought there. Here we have, and the ranking minority member on the subcommittee concedes that we shouldn't be giving an earmark to a company if there's allegations out there that they're not doing the job that they're supposed to do, or that there's some cloud hanging over, I would assume. And yet that's what this earmark is for.

And so I seem to hear that, yeah, that we shouldn't do that and that my amendment would be agreed to. But all I heard were noes when my amendment was offered. So I would hope that when it comes time to vote, that Members will say, you know, regardless of everything else, perhaps if it's reported that a company is under investigation, perhaps we shouldn't be giving it an earmark until that's cleared up. And so I would hope that that's remembered when it comes time to vote later this day.

This amendment would strike $1.5 million from the Ultra Low Profile EARS Gunshot Localization System. According to the sponsor's Web site, funding for this localization will produce a completely covert detection system which will enhance situational awareness and survivability of our military.

Mr. Chairman, this sounds like a worthwhile project. Even though the military did not request it, it may be something that we will ultimately benefit from. But why are we earmarking funds again here for a private, for-profit company that will not have to compete, regardless of the language that's in the House bill—that will likely not survive the Senate anyway, but which complies with regulations that the Defense Department says they already have about competition?

According to the sponsor's Web site, Planning Systems, Incorporated, will be the recipient of these funds. What's not included is justification for use of taxpayer dollars to an entity that the receiving entity of these funds was a client of now-defunct PMA Group. We're all familiar, all too familiar with the PMA Group. The PMA Group, and the companies it represented, donated more than $270,000 to the sponsor of this earmark in the 2008 cycle alone. Collectively, employees of the PMA Group and its clients have contributed nearly $1 million to the sponsor since 1998.

According to the Center for Responsive Politics, this earmark sponsor was the third-highest recipient of contributions from PMA since 1998. And that's not all. The recipient of this earmark, Planning Systems, Incorporated, has contributed more than $35,000 to the campaign of the sponsor of this earmark, again, according to the Center for Responsive Politics.

Again, there is nothing in our House rules that prohibit this. I'm not alleging that there are. But I'm saying that we have to stop this process of circular fund-raising. It just looks too bad outside of this body when we have a process where Members of Congress will earmark spending to an earmark recipient, and that earmark recipient, through its employees, through a PAC, through its lobbyists or through its executives, will contribute very handsomely back to the Member of Congress' campaign committee.

There is no other way to look at this outside of this body, I would say, than to say we shouldn't be doing that, particularly in a process where we're told that there are more than 1,000 earmarks in the bill, just days before the bill comes to the floor, and we know that 552 of those earmarks are no-bid contracts to private companies like this one.

I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MORAN of Virginia. I rise in opposition to the amendment. I thank the gentleman from Arizona for his conscientious scrutiny, particularly of the appropriations process. I trust perhaps some day he will look at the tax process, the Tax Code, which many of your colleagues are very much aware, has far more earmarks of greater amount. But in deference to the gentleman's concern, again, I would underscore the fact that in this appropriations bill, we make clear, in legislation, that when there is an earmark awarded to a for-profit entity, it shall be awarded under full and open competition.

Now, that's legislative language. It's not intent or report language. It's the law. I appreciate the fact that the gentleman has raised this earmark because otherwise no attention would be given to it since it represents about 1/1000 of 1 percent of the entire bill, a very small amount, $1.5 million.

Normally it would go without notice. But fortunately, the gentleman has raised it, so it gives me an opportunity to explain what it does. And it is quite true that Mr. Alan Friedman's firm, who is a terrific person, CEO, and scientist, was represented by PMA, which, in fact, is located in my Congressional district. And I'm proud to have their support, frankly, because they too were conscientious in making sure that

their earmarks were fully investigated, vetted, and competitively bid. And, in fact, for the last three straight years, this system was competitively bid and won.

What this system is is called the SWAT system. It is very strongly supported by our military because it saves lives. What it does is to enable people, special operations primarily, and intelligence assets, that are in denied territory, and I don't need to go into detail any further than that, to find out exactly where gunshots are coming from, how far away, and how many snipers there are. And it's worked exceptionally well.

What Mr. Friedman does with this small amount of money is to address one problem with this system, which is that it's bulky. It's very visible. It has radars, and so it's too easily detected by the enemy so, to some extent, our people can be an easier target as a result. What this does is to make this system virtually invisible. And for $1.5 million it's going to save hundreds of lives in our expectation; that's why we are more than confident that when it is competitively bid, which is required by this legislation, it will win this bid.

If the gentleman was actually to look at this system, he, even, would vote to include the money in this bill to ensure this system is available for our military in some of the roughest, most dangerous terrain, so as to save their lives.

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

Mr. FLAKE. I would simply ask, and maybe when he has his time back, to explain why, if it was open to competition in the last 3 years, why we had to earmark it this year.

The gentleman made the point that's been made again, that these have to be subject to fair and open competition. Let me say again, the Defense Department has said that all along. For years they've said the same thing. We subject these earmarks to full and open competition, but that doesn't stop Members of Congress. As soon as this bill is passed today, there will be a flurry of press releases, I guarantee it, where Members will say, I was successful in securing funding for this particular program. And if it's open to competition, how do you know that you've secured funding?

Let me just read from a couple of the press releases in the past:

I was pleased to secure funding to assist these small businesses in Prince George's County working on projects that will benefit our Nation's military and the safety of our troops.

That was somebody who knows the process pretty well. It's the majority leader. He put out a press release as soon as legislation was passed, not waiting for the competition that supposedly comes when the project gets to the Defense Department. And like I said, tomorrow you'll see a round of those same press releases: I was able to secure funds, because Members know, with uncanny precision, the Defense Department will follow these earmarks.

I would say, again, with this particular earmark it sounds like a great program. The sponsor of the earmark indicated that this was open to competition in the last couple of years. That's great. Why do we have to earmark it this year?

I yield back the balance of my time.

□ 1200

Mr. MORAN of Virginia. May I inquire how much time I have, Mr. Chairman.

The Acting CHAIR. The gentleman has 2½ minutes.

Mr. MORAN of Virginia. Mr. Chairman, again, in case it wasn't fully understood—this may resolve the gentleman's concern.

In the legislation, it says, again, that all earmarks, when awarded to a for-profit entity, shall be awarded under full and open competition.

I can't stress that enough.

Now, to address the gentleman's concern, first of all, I've never made a press announcement about this. In fact, truth be known, I haven't talked to Mr. Friedman for probably a year, and I certainly didn't even let him know that this earmark was in. It was in because we checked with military personnel, vetted it, and found that this was a system that was a substantial improvement over what the military is currently using, which is called the SMART System. This is the EARS System. These are acronyms. This, as I explained, will be a much safer, less visible system that will protect lives.

Now, Mr. Friedman is no longer represented by PMA, and I haven't had contact with him. The fact is, at least in quite some time, this has been in here because of the merits of the project. It's only $1.5 million, but it is highly meritorious. That's why it is in.

I grant you I know about it because it takes place, the work is done, in my congressional district. It also represents jobs, but they're not simply jobs for the sake of keeping people employed; they're jobs to protect our military and civilian personnel in the most dangerous terrain and in the most dangerous places on the planet. That's what this does for $1.5 million.

Now, again, I have enormous respect for the people in the Pentagon, but they don't always move with blazing speed when they are making a change from one system to another. Oftentimes, you go with the status quo. Even though there are deficiencies, it is the easiest thing. What this does and the reason we put many of these earmarks in is that it adds a new level of technology to do a better job of accomplishing its underlying purpose.

With that, I again thank the gentleman for raising this issue.

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

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

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

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

PART B AMENDMENT NO. 439 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. HOLDEN). The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 439 offered by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AARGM Counter Air Defense Future Capabilities.

The Acting CHAIR. Pursuant to House Resolution 685, 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 $2.5 million from being directed to Alliant Tech Systems, or ATK, for AARGM Counter Air Defense Future Capabilities.

According to ATK's Web site, AARGM is a supersonic, medium-range, air-launched tactical missile used by the U.S. and by allied forces. The sponsor's Web site and certification letter state that the funds directed to this project in the bill would enable ATK to continue to demonstrate improvements to AARGM, particularly at longer ranges.

Now, here again, I am not going to argue the merits of the problem; neither are most of us here. It's possible that ATK's missile system is the best one out there, but we don't know that. I would suggest that nobody in this body knows that, not even the sponsor of the earmark.

We don't know that because there is no way the Appropriations Committee thoroughly vetted each of the 1,102 earmarked projects in this bill during its 18-minute markup. We don't know that because Members of Congress, in general, don't have the kind of expertise required to make that determination.

In cases like these, when we're determining the kind of missiles that best work for our Armed Forces, it seems to me that the decision is best made by experts at the Department of Defense. Once that determination is made, just like with any other procurement, the contract to make these missiles ought to be competitively bid through the DOD.

But as is the case with nearly 550 of these earmarks, we have a handpicked private company being handed Federal funds for a project based solely on the discretion of one Member of Congress. This is a no-bid contract. This alone

should be troubling enough, but there is an additional facet.

I mentioned the problem with circular fundraising that has been detailed by so many media organizations out there. It's getting tiring reading these stories every day. The Associated Press reported that an ongoing FBI investigation is ''highlighting the close ties between special interest spending provisions, known as earmarks, and the raising of campaign cash.''

As I mentioned, in every one of the individual earmarks that we're discussing today, there are examples of funding going to the earmark recipient, and then the executives from the company, their lobbyists and the PACs are contributing large amounts of campaign dollars back to the sponsors of the earmark. That simply doesn't look right. It may be legal. It is.

Our Ethics Committee has said that you can get campaign contributions in close proximity to earmarks; but Members of this body, I would think, would want to have a higher standard here. We ought to say, you know, maybe we don't know exactly the kind of missile systems that ought to be used. We ought to leave that to those with a little more expertise instead of giving a no-bid contract to a private company which happens to be in the district or doesn't but which is simply willing to provide a lot of campaign contributions.

So I would say, Mr. Chairman, we have to stop this process. We have to say we can no longer afford to award no-bid contracts to private companies, as we have done in the past, regardless of the language that is inserted which says that all of these have to be subject to competition.

We know how it works in the Defense Department because they say now, over the past several years, these have to be subject to competition. Yet, time and time again, when you look, there is an uncanny alignment between the earmark recipient designated by the sponsor of the earmark and the company that eventually gets the dollars.

I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes

Mr. MURTHA. I reserve my time.

Mr. FLAKE. Mr. Chairman, again, I would say we can no longer continue to give no-bid contracts to private companies. I would say, as I mentioned, that for those who say we have language now in the bill—and I would certainly yield time to the gentleman, to the chairman of the Subcommittee on Defense—I would hope that he would agree, if they really believe in this language and that if the Senate knocks the language out, that we will not agree to a conference report that has these no-bid contracts in it.

If that is the case, if we are so willing to believe that this language actually has any force—and I don't believe it does because the Defense Department already says that they subject these earmarks to full competition—for those who are placing so much stock in this language, I would assume that they agree so strongly and that they will say these are going to be subject to competition. If the Senate strikes that language out, I would like to hear from those here that the House will also nullify those no-bid contracts, because we have designated who those recipients should be.

I yield back the balance of my time.

Mr. MURTHA. Let me read to the gentleman, Mr. Chairman:

''With respect to the list of specific programs, projects and activities contained in the tables entitled 'Explanation of Project Level Adjustments' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of rule XXI of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition.''

This amendment would prohibit $2.5 million for AARGM Counter Air Defense Future Capabilities. Now, I know that Members of Congress represent their districts. I know that Arizona gets $9.7 billion in defense. I'm sure that this Member is not worried about the fact that some of this money may go someplace else. I know that's not his reason for this. It's $9.7 billion. It's fifth in the number of defense industries throughout the country. Let me tell the Chair a story:

When I first took over the committee in 1989, I looked at one of the projects that the Navy was working on. They made consoles for all of the ships in the Navy, and they were paid $850,000 for those consoles. We said, You've got to compete them. We had probably 25 to 30 hearings that year. We had 51 trips that we sent the troops on, which is the same as we had this year. We had 37 hearings this year, and we had hundreds and hundreds of meetings.

This one particular program was called the Q–70. We forced them to compete it, and it's a very interesting thing. The Navy went to the Air Force and said, Look, we want you to buy this particular program, and we'll buy it from you. This is so they wouldn't have to compete. Well, the staff found out about it; and in the end, that didn't work and they competed.

That particular console now costs $125,000 per unit. We've saved over $1 billion. They happen to make that in my district. Some people would say that was an earmark. We saved over $1 billion in one contract. On another submarine torpedo contract, we saved over a half a billion dollars.

So small business is the backbone of industry in this country. All the growth has been in small business. These folks are working diligently. They pay taxes. They go home every day, and they know how important it is to do good work. They meet super-specifications from the military. They complain all the time that the specifications are too tough and that competition is too tough.

The first time that I brought defense companies to my district, I had 24 percent unemployment, and we couldn't get any business out of them because none of my companies knew how to do defense work. Now, in Arizona, they obviously know how to do defense work. They've got $9.7 billion worth of business in Arizona. Pennsylvania is not even on the list for the amount of defense work. That's embarrassing with all of the troops that we send. We send more National Guard members to Iraq and Afghanistan than any other National Guard unit in the country. I've lost 19 people in my congressional district, so I feel very strongly about this.

Small business is the backbone. These people that I visit are working hard. They know how tough it is. They know that they meet the specifications, and they bid on these contracts, and they win these contracts, and I'm proud to represent them. With that, I ask for a ''no'' vote.

I yield back the balance of my time.

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

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

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

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

PART B AMENDMENT NO. 449 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 449 offered by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC.____. None of the funds provided in this Act shall be available for AN/SLQ–25D Integration.

The Acting CHAIR. Pursuant to House Resolution 685, 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 $8 million from being directed to Argon ST, which is a private systems engineering and development company headquartered in Fairfax, Virginia.

The sponsor's Web site and certification letters say that the funding

from this earmark would be used to upgrade current naval torpedo defense capabilities that would enhance ship survivability against the modern threat of a torpedo attack.

This isn't the first time that this company has received Federal funding for a project. This project, itself, received two earmarks, totaling $8.7 million in 2007, and $7.5 million was also allocated to such a system in 2006.

The FEC records indicate that, since 2006, employees of the earmark recipient, Argon ST, have donated more than $47,000 in campaign contributions to the sponsor of the earmark. According to the Center for Responsive Politics, the Argonne PAC made $23,000 in donations to the sponsor's campaign and to his leadership PAC in the 2008 election cycle.

□ 1215

According to the FEC, this represented more than a third of all donations of Argon's PAC made during the election cycle. In addition, during the 2008 cycle, Argon ST was reported to be the second highest contributor to the earmark sponsor's PAC. The funding for this earmark may very well be vital to national defense or it may not be. We just don't know here, I would suggest. But the earmarking system is so opaque that the purposes and justifications for more than 1,100 earmarks in this bill are a mystery to just about everyone.

Again, the committee took a whole 18 minutes to accept this bill on to the floor with a unanimous vote. Had this earmark been closely examined, it would have been revealed that this earmark recipient acquired Coherent Systems in 2007. Coherent Systems' former president and CEO now faces Federal charges for soliciting kickbacks from a defense contractor.

Argon ST is cooperating with Federal authorities in the investigation and is not facing any charges. But in the wake of the Abramoff scandal and the burgeoning PMA scandals, I would simply ask whether Congress should be providing no-bid contracts to private companies involved in Federal investigations. I would submit that it should not.

There is more than $2.7 billion in earmark spending in this bill. We've had less than 2 weeks to go over 1,100 earmarks that comprise this spending. We simply can't continue to do this.

I know the Member will stand up and say these have to be competed out. And I will again ask the Member, and I will actually yield him the rest of my time, if he will stand and say that if the Senate removes this language that requires open competition, if then we will then remove these no-bid contracts.

And I will yield to the gentleman for that. He doesn't have to take my time. He can take his own.

Again, what I am asking is if the Senate removes the language that Members put, I think, too much stock in because the Defense Department says they already subject these contracts to full and open competition, but if the Senate should remove that language, will the Members of this body remove the no-bid contracts, 552 of them, I believe, from the bill.

And I would yield for an answer.

I yield back my time.

Mr. MURTHA. Let me read again to the Chair.

"With respect to the list of specific programs, projects and activities contained in the tables entitled 'Explanation of Project Level Adjustments' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XXI of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition."

In this particular case, this company is doing very well. Reuters gave them a very high rating. But what we look at is the people that work in those places, the awarding of these contracts, the fact that the Defense Department has such high levels of specification that they insist on.

When you go to a defense company, they have all kinds of things that are added that are not true in most places, and small business is the best you can get at doing this kind of work.

During World War II, we produced 83,000 airplanes in 1 year during 1943, 30,000 tanks. There were some abuses, I'm sure. Today, we don't have that capacity. What we worry about, if we don't have small business doing this, it's going to go overseas, and if it goes overseas, we're going to lose those businesses, we'll lose the ability. We continually put "buy American" in our provisions, and it turns out that it still goes overseas. Much of the airplane parts are built overseas. Much of the parts—if we weren't careful, some of the body armor would be built overseas because some of the companies would be cheaper.

So we insist they be built in this country. We insist Americans do it. And those Americans are so proud of the work that they do, they have Americans flags there. They have pictures of the troops. They have letters from the troops about how proud of the work they are doing, and the government checks continually to make sure they're doing that kind of work, and they meet those specifications.

With that, I would ask for a "no" vote.

I yield back the balance of my time.

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

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

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

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

PART B AMENDMENT NO. 553 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated number 553 in part B.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 553 offered by Mr. FLAKE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the following projects:

Account	Project	Amount
AP,N	Crane Integrated Defensive Electronic Countermeasures Depot Capability.	$2,000,000
DPA	Low Cost Military Global Positioning System (GPS) Receiver.	$4,000,000
OM,A	TRANSIM Driver Training.	$3,500,000
OM,AF	Joint Aircrew Combined System Tester (JCAST).	$2,000,000
OM,ARNG	Multi-Jurisdictional Counter-Drug Task Force Training.	$3,500,000
OM,N	Enhanced Navy Shore Readiness Integration.	$5,000,000
OP,A	Ft. Bragg Range 74 Combined Arms Collective Training Facility.	$1,000,000
OP,A	Laser Marksmanship Training System.	$2,000,000
OP,A	Machine Gun Training System for the Pennsylvania National Guard.	$3,000,000
OP,A	Multi-Temperature Refrigerated Container System.	$3,500,000
OP,A	Radio Personality Modules for SINCGARS Test Sets.	$3,000,000
P,MC	Portable Military Radio Communications Test Set.	$1,500,000
PANMC	Enhanced Laser Guided Training Round.	$4,500,000
RDTE,A	Advanced Composite Armor for Force Protection.	$2,000,000

Account	Project	Amount
RDTE,A	Advanced Composite Research for Vehicles.	$5,000,000
RDTE,A	AN/ALQ 211 Networked EW Controller.	$1,000,000
RDTE,A	Army Vehicle Condition Based Maintenance.	$5,000,000
RDTE,A	Defense Support for Civil Authorities for Key Resource Protection.	$1,000,000
RDTE,A	Dermal Matrix Research.	$2,000,000
RDTE,A	Effects Based Operations Decision Support Services.	$2,000,000
RDTE,A	Eye-Safe Standoff Fusion Detection of CBE Threats.	$2,500,000
RDTE,A	Fire Shield	$4,000,000
RDTE,A	Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.	$3,500,000
RDTE,A	Heavy Fuel Engine Family for Unmanned Systems.	$4,000,000
RDTE,A	Highlander Electro-Optical Sensors.	$2,000,000
RDTE,A	Hostile Fire Indicator for Aircraft.	$2,000,000
RDTE,A	Javelin Warhead Improvement Program.	$5,000,000
RDTE,A	Joint Precision AirDrop Systems-Wind Profiling Portable Radar.	$2,300,000
RDTE,A	Lightweight Metal Alloy Foam for Armor.	$4,000,000
RDTE,A	Mobile Integrated Diagnostic and Data Analysis.	$2,000,000
RDTE,A	Nanotechnology for Potable Water and Waste Treatment.	$2,000,000
RDTE,A	Rapid Response Force Projection Systems.	$2,000,000
RDTE,A	Reduced Manning Situational Awareness.	$5,000,000
RDTE,A	Remote Bio-Medical Detector.	$3,500,000
RDTE,A	Universal Control.	$2,500,000
RDTE,AF	Advanced Modular Avionics for Operationally Responsive Satellite Use.	$3,100,000
RDTE,AF	Cyber Attack and Security Environment.	$4,000,000
RDTE,AF	Demonstration and Validation of Renewable Energy Technology.	$1,000,000
RDTE,AF	Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.	$5,000,000
RDTE,AF	Rivet Joint Services Oriented Architecture.	$2,500,000
RDTE,AF	Senior Scout Communications Intelligence (COMINT) Capability Upgrade.	$3,000,000
RDTE,DW	Gulf Range Mobile Instrumentation Capability.	$3,000,000
RDTE,DW	Hand-held, Lethal Small Unmanned Aircraft System.	$1,000,000
RDTE,DW	Low Cost Stabilized Turret.	$1,000,000
RDTE,DW	Mosaic Camera Technology Transition.	$2,000,000
RDTE,DW	Ultra Low Profile EARS Gunshot Localization System.	$1,500,000
RDTE,DW	United States Special Operations Command—USSOCOM/STAR–TEC Partnership Program.	$2,000,000
RDTE,N	76mm Swarmbuster Capability.	$2,000,000
RDTE,N	Advanced Battery System for Military Avionics Power Systems.	$2,000,000
RDTE,N	Advanced Capability Build 12 and 14.	$2,000,000
RDTE,N	Advanced Composite Manufacturing for Composite High-Speed Boat Design.	$2,000,000
RDTE,N	Advanced Manufacturing for Submarine Bow Domes and Rubber Boots.	$2,000,000
RDTE,N	Air Readiness/Effectiveness Measurement Program.	$2,000,000
RDTE,N	AN/SLQ—25D Integration.	$8,000,000
RDTE,N	Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.	$2,000,000
RDTE,N	Common Command and Control System Module.	$4,000,000
RDTE,N	EP-3E Requirements Capability Migration Systems Integration Lab.	$6,250,000
RDTE,N	High Density Power Conversion and Distribution Equipment.	$1,500,000
RDTE,N	Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.	$2,000,000
RDTE,N	Integrated Advanced Ship Control.	$1,500,000
RDTE,N	Integrated Condition Assessment and Reliability Engineering.	$1,000,000
RDTE,N	Joint Explosive Ordnance Disposal Diver Situational Awareness System.	$2,000,000
RDTE,N	Joint Tactical Radio System Handheld Manpack Small Form Factor Radio System.	$4,500,000
RDTE,N	Management of Lung Injury by Micronutrients.	$1,500,000
RDTE,N	Micro-Drive for Future HVAC Systems.	$600,000
RDTE,N	Military Upset Recovery Training.	$1,000,000
RDTE,N	Modular Advanced Vision System.	$2,000,000
RDTE,N	Navy Advanced Threat Simulator.	$2,000,000
RDTE,N	Next Generation Electronic Warfare Simulator.	$2,000,000
RDTE,N	Paragon (Frequency Extension).	$3,000,000
RDTE,N	Persistent Surveillance Wave Powerbuoy System.	$2,000,000

Account	Project	Amount
RDTE,N	Submarine Fatline Vector Sensor Towed Array.	$2,000,000
RDTE,N	Submarine Navigation Decision Aids.	$5,000,000
RDTE,N	Wide Area Sensor Force Protection Targeting.	$2,000,000
RDTE,N(MC) ...	Global Supply Chain Management.	$1,000,000

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, let me note before I start this amendment, again I ask the chairman that if the Senate nullified the language requiring free and open competition, that the House would say, Okay, we will remove these no-bid contracts. I didn't hear an answer to that.

I would suggest that we know full well the Senate will remove that language. I think we put too much stock in the language anyway, but the Senate will surely remove it, because not to remove it might force some Senators to think they might not be able to secure funding for their earmark, and we know that's not going to happen.

So, if we were serious about this language, if we were serious about free and open competition, we wouldn't be earmarking in this fashion. Full stock.

Mr. Chairman, I would ask unanimous consent that this amendment be modified in the form I placed at the desk.

Mr. MURTHA. I object.

The Acting CHAIR. Objection is heard.

Mr. FLAKE. This amendment would prohibit nearly $200 million for more than 70 earmarks for former clients of the PMA Group that would be funded in this bill.

We are now all familiar with the PMA scandal that I think is in the beginning stages and certainly not the end. PMA Group was a prominent lobbying firm that specialized in obtaining defense earmarks for its clients, whose offices were recently raided by the FBI, according to The Hill, as part of a Federal investigation into politically corrupt—potentially corrupt political contributions. The lobbying firm has ceased operations and shuttered its political action committee, but not before, according to The New York Times, leaving a detailed blueprint of how the political money churn works in Congress.

PMA is emblematic of the troubling circular fund-raising that's become entrenched in the current earmarking process. CQ Today noted that the firm has charged $107 million in lobbying fees from 2000 to 2008. Safe to say, the PMA Group was associated with showering Members of Congress with campaign cash.

According to the Center for Responsive Politics, since 1998, the firm and its clients have given $40.3 million total to the candidate committees and leadership PACs of 514 lawmakers, nearly every Member of the current Congress. The Center also reported that members of the Defense Appropriations Subcommittee have collected nearly $1 million in campaign cash since 1998 from PMA employees and the firm's PAC. If you include contributions from employees and PACs of the parent companies and subsidiaries of PMA clients, the total jumps to nearly $8 million over the last decade.

In review of the 2008 PMA earmarks, the Sunlight Foundation noted that 40 organizations whose sole lobbyist was PMA had an average return on their lobbying fee investment of more than 2,700 percent. Clients of the firm received at least $300 million worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news that the FBI raided the firm's office and the justice investigation into the firm was well known. That was earlier this year.

The omnibus spending bill that we approved in January, had money for PMA clients in there just weeks after it was revealed that the PMA's offices had been raided, and we still didn't scrub them out. I would submit if we're not going to do it then, when would we do it?

I believe there are 70 earmarks in this bill for former clients of PMA. And we have had several privileged resolutions, of which I think at one count 29 members of the majority party, and nearly all members of the majority party, agreed that we should have the ethics committee look into the relationship between PMA and campaign dollars that have come to this Congress.

I reserve the balance of my time.

Mr. MURTHA. I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

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

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. FLAKE. I would yield the remainder of my time to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I rise in support of this amendment. Coming from Illinois, we know the pace and timing of a Federal investigation. I think it's fairly clear that PMA and several principals will now be indicted.

To protect this House and to protect the Appropriations Committee, I think having a strategic pause in the spending of this money is necessary. It's clear that PMA and its key folks with so many Federal resources now dedicated to this investigation are going to face Federal criminal prosecution.

So to protect this House, this is a wise amendment to put forward to make sure that we can be beyond reproach. As someone who comes from Governor Blagojevich's State and already knows how Federal prosecutions and work goes forward, so many resources have been put forward on this case already that it is clear that an indictment is coming forward. And to protect this House, I think we should adopt the amendment.

Mr. MURTHA. I rise in opposition to the amendment. Let me read to the House again—the one Member keeps mentioning over and over again the same thing I'm going to mention.

''With respect to the list of specific programs, projects and activities contained in the tables entitled 'Explanation of Project Level Adjustments' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XX1 of the House of Representatives, when awarded to a for-profit entity, shall be awarded under full and open competition.

As I mentioned, I hope that there is no Member that's trying to protect their own Defense money—$9.7 billion in Arizona—that this is not the reason that there is opposition to these things.

But I don't say that under any circumstances. One thing I say is we put money in for projects. We don't put it in because of any one Representative.

Last year—this PMA is defunct, and this year, we've put the projects in that we thought were worthwhile, not because they're from a Representative, because they don't represent them any more. Those projects are in the budget because Members, themselves, thought they were good projects.

And with that, I ask a ''no'' on the amendment.

Mr. FRANKS of Arizona. Mr. Chair, my voting record has consistently demonstrated my support for a full investigation of The PMA Group, its lobbying activities, and the relationship between Member budget requests and campaign contributions by the House Committee on Standards of Official Conduct. I also publicly maintain that all budget requests that The PMA Group lobbied on behalf of should not be funded by the taxpayers. I intend to vote "aye" on this amendment.

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

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

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

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

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

EN BLOC AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an en bloc amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendments en bloc consisting of all the amendments printed in part B of House Report 111–233 offered by Mr. FLAKE:

AMENDMENT NO. 1

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhanced Navy Shore Readiness Integration.

AMENDMENT NO. 2

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Army CH–47 Helicopter Forward and Aft Hook Project.

AMENDMENT NO. 3

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Army National Guard UH–60 Rewiring Program.

AMENDMENT NO. 4

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Internal Auxiliary Fuel Tank system.

AMENDMENT NO. 5

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a C–130 Active Noise Cancellation System.

AMENDMENT NO. 6

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Civil Air Patrol.

AMENDMENT NO. 7

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Large Aircraft Podded Infrared Countermeasures Systems for Air Force Reserve KC–135.

AMENDMENT NO. 8

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Skills Management Command Portal.

AMENDMENT NO. 9

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the AN/AAR–47D(V)X Missile Warning System.

AMENDMENT NO. 10

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Crane Integrated Defensive Electronic Countermeasures Depot Capability.

AMENDMENT NO. 11

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Universal Avionics Recorder Wireless Flight Download Data.

AMENDMENT NO. 12

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Composite Operational Health and Occupational Risk Tracking System.

AMENDMENT NO. 13

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Armor and Structures Transformation Initiative-Steel to Titanium.

AMENDMENT NO. 14

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Flexible Aerogel Materials Supplier Initiative.

AMENDMENT NO. 15

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the High Performance Thermal Battery Infrastructure Project.

AMENDMENT NO. 16

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Aluminum Oxy-Nitride and Spinel Optical Ceramics.

AMENDMENT NO. 17

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Inventory for Defense Applications.

AMENDMENT NO. 18

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Cost Military Global Positioning System (GPS) Receiver.

AMENDMENT NO. 19

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Metal Injection Molding Technological Improvements.

AMENDMENT NO. 20

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Navy Production Capacity Improvement Project.

AMENDMENT NO. 21

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Radiation Hardened Cryogenic Read Out Integrated Circuits.

AMENDMENT NO. 22

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Counter-Threat Finance—Global.

AMENDMENT NO. 23

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Air-Supported Temper Tent.

AMENDMENT NO. 24

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the New Jersey Technology Center.

AMENDMENT NO. 25

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Electronics and Personal Cooling.

AMENDMENT NO. 26

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Anti-Corrosion Nanotechnology Solutions for Logistics.

AMENDMENT NO. 27

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Army Force Generation Synchronization Tool.

AMENDMENT NO. 28

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Common Logistics Operating System.

AMENDMENT NO. 29

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Fort Benning National Incident Management System Compliant Installation Operations Center.

AMENDMENT NO. 30

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Ground Combat System Knowledge Center and Technical Inspection Data Capture.

AMENDMENT NO. 31

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Initiative to Increase Minority Participation in Defense.

AMENDMENT NO. 32

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Logistics Interoperability.

AMENDMENT NO. 33

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an M24 Sniper Weapons System Upgrade.

AMENDMENT NO. 34

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Modular Command Post Tent.

AMENDMENT NO. 35

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Secure Remote Monitoring Systems.

AMENDMENT NO. 36

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Military Lens System Fabrication and Assembly.

AMENDMENT NO. 37

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Net-Centric Decision Support Environment Sense and Respond Logistics.

AMENDMENT NO. 38

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Operational/Technical Training Validation for Joint Maneuver Forces at Fort Bliss.

AMENDMENT NO. 39

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for TRANSIM Driver Training.

AMENDMENT NO. 40

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UH–60 Leak Proof Drip Pans.

AMENDMENT NO. 41

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Autonomous Robotic Inspections for Aging Aircraft.

AMENDMENT NO. 42

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Engine Health Management Plus Data Repository Center.

AMENDMENT NO. 43

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Aircrew Combined System Tester (JACST).

AMENDMENT NO. 44

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Warner Robins Air Logistics Center Strategic Airlift Aircraft Availability Improvement.

AMENDMENT NO. 45

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Interoperability Coordinated Operations and Training Exercise.

AMENDMENT NO. 46

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Army National Guard M939A2 Repower Program.

AMENDMENT NO. 47

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multi-Jurisdictional Counter-Drug Task Force Training.

AMENDMENT NO. 48

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UH–60 Leak Proof Drip Pans.

AMENDMENT NO. 49

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-Climate Protection System.

AMENDMENT NO. 50

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an LSD–41/49 Diesel Engine Low Load Upgrade Kit.

AMENDMENT NO. 51

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hydroacoustic Low Frequency Source Generation Systems.

AMENDMENT NO. 52

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Force Protection Boats (Small).

AMENDMENT NO. 53

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Enhanced Detection Adjunct Processor.

AMENDMENT NO. 54

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Deployable Joint Command and Control Shelter Upgrade Program.

AMENDMENT NO. 55

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Adaptive Diagnostic Electronic Portable Testset.

AMENDMENT NO. 56

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for One AF/One Network Infrastructure for the Pennsylvania National Guard.

AMENDMENT NO. 57

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for One AF/One Network Infrastructure.

AMENDMENT NO. 58

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Aircrew Body Armor and Load Carriage Vest System.

AMENDMENT NO. 59

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Air National Guard Joint Threat Emitter—Savannah Combat Readiness Training Centers.

AMENDMENT NO. 60

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Virtual Interactive Combat Environment Training System for the Virginia National Guard.

AMENDMENT NO. 61

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ultralight Utility Vehicles for the National Guard.

AMENDMENT NO. 62

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Radio Personality Modules for SINCGARS Test Sets.

AMENDMENT NO. 63

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-Temperature Refrigerated Container System.

AMENDMENT NO. 64

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mobile Defensive Fighting Position.

AMENDMENT NO. 65

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Machine Gun Training System for the Pennsylvania National Guard.

AMENDMENT NO. 66

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Laser Marksmanship Training System.

AMENDMENT NO. 67

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Ft. Bragg Range 74 Combined Arms Collective Training Facility.

AMENDMENT NO. 68

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the ATIS Maintenance and Enhancement Program.

AMENDMENT NO. 69

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Ultra Lightweight Camouflage Net System (ULCANS).

AMENDMENT NO. 70

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a MGPTS Type III or Rapid Deployable Shelter.

AMENDMENT NO. 71

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Flame Resistant High Performance Apparel.

AMENDMENT NO. 72

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Thorium/Magnesium Excavation—Blue Island.

AMENDMENT NO. 73

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Special Operations Forces Modular Glove System.

AMENDMENT NO. 74

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a WMD Multi-Sensor Response and Infrastructure Project System.

AMENDMENT NO. 75

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Autonomous Sustainment Cargo Container.

AMENDMENT NO. 76

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Atomized Magnesium Domestic Production Design and Development.

AMENDMENT NO. 77

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Army Vehicle Condition Based Maintenance.

AMENDMENT NO. 78

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Army Portable Oxygen Concentration System.

AMENDMENT NO. 79

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for ARL 3DE Model-Based Inspection and Scanning.

AMENDMENT NO. 80

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Antioxidant Micronutrient Therapeutic Countermeasures.

AMENDMENT NO. 81

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Anti-Microbial Bone Graft Product.

AMENDMENT NO. 82

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an AN/ALQ 211 Networked EW Controller.

AMENDMENT NO. 83

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Aluminum Armor Project.

AMENDMENT NO. 84

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an All Composite Bus Program.

AMENDMENT NO. 85

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Tactical Laser Flashlight.

AMENDMENT NO. 86

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Reactive Armor Systems.

AMENDMENT NO. 87

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Radar Transceiver IC Development.

AMENDMENT NO. 88

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Rarefaction Weapon Engineered System.

AMENDMENT NO. 89

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Packaging Materials for Combat Rations.

AMENDMENT NO. 90

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Lithium Ion Phosphate Battery System for Army Combat Hybrid HMMWV and Other Army Vehicle Platforms.

AMENDMENT NO. 91

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Lightweight Gunner Protection Kit for Lightweight MRAP Vehicle.

AMENDMENT NO. 92

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Ground EW and Signals Intelligence System.

AMENDMENT NO. 93

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Flexible Solar Photovoltaic Technologies.

AMENDMENT NO. 94

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Field Artillery Tactical Data System.

AMENDMENT NO. 95

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Digital Hydraulic Drive System.

AMENDMENT NO. 96

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Detection of Explosives.

AMENDMENT NO. 97

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Conductivity Program.

AMENDMENT NO. 98

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composites for Light Weight, Low Cost Transportation Systems using a 3+ Ring Extruder.

AMENDMENT NO. 99

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Research for Vehicles.

AMENDMENT NO. 100

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Ammunition Magazine/Mount System.

AMENDMENT NO. 101

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Armor for Force Protection.

AMENDMENT NO. 102

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Carbon Hybrid Battery for Hybrid Electric Vehicles.

AMENDMENT NO. 103

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Bonded Diamond for Optical Applications.

AMENDMENT NO. 104

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Affordable Turbine Engine Program.

AMENDMENT NO. 105

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Acid Alkaline Direct Methanol Fuel Cell.

AMENDMENT NO. 106

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Enhanced Laser Guided Training Round.

AMENDMENT NO. 107

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Small Caliber Ammunition Production Modernization.

AMENDMENT NO. 108

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Magneto Inductive Remote Activation Munitions System (MI–RAMS) M156/M39 Kits and M40 Receivers.

AMENDMENT NO. 109

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Military Radio Communications Test Set.

AMENDMENT NO. 110

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Armored Wall System.

AMENDMENT NO. 111

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Microclimate Cooling Unit for M1 Abrams Tank.

AMENDMENT NO. 112

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Marine Corps MK 1077 Flatracks.

AMENDMENT NO. 113

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Special Operations Forces Combat Assault Rifle.

AMENDMENT NO. 114

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for SOPMOD II (M4 Carbine Rail System).

AMENDMENT NO. 115

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Light Mobility Vehicle—Internally Transportable Vehicle.

AMENDMENT NO. 116

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ballistic Armor Research.

AMENDMENT NO. 117

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Beneficial Infrastructure for Rotorcraft Risk Reduction.

AMENDMENT NO. 118

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Bio-Printing of Skin for Battlefield Burn Repairs.

AMENDMENT NO. 119

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Blood Safety and Decontamination Technology.

AMENDMENT NO. 120

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Breast Cancer Medical Information Network Decision Support.

AMENDMENT NO. 121

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Brownout Situational Awareness Sensor.

AMENDMENT NO. 122

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Buster/Blacklight UAV Development.

AMENDMENT NO. 123

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Cadmium Emissions Reduction-Letterkenny Army Depot.

AMENDMENT NO. 124

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Capabilities Expansion of Spinel Transparent Armor Manufacturing.

AMENDMENT NO. 125

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Carbide Derived Carbon for Treatment of Combat Related Sepsis.

AMENDMENT NO. 126

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Cellular Therapy for Battlefield Wounds.

AMENDMENT NO. 127

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ceramic and MMC Armor Development using Ring Extruder Technology.

AMENDMENT NO. 128

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a CERDEC Integrated Tool Control System.

AMENDMENT NO. 129

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Chronic Tinnitus Treatment Program.

AMENDMENT NO. 130

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Clinical Technology Integration for Military Health.

AMENDMENT NO. 131

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Collagen-Based Wound Dressing.

AMENDMENT NO. 132

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Combat Medic Trainer.

AMENDMENT NO. 133

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Command, Control, Communications Technology.

AMENDMENT NO. 134

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Compact Biothreat Rapid Analysis Concept.

AMENDMENT NO. 135

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Composite Small Main Rotor Blades.

AMENDMENT NO. 136

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Compostable and Recyclable Fiberboard Material for Secondary Packaging.

AMENDMENT NO. 137

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Conversion of Municipal Solid Waste to Renewable Diesel Fuel.

AMENDMENT NO. 138

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Crewmember Alert Display Development Program.

AMENDMENT NO. 139

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Current Force Common Active Protection System Radar.

AMENDMENT NO. 140

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Cyber Threat Analytics.

AMENDMENT NO. 141

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Defense Support for Civil Authorities for Key Resource Protection.

AMENDMENT NO. 142

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Defense Support to Civil Authorities Automated Support System.

AMENDMENT NO. 143

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Dermal Matrix Research.

AMENDMENT NO. 144

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Development of Improved Lighter-Weight IED/EFP Armor Solutions.

AMENDMENT NO. 145

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for De-Weighting Military Vehicles through Advanced Composites Manufacturing Technology.

AMENDMENT NO. 146

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Diabetes Care in the Military.

AMENDMENT NO. 147

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Domestic Production of Nanodiamond for Military Applications.

AMENDMENT NO. 148

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Drive System Composite Structural Component Risk Reduction Program.

AMENDMENT NO. 149

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Dual Stage Variable Energy Absorber.

AMENDMENT NO. 150

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Effects Based Operations Decision Support Services.

AMENDMENT NO. 151

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Electric All Terrain Ultra Light Vehicle for the Minnesota National Guard.

AMENDMENT NO. 152

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Electrically Charged Mesh Defense Net Troop Protection System.

AMENDMENT NO. 153

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Electronic Combat and Counter Terrorism Threat Developments to Support Joint Forces.

AMENDMENT NO. 154

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enabling Optimization of Reactive Armor.

AMENDMENT NO. 155

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhancing the Commercial Joint Mapping Toolkit to Support Tactical Military Operations.

AMENDMENT NO. 156

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Environmentally Intelligent Moisture and Corrosion Control for Concrete.

AMENDMENT NO. 157

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Execution of a Quality Systems Program for FDA Regulation Activities.

AMENDMENT NO. 158

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Extended Duration Silver Wound Dressing-Phase II.

AMENDMENT NO. 159

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Eye-Safe Standoff Fusion Detection of CBE Threats.

AMENDMENT NO. 160

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Field Deployable Hologram Production System.

AMENDMENT NO. 161

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Fire Shield.

AMENDMENT NO. 162

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Flu Vaccine Technology Program.

AMENDMENT NO. 163

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Foil Bearing Supported UAV Engine.

AMENDMENT NO. 164

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Fuel System Component Technology Research.

AMENDMENT NO. 165

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.

AMENDMENT NO. 166

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Fused Silica for Large-Format Transparent Armor.

AMENDMENT NO. 167

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gas Engine Driven Air Conditioning.

AMENDMENT NO. 168

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Geospatial Airship Research Platform.

AMENDMENT NO. 169

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Headborne Energy Analysis and Diagnostic System.

AMENDMENT NO. 170

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Heavy Fuel Engine Family for Unmanned Systems.

AMENDMENT NO. 171

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Strength Glass Production and Qualification for Armor Applications.

AMENDMENT NO. 172

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Highlander Electro-Optical Sensors.

AMENDMENT NO. 173

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High-Volume Manufacturing Development for Thin-film Lithium Stack Battery Technologies.

AMENDMENT NO. 174

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hostile Fire Indicator for Aircraft.

AMENDMENT NO. 175

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Human Organ and Tissue Preservation Technology.

AMENDMENT NO. 176

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Electric Drive All Terrain Vehicle.

AMENDMENT NO. 177

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Electric Heavy Truck Vehicle.

AMENDMENT NO. 178

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Improved Thermal Batteries for Guided Munitions.

AMENDMENT NO. 179

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Improved Thermal Resistant Nylon for Enhanced Durability and Thermal Protection in Combat Uniforms.

AMENDMENT NO. 180

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Infection Prevention Program for Battlefield Wounds.

AMENDMENT NO. 181

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Infectious and Airborne Pathogen Reduction.

AMENDMENT NO. 182

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Injection Molded Ceramic Body Armor.

AMENDMENT NO. 183

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ink-based Desktop Electronic Material Technology.

AMENDMENT NO. 184

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Defense Technical Information.

AMENDMENT NO. 185

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Family of Test Equipment V6 Product Improvement Program.

AMENDMENT NO. 186

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Lightweight Tracker System.

AMENDMENT NO. 187

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Intelligence, Surveillance and Reconnaissance (ISR) Simulation Integration Laboratory.

AMENDMENT NO. 188

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intelligent Energy Control Systems.

AMENDMENT NO. 189

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intensive Quenching for Advanced Weapon Systems.

AMENDMENT NO. 190

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Inter Turbine Burner for Turbo Shaft Engines.

AMENDMENT NO. 191

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for IR-Vascular Facial Fingerprinting.

AMENDMENT NO. 192

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an IUID Data Platform.

AMENDMENT NO. 193

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Javelin Warhead Improvement Program.

AMENDMENT NO. 194

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Joint Fires and Effects Trainer System Enhancements.

AMENDMENT NO. 195

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Precision AirDrop Systems-Wind Profiling Portable Radar.

AMENDMENT NO. 196

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Large Format Li-Ion Battery.

AMENDMENT NO. 197

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lens-Less Dual-Mode Micro Seeker for Medium-Caliber Guided Projectiles.

AMENDMENT NO. 198

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lightweight 10-meter Antenna Mast.

AMENDMENT NO. 199

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Magnesium Parts for Military Applications.

AMENDMENT NO. 200

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Metal Alloy Foam for Armor.

AMENDMENT NO. 201

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lightweight Munitions and Surveillance System for Unmanned Air and Ground Vehicles.

AMENDMENT NO. 202

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Lightweight Packing System for Enhancing Combat Munitions Logistics.

AMENDMENT NO. 203

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Polymer Designs for Soldier Combat Optics.

AMENDMENT NO. 204

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Protective Roofing.

AMENDMENT NO. 205

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight, Battery Driven, and Battlefield Deployment Ready NG Feeding Tube Cleaner.

AMENDMENT NO. 206

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a LW25 Gun System and Demonstration.

AMENDMENT NO. 207

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an M109A6 Paladin.

AMENDMENT NO. 208

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Medical Biosurveillance and Efficiency Program.

AMENDMENT NO. 209

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Medium Caliber Metal Parts Upgrade.

AMENDMENT NO. 210

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Micro Inertial Navigation Unit Technology.

AMENDMENT NO. 211

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Micromachined Switches in Support of Transformational Communications Architecture.

AMENDMENT NO. 212

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mid-Infrared Super Continuum Laser.

AMENDMENT NO. 213

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Military Drug Management Center.

AMENDMENT NO. 214

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mobile Integrated Diagnostic and Data Analysis.

AMENDMENT NO. 215

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mobile Mesh Network Node.

AMENDMENT NO. 216

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mobile Power 30 kW System Power Control Unit Development Project.

AMENDMENT NO. 217

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Model for Green Laboratories and Clean Rooms.

AMENDMENT NO. 218

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mortar Anti-Personnel/Anti-Material Technology.

AMENDMENT NO. 219

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a MOTS All Sky Imager.

AMENDMENT NO. 220

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multi-layer Co-extrusion for High Performance Packaging.

AMENDMENT NO. 221

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multiplexed Human Fungal Infection Diagnostics.

AMENDMENT NO. 222

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Nanocrystal Source Display.

AMENDMENT NO. 223

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Nanofluid Coolants.

AMENDMENT NO. 224

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Nanotechnology for Potable Water and Water Treatment.

AMENDMENT NO. 225

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Nanotechnology Fuze.

AMENDMENT NO. 226

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Nanotechnology-Enabled Self-Healing Anti-Corrosion Coating Products.

AMENDMENT NO. 227

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Networked Reliability and Safety Early Evaluation System.

AMENDMENT NO. 228

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Neural Control of External Devices.

AMENDMENT NO. 229

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Communications System.

AMENDMENT NO. 230

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Next Generation Green, Economical and Automated Production of Composite Structures for Aerospace.

AMENDMENT NO. 231

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Wearable Video Capture System.

AMENDMENT NO. 232

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Night Vision and Electronic Sensors Directorate.

AMENDMENT NO. 233

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Non-Leaching Antimicrobial Surface for Orthopedic Devices.

AMENDMENT NO. 234

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Novel Zinc Air Power Sources for Military Applications.

AMENDMENT NO. 235

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an OMNI Active Vibration Control System.

AMENDMENT NO. 236

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Optimization of the US Army Topographic Data Management Enterprise.

AMENDMENT NO. 237

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Optimizing Natural Language Processing of Open Source Intelligence.

AMENDMENT NO. 238

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Pacific Command Renewable Energy Security Systems.

AMENDMENT NO. 239

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Personal Miniature Thermal Viewer.

AMENDMENT NO. 240

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Personal Status Monitor.

AMENDMENT NO. 241

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Plasma Sterilizer.

AMENDMENT NO. 242

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Polymeric Web Run-Flat Tire Inserts for Convoy Protection.

AMENDMENT NO. 243

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Fuel Cell Power Source.

AMENDMENT NO. 244

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Portable Mobile Emergency Broadband Systems.

AMENDMENT NO. 245

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Sensor for Toxic Gas Detection.

AMENDMENT NO. 246

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Power Efficient Microdisplay Development for US Army Night Vision.

AMENDMENT NO. 247

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Precision Guidance Kit Technology Development.

AMENDMENT NO. 248

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Precision Guided Airdropped Equipment.

AMENDMENT NO. 249

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Predictive Casting Modeling for Rapid Production of Critical Defense Components.

AMENDMENT NO. 250

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Printed and Conformal Electronics for Military Applications.

AMENDMENT NO. 251

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Protein Hydrogel for Surgical Repair of Battlefield Injuries.

AMENDMENT NO. 252

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Qualification and Insertion of New High Temperature Domestic Sourced PES for Military Aircraft.

AMENDMENT NO. 253

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rapid Response Force Projection Systems.

AMENDMENT NO. 254

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rapid Wound Healing Cell Technology.

AMENDMENT NO. 255

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rare Earth Mining Separation and Metal Production.

AMENDMENT NO. 256

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reactive Materials.

AMENDMENT NO. 257

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Recovery, Recycle, and Reuse of DOE Metals for DoD Applications.

AMENDMENT NO. 258

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reduced Manning Situational Awareness.

AMENDMENT NO. 259

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reducing First Responder Casualties with Physiological Monitoring.

AMENDMENT NO. 260

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Remote Bio-Medical Detector.

AMENDMENT NO. 261

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Scalable Efficient Power for Armament Systems and Vehicles Dual Use.

AMENDMENT NO. 262

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Self Powered Prosthetic Limb Technology.

AMENDMENT NO. 263

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Sensor Tape Physiological Monitoring.

AMENDMENT NO. 264

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Shared Vision.

AMENDMENT NO. 265

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a SHARK Precision Guided Artillery Round—105mm.

AMENDMENT NO. 266

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Silent Watch, IB NPS 1160 Lithium-Ion Advanced Battery.

AMENDMENT NO. 267

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Silver Fox and Manta Unmanned Aerial Systems.

AMENDMENT NO. 268

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Smart Machine Platform Initiative.

AMENDMENT NO. 269

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Smart Oil Sensor.

AMENDMENT NO. 270

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Smart Wound Dressing for MRSA Infected Battlefield Wounds.

AMENDMENT NO. 271

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Soldier Situational Awareness Wristband.

AMENDMENT NO. 272

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Solid Oxide Fuel Cell Powered Tactical Charger.

AMENDMENT NO. 273

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Solid State Process of Titanium Alloys for Advanced Material Armaments.

AMENDMENT NO. 274

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Specialized Compact Automated Mechanical Clearance Platform.

AMENDMENT NO. 275

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Standard Ground Station—Enhancement Program.

AMENDMENT NO. 276

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Superlattice Semiconductors for Mobile SS Lighting and Solar Power Applications.

AMENDMENT NO. 277

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Surveillance Augmentation Vehicle.

AMENDMENT NO. 278

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical Cogeneration System.

AMENDMENT NO. 279

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical Metal Fabrication System (TacFab).

AMENDMENT NO. 280

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Tamper Proof Organic Packaging as Applied to Remote Armament Systems.

AMENDMENT NO. 281

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Technologies for Military Equipment Replenishment.

AMENDMENT NO. 282

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Telepharmacy Robotic Medicine Device Unit.

AMENDMENT NO. 283

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Testing of Microneedle Device for Multiple Applications.

AMENDMENT NO. 284

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tire to Track Transformer System for Light Vehicles.

AMENDMENT NO. 285

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Treatment of Battlefield Spinal Cord and Burn Injuries.

AMENDMENT NO. 286

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Tungsten

Heavy Alloy Penetrator and Warhead Development.

AMENDMENT NO. 287

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UH–60 Transmission/Gearbox Galvanic Corrosion Reduction.

AMENDMENT NO. 288

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ultra Light Metallic Armor.

AMENDMENT NO. 289

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ultra Light Weight Transmissions.

AMENDMENT NO. 290

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Universal Control.

AMENDMENT NO. 291

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Unmanned Robotic System Utilizing a Hydrocarbon Fueled Solid Oxide Fuel Cell System.

AMENDMENT NO. 292

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Vanadium Safety Readiness.

AMENDMENT NO. 293

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Video Compression Technology.

AMENDMENT NO. 294

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Voice Recognition and Cross Platform Speech Interface Upgrades.

AMENDMENT NO. 295

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for VTOL Man-Rated UAV and UGV for Medical Multi-Missions and CASEVAC.

AMENDMENT NO. 296

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Waterside Wide Area Tactical Coverage and Homing.

AMENDMENT NO. 297

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Wireless HUMS for Condition Based Maintenance of Army Helicopters.

AMENDMENT NO. 298

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Wireless Medical Monitoring System.

AMENDMENT NO. 299

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for 3D Bias Woven Perform Development.

AMENDMENT NO. 300

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Propulsion Non-Tactical Vehicle.

AMENDMENT NO. 301

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Elecromagnetic Location of IEDs Defeat System.

AMENDMENT NO. 302

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Deformable Mirrors for High Energy Laser Weapons.

AMENDMENT NO. 303

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Electronic Components for Sensor Arrays.

AMENDMENT NO. 304

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Lithium Battery Scale-up and Manufacturing.

AMENDMENT NO. 305

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Modular Avionics for Operationally Responsive Satellite Use.

AMENDMENT NO. 306

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Vehicle Propulsion Center.

AMENDMENT NO. 307

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for ALC Logistics Integration Environment.

AMENDMENT NO. 308

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Algae-Derived Jet Fuel for Air Force Applications.

AMENDMENT NO. 309

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AT–6B Demonstration for ANG.

AMENDMENT NO. 310

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for B–1 AESA Radar Operational Utility Evaluation.

AMENDMENT NO. 311

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for B–52 Tactical Data Link Capability.

AMENDMENT NO. 312

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ballistic Missile Technology.

AMENDMENT NO. 313

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a BATMAV Program Miniature Digital Data Link.

AMENDMENT NO. 314

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Big Antennas Small Structures Efficient Tactical UAV.

AMENDMENT NO. 315

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Body Armor Improved Ballistic Protection, Research and Development.

AMENDMENT NO. 316

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Command and Control Service Level Management (C2SLM) Program.

AMENDMENT NO. 317

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Corrosion Detection and Visualization Program.

AMENDMENT NO. 318

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for COTS Technology for Space Command and Control.

AMENDMENT NO. 319

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Cyber Attack and Security Environment.

AMENDMENT NO. 320

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Development and Testing of Advanced Hybrid Rockets for Space Applications.

AMENDMENT NO. 321

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Distributed Mission Interoperability Toolkit (DMIT).

AMENDMENT NO. 322

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Domestic Manufacturing of 45nm Electronics.

AMENDMENT NO. 323

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Efficient Utilization of Transmission Hyperspace.

AMENDMENT NO. 324

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Eglin AFB Range Operations Control Center.

AMENDMENT NO. 325

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Transportable Renal Replacement Therapy for Battlefield Applications.

AMENDMENT NO. 326

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for EMI Grid Fabrication Technology.

AMENDMENT NO. 327

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Florida National Guard Total Force Integration.

AMENDMENT NO. 328

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gallium Nitride (GaN) Microelectronics and Materials.

AMENDMENT NO. 329

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for GAPS/AWS Horizontal Integration.

AMENDMENT NO. 330

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the Hawaii Microalgae Biofuel Project.

AMENDMENT NO. 331

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Bandwith, High Energy Storage, Exawatt Laser Glass Development.

AMENDMENT NO. 332

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Energy Li-Ion Technology for Aviation Batteries.

AMENDMENT NO. 333

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High Pressure Pure Air Generator System.

AMENDMENT NO. 334

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hybrid Bearings.

AMENDMENT NO. 335

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hybrid Nanoparticle-based Coolant Technology Development and Manufacturing.

AMENDMENT NO. 336

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Engine Starter/Generator.

AMENDMENT NO. 337

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Propulsion Analysis and Spacecraft Engineering Tools (IPAT/ISET).

AMENDMENT NO. 338

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Large Area, APVT Materials Development for High Power Devices.

AMENDMENT NO. 339

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Laser Peening for Friction Stir Welded Aerospace Structures.

AMENDMENT NO. 340

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.

AMENDMENT NO. 341

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Low-Defect Density Gallium Nitride Materials for High-Performance Electronic Devices.

AMENDMENT NO. 342

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Micromachined Switches for Next Generation Modular Satellites.

AMENDMENT NO. 343

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multilingual Text Mining Platform for Intelligence Analysts.

AMENDMENT NO. 344

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multi-Mode Propulsion Phase IIA; High Performance Green Propellant.

AMENDMENT NO. 345

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Multiple UAS Cooperative Concentrated Observation and Engagement Against a Common Ground Object.

AMENDMENT NO. 346

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Open Source Research Centers.

AMENDMENT NO. 347

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Planar Lightwave Circuit Development for High Power Military Laser Applications.

AMENDMENT NO. 348

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Predator C.

AMENDMENT NO. 349

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Production of Nanocomposites for Aerospace Applications.

AMENDMENT NO. 350

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reconfigurable Secure Computing.

AMENDMENT NO. 351

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Rivet Joint Services Oriented Architecture.

AMENDMENT NO. 352

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Senior Scout Communications Intelligence (COMINT) Capability Upgrade.

AMENDMENT NO. 353

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Small Turbofan Versatile Affordable Advanced Turbine Engine Program.

AMENDMENT NO. 354

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Technical Order Modernization Environment.

AMENDMENT NO. 355

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Watchkeeper.

AMENDMENT NO. 356

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Wavelength Agile Spectral Harmonic Oxygen Sensor and Cell-Level Battery Controller.

AMENDMENT NO. 357

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Wire Integrity Technology.

AMENDMENT NO. 358

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Battery Technology.

AMENDMENT NO. 359

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Decision Support System.

AMENDMENT NO. 360

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Development of Antiviral Prophylactics and Therapeutics.

AMENDMENT NO. 361

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Technologies Sensors and Payloads/Unattended SIGINT Node.

AMENDMENT NO. 362

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AELED IED/WMD Electronic Signature Detection.

AMENDMENT NO. 363

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Affordable Miniature FOPEN Radar Special operations Craft—Riverine (SOC–R).

AMENDMENT NO. 364

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Affordable Robust Mid-Sized Unmanned Ground Vehicle.

AMENDMENT NO. 365

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the AESA Technology Insertion Program.

AMENDMENT NO. 366

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous Control and Video Sensing for Robots.

AMENDMENT NO. 367

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous Machine Vision for Mapping and Investigation of Remote Sites.

AMENDMENT NO. 368

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Battle-Proven Packbot.

AMENDMENT NO. 369

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Biometric Optical Surveillance System.

AMENDMENT NO. 370

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Botulinum Neurotoxin Research.

AMENDMENT NO. 371

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Botulinum Toxin Treatment Therapy.

AMENDMENT NO. 372

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Broad Spectrum Therapeutic Countermeasure to OP Nerve Agents.

AMENDMENT NO. 373

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for California Enhanced Defense Small Manufacturing Suppliers Program.

AMENDMENT NO. 374

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Carbon Nanotube Thin Film Near Infrared Detector.

AMENDMENT NO. 375

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Chemical and Biological Resistance Clothing.

AMENDMENT NO. 376

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Chemical and Biological Threat Reduction Coating.

AMENDMENT NO. 377

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Copper-Base Casting Technology Applications.

AMENDMENT NO. 378

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Corrosion Resistant Ultrahigh-Strength Steel for Landing Gear.

AMENDMENT NO. 379

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Covert Waveform for Software Defined Radios.

AMENDMENT NO. 380

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Distributed Network Swtiching and Security.

AMENDMENT NO. 381

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for DLA VetBiz Initiative for National Sustainment.

AMENDMENT NO. 382

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for End to End Semi Fab Alpha Tool.

AMENDMENT NO. 383

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhancement of Geo-location Systems.

AMENDMENT NO. 384

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Environmentally Friendly Nanometal Electroplating Processes for Cadmium and Chromium Replacement.

AMENDMENT NO. 385

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Facility Security Using Tactical Surveys.

AMENDMENT NO. 386

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Flashlight Soldier-to-Soldier Combat Identification System.

AMENDMENT NO. 387

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a GMTI Radar for Class II UAVs.

AMENDMENT NO. 388

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hand-held, Lethal Small Unmanned Aircraft System.

AMENDMENT NO. 389

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gulf Range Mobile Instrumentation Capability.

AMENDMENT NO. 390

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hand-Held Apparatus for Mobile Mapping and Expedited Reporting.

AMENDMENT NO. 391

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for helicopter Cable Warning and Obstacle Avoidance.

AMENDMENT NO. 392

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Accuracy Network Determination System—Intelligent Optical Networks.

AMENDMENT NO. 393

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Speed Optical Interconnects for Next Generation Supercomputing.

AMENDMENT NO. 394

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Power Generating System.

AMENDMENT NO. 395

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for HyperAcute Vaccine Development.

AMENDMENT NO. 396

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Improving Support to the Warfighter.

AMENDMENT NO. 397

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Analysis Environment.

AMENDMENT NO. 398

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Rugged Checkpoint Container.

AMENDMENT NO. 399

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intelligence, Surveillance, and Reconnaissance Global Sensors Architecture (ISR–GSA).

AMENDMENT NO. 400

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Joint Gulf Range Complex Test and Training.

AMENDMENT NO. 401

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Joint Services Aircrew Mask Don/Doff Inflight Upgrade.

AMENDMENT NO. 402

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lifetime Power for Wireless Control Sensors.

AMENDMENT NO. 403

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Cost Stabilized Turret.

AMENDMENT NO. 404

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Material, Design and Fabrication Solutions for Advanced SEAL Delivery System External Structural Components.

AMENDMENT NO. 405

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for MEMS Sensors for Real-Time Sensing of Weaponized Pathogens.

AMENDMENT NO. 406

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Miniature Day Night Sight for Crew Served Weapons.

AMENDMENT NO. 407

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Miniaturized Chemical Detector for Chemical Warfare Protection.

AMENDMENT NO. 408

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mismatch Repair Derived Antibody Medicines to Treat Staphylococcus-derived Bioweapons.

AMENDMENT NO. 409

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Missile Activity and Characteristics—Releasable.

AMENDMENT NO. 410

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Moldable Fabric Armor.

AMENDMENT NO. 411

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mosaic Camera Technology Transition.

AMENDMENT NO. 412

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-target Shipping Container Interrogation System Mobile Continuous Air Monitor.

AMENDMENT NO. 413

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for National Radio Frequency Research, Development and Technology Transfer.

AMENDMENT NO. 414

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Optical Surveillance Equipment.

AMENDMENT NO. 415

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Device for Latent Fingerprint Identification.

AMENDMENT NO. 416

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Portable Rapid Bacterial Warfare Detection Unit.

AMENDMENT NO. 417

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Potent Human Monoclonal Antibodies Against BoNT A, B and E Suited for Mass Production and Treatment of Large Populations.

AMENDMENT NO. 418

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Protective Self-Decontaminating Surfaces.

AMENDMENT NO. 419

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Radio Inter-Operability System.

AMENDMENT NO. 420

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Reduced Cost Supply Readiness.

AMENDMENT NO. 421

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Regenerative Filtration System for CBRN Defense.

AMENDMENT NO. 422

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Remote VBIED Detection and Defeat System.

AMENDMENT NO. 423

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Rigid Aeroshell Variable Bouyancy Air Vehicle.

AMENDMENT NO. 424

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Science, Technology, Engineering and Mathematics (STEM) Initiative.

AMENDMENT NO. 425

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Sea Catcher UAS Launch and Recovery System.

AMENDMENT NO. 426

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Secure, Miniaturized, Hybrid, Free Space, Optical Communications.

AMENDMENT NO. 427

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Self-decontaminating Polymer System for Chemical and Biological Warfare Agents.

AMENDMENT NO. 428

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical, Cargo, and Rotary Wing Aircraft Decon.

AMENDMENT NO. 429

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Thermal Pointer/Illuminator for Force Protection.

AMENDMENT NO. 430

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Total Perimeter Surveillance.

AMENDMENT NO. 431

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for UAV Directed Energy Weapons Systems Payloads.

AMENDMENT NO. 432

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Ultra Low Profile EARS Gunshot Localization System.

AMENDMENT NO. 433

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Under-Vehicle Inspection System.

AMENDMENT NO. 434

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Unified Management Infrastructure System.

AMENDMENT NO. 435

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a United States Special Operations Command—USSOCOM/STAR–TEC Partnership Program.

AMENDMENT NO. 436

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a United States Special Operations Command—SOCRATES High Assurance Platform Program.

AMENDMENT NO. 437

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an X-Band/W-Band Solid State Power Amplifier.

AMENDMENT NO. 438

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a 76mm Swarmbuster Capability.

AMENDMENT NO. 439

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AARGM Counter Air Defense Future Capabilities.

AMENDMENT NO. 440

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Accelerating Fuel Cells Manufacturability.

AMENDMENT NO. 441

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Battery System for Military Avionics Power Systems.

AMENDMENT NO. 442

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Capacity Build 12 and 14.

AMENDMENT NO. 443

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Advanced Composite Manufacturing for Composite High-Speed Boat Design.

AMENDMENT NO. 444

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Fuel Filtration System.

AMENDMENT NO. 445

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Logistics Fuel Reformer for Fuel Cells (Phase II).

AMENDMENT NO. 446

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Advanced Manufacturing for Submarine Bow Domes and Rubber Boats.

AMENDMENT NO. 447

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Aegis Research and Development.

AMENDMENT NO. 448

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Air Readiness/Effectiveness Measurement Program.

AMENDMENT NO. 449

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for AN/SLQ–25D Integration.

AMENDMENT NO. 450

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Arc Fault Circuit Breaker with Arc Location.

AMENDMENT NO. 451

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Automated Missile Tracking.

AMENDMENT NO. 452

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.

AMENDMENT NO. 453

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Autonomous UUV Delivery and Communication System Integration.

AMENDMENT NO. 454

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Bow Lifting Body Project.

AMENDMENT NO. 455

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Common Command and Control System Module.

AMENDMENT NO. 456

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Common Digital Sensor Architecture.

AMENDMENT NO. 457

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Common Safety System Controller.

AMENDMENT NO. 458

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Continuous Active Sonar for Torpedo DCL Systems.

AMENDMENT NO. 459

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Cooperative Engagement Capability.

AMENDMENT NO. 460

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Countermine LIDAR UAV-Based Systems.

AMENDMENT NO. 461

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Electronic Motion Actuation Systems.

AMENDMENT NO. 462

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an EP–3E Requirements Capability Migration Systems Integration Lab.

AMENDMENT NO. 463

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Floating Area Network Littoral Sensor Grid.

AMENDMENT NO. 464

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Flow Path Analysis Tool.

AMENDMENT NO. 465

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Gallium Nitride (GaN) Power Technology.

AMENDMENT NO. 466

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an HBCU Applied Research Incubator.

AMENDMENT NO. 467

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for High Density Power Conversion and Distribution Equipment.

AMENDMENT NO. 468

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High Power Density Motor Drive.

AMENDMENT NO. 469

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Highly Integrated Siloxane Optical Interconnect for Military Avionics.

AMENDMENT NO. 470

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High-Shock 100 Amp Current Limiting Circuit Breaker.

AMENDMENT NO. 471

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a High-Temperature Superconductor Trap Field Magnet Motor.

AMENDMENT NO. 472

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.

AMENDMENT NO. 473

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Image-Based Navigation and Precision Targeting.

AMENDMENT NO. 474

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Improved Kinetic Energy Cargo Round.

AMENDMENT NO. 475

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Infrared Materials Laboratory.

AMENDMENT NO. 476

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Advanced Ship Control.

AMENDMENT NO. 477

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Condition Assessment and Reliability Engineering.

AMENDMENT NO. 478

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Integrated Power System Power Dense Harmonic Filter Design.

AMENDMENT NO. 479

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integrated Psycho-Social Healthcare Demonstration Project.

AMENDMENT NO. 480

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Integration of Advanced Wide Field of View Sensor with Reusable, Reconfigureable Payload Processing Testbed System.

AMENDMENT NO. 481

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Intelligent Retrieval of Imagery.

AMENDMENT NO. 482

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an IP over Power Line Carrier Network Integration with ICAS.

AMENDMENT NO. 483

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Explosive Ordnance Disposal Diver Situational Awareness System.

AMENDMENT NO. 484

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Joint Tactical Radio System Handheld Manpack Small Form Factor Radio System.

AMENDMENT NO. 485

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Kinetic Hydropower System Turbine.

AMENDMENT NO. 486

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Landing Craft Composite Lift Fan.

AMENDMENT NO. 487

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Laser Optimization Remote Lighting System.

AMENDMENT NO. 488

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Laser Phalanx.

AMENDMENT NO. 489

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Composite Structure Development for Aerospace Vehicles.

AMENDMENT NO. 490

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lithium Ion Storage Advancement for Aircraft Applications.

AMENDMENT NO. 491

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Frequency Active Towed Sonar System Organic ASW Capability.

AMENDMENT NO. 492

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Low Signature Defensive Weapon System for Surface Combatant Craft.

AMENDMENT NO. 493

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Maintenance Free Operating Period.

AMENDMENT NO. 494

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Maintenance Planning and Assessment Technology Insertion.

AMENDMENT NO. 495

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Management of Lung Injury by Micronutrients.

AMENDMENT NO. 496

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Marine Corps Cultural and Language Training Platform.

AMENDMENT NO. 497

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Marine Mammal Awareness, Alert and Response Systems.

AMENDMENT NO. 498

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Marine Mammal Detection System.

AMENDMENT NO. 499

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Micro-Drive for Future HVAC Systems.

AMENDMENT NO. 500

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Military Upset Recovery Training.

AMENDMENT NO. 501

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Mobile, Oxygen, Ventilation and External (MOVES) System.

AMENDMENT NO. 502

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Modular Advanced Vision System.

AMENDMENT NO. 503

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Mold-in-Place Coating Development for the U.S. Submarine Fleet.

AMENDMENT NO. 504

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Moving Target Indicator Scout Radar.

AMENDMENT NO. 505

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Multi-Mission Unmanned Surface Vessel.

AMENDMENT NO. 506

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a NAVAIR High Fidelity Oceanographic Library.

AMENDMENT NO. 507

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Navy Advanced Threat Simulator.

AMENDMENT NO. 508

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Electronic Warfare Simulator.

AMENDMENT NO. 509

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Scalable Lean Manufacturing Initiative—Phase Two.

AMENDMENT NO. 510

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Next Generation Shipboard Integrated Power—Fuel Efficiency and Advanced Capability Enhancer.

AMENDMENT NO. 511

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Non Traditional Ballistic Fiber and Fabric Weaving Applications for Force Protection.

AMENDMENT NO. 512

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Open Source Naval and Missile Database Reporting System.

AMENDMENT NO. 513

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Out of Autoclave Composite Processing.

AMENDMENT NO. 514

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Paragon (Frequency Extension).

AMENDMENT NO. 515

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Passive RFID Development.

AMENDMENT NO. 516

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Persistent Autonomous Maritime Surveillance.

AMENDMENT NO. 517

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Persistent Surveillance Wave Powerbuoy System.

AMENDMENT NO. 518

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Photovoltaic Rooftop Systems for Military Housing.

AMENDMENT NO. 519

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Precision Engagement Technologies for Unmanned Systems.

AMENDMENT NO. 520

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Pure Hydrogen Supply from Logistics Fuels.

AMENDMENT NO. 521

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Quiet Drive Advanced Rotary Actuator.

AMENDMENT NO. 522

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Regenerative Fuel Cell Back-up Power.

AMENDMENT NO. 523

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Ship Model Testing.

AMENDMENT NO. 524

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Shipboard Wireless Maintenance Assistant.

AMENDMENT NO. 525

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Shipboard Wireless Network.

AMENDMENT NO. 526

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Silicon Carbide Wafer Production—Process Development for Low Defect Power Electronics.

AMENDMENT NO. 527

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for SSBN(X) Systems Development.

AMENDMENT NO. 528

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Submarine Automated Test and Re-Test.

AMENDMENT NO. 529

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Submarine Fatline Vector Sensor Towed Array.

AMENDMENT NO. 530

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Submarine Navigation Decision Aids.

AMENDMENT NO. 531

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Submarine Panoramic Awareness System.

AMENDMENT NO. 532

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Submarine System Biometrics Access Control.

AMENDMENT NO. 533

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Tactical High Speed Anti-Radiation Missile Propulsion Demonstration.

AMENDMENT NO. 534

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Underwater Explosion Modeling and Simulation for Ohio Class Replacement Composite Non-Pressure Hull Fairing.

AMENDMENT NO. 535

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Underwater Explosion Modeling and Simulation for Voyage Repair Team Tool Management.

AMENDMENT NO. 536

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Wide Area Sensor Force Protection Targeting.

AMENDMENT NO. 537

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Workforce Requirements Planning—Team Enhancement.

AMENDMENT NO. 538

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for X–49A Envelope Expansion Modifications.

AMENDMENT NO. 539

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Battlefield Sensor Netting.

AMENDMENT NO. 540

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Enhanced Small Arms Protective Insert.

AMENDMENT NO. 541

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Near Infrared Optical Augmentation System.

AMENDMENT NO. 542

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Remote Aiming and Sighting Optical Retrofit.

AMENDMENT NO. 543

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for an Intelligent Graphics Torpedo Test Set Troubleshooting Maintainers Aid.

AMENDMENT NO. 544

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Lightweight Torpedo P5U Test Equipment Modernization.

AMENDMENT NO. 545

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Life Support for Trauma and Transport.

AMENDMENT NO. 546

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for environmentally Sealed, Ruggedized Avionics Displays.

AMENDMENT NO. 547

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for RDT&E for the Family of Heavy Tactical Vehicles (FHTV).

AMENDMENT NO. 548

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Hyper Spectral Sensor for Improved Force Protection.

AMENDMENT NO. 549

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Enhanced Driver Situational Awareness.

AMENDMENT NO. 550

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for a Clinical Trial to Investigate Efficacy of Human Skin Substitute.

AMENDMENT NO. 551

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for Army/Joint STARS Surveillance and Control Data Link Technology Refresh.

AMENDMENT NO. 552

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the MacDill Air Force Base Online Technology Program.

AMENDMENT NO. 553

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in this Act shall be available for the following projects:

Account	Project	Amount
AP,N	Crane Integrated Defensive Electronic Countermeasures Depot Capability.	$2,000,000
DPA	Low Cost Military Global Positioning System (GPS) Receiver.	$4,000,000
OM,A	TRANSIM Driver Training.	$3,500,000
OM,AF	Joint Aircrew Combined System Tester (JCAST).	$2,000,000
OM,ARNG	Multi-Jurisdictional Counter-Drug Task Force Training.	$3,500,000
OM,N	Enhanced Navy Shore Readiness Integration.	$5,000,000
OP,A	Ft. Bragg Range 74 Combined Arms Collective Training Facility.	$1,000,000
OP,A	Laser Marksmanship Training System.	$2,000,000
OP,A	Machine Gun Training System for the Pennsylvania National Guard.	$3,000,000
OP,A	Multi-Temperature Refrigerated Container System.	$3,500,000
OP,A	Radio Personality Modules for SINCGARS Test Sets.	$3,000,000
P,MC	Portable Military Radio Communications Test Set.	$1,500,000
PANMC	Enhanced Laser Guided Training Round.	$4,500,000
RDTE,A	Advanced Composite Armor for Force Protection.	$2,000,000
RDTE,A	Advanced Composite Research for Vehicles.	$5,000,000
RDTE,A	AN/ALQ 211 Networked EW Controller.	$1,000,000
RDTE,A	Army Vehicle Condition Based Maintenance.	$5,000,000
RDTE,A	Defense Support for Civil Authorities for Key Resource Protection.	$1,000,000
RDTE,A	Dermal Matrix Research.	$2,000,000
RDTE,A	Effects Based Operations Decision Support Services.	$2,000,000
RDTE,A	Eye-Safe Standoff Fusion Detection of CBE Threats.	$2,500,000
RDTE,A	Fire Shield	$4,000,000
RDTE,A	Fully Burdened Cost of Fuel and Alternative Energy Methodology and Conceptual Model.	$3,500,000
RDTE,A	Heavy Fuel Engine Family for Unmanned Systems.	$4,000,000
RDTE,A	Highlander Electro-Optical Sensors.	$2,000,000
RDTE,A	Hostile Fire Indicator for Aircraft.	$2,000,000
RDTE,A	Javelin Warhead Improvement Program.	$5,000,000
RDTE,A	Joint Precision AirDrop Systems-Wind Profiling Portable Radar.	$2,300,000
RDTE,A	Lightweight Metal Alloy Foam for Armor.	$4,000,000
RDTE,A	Mobile Integrated Diagnostic and Data Analysis.	$2,000,000
RDTE,A	Nanotechnology for Potable Water and Waste Treatment.	$2,000,000
RDTE,A	Rapid Response Force Projection Systems.	$2,000,000
RDTE,A	Reduced Manning Situational Awareness.	$5,000,000
RDTE,A	Remote Bio-Medical Detector.	$3,500,000
RDTE,A	Universal Control.	$2,500,000
RDTE,AF	Advanced Modular Avionics for Operationally Responsive Satellite Use.	$3,100,000
RDTE,AF	Cyber Attack and Security Environment.	$4,000,000

Account	Project	Amount
RDTE,AF	Demonstration and Validation of Renewable Energy Technology.	$1,000,000
RDTE,AF	Long-Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.	$5,000,000
RDTE,AF	Rivet Joint Services Oriented Architecture.	$2,500,000
RDTE,AF	Senior Scout Communications Intelligence (COMINT) Capability Upgrade.	$3,000,000
RDTE,DW	Gulf Range Mobile Instrumentation Capability.	$3,000,000
RDTE,DW	Hand-held, Lethal Small Unmanned Aircraft System.	$1,000,000
RDTE,DW	Low Cost Stabilized Turret.	$1,000,000
RDTE,DW	Mosaic Camera Technology Transition.	$2,000,000
RDTE,DW	Ultra Low Profile EARS Gunshot Localization System.	$1,500,000
RDTE,DW	United States Special Operations Command—USSOCOM / STAR–TEC Partnership Program.	$2,000,000
RDTE,N	76mm Swarmbuster Capability.	$2,000,000
RDTE,N	Advanced Battery System for Military Avionics Power Systems.	$2,000,000
RDTE,N	Advanced Capability Build 12 and 14.	$2,000,000
RDTE,N	Advanced Composite Manufacturing for Composite High-Speed Boat Design.	$2,000,000
RDTE,N	Advanced Manufacturing for Submarine Bow Domes and Rubber Boots.	$2,000,000
RDTE,N	Air Readiness/ Effectiveness Measurement Program.	$2,000,000
RDTE,N	AN/SLQ–25D Integration.	$8,000,000
RDTE,N	Autonomous Anti-Submarine Warfare Vertical Beam Array Sonar.	$2,000,000
RDTE,N	Common Command and Control System Module.	$4,000,000
RDTE,N	EP–3E Requirements Capability Migration Systems Integration Lab.	$6,250,000
RDTE,N	High Density Power Conversion and Distribution Equipment.	$1,500,000
RDTE,N	Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants.	$2,000,000
RDTE,N	Integrated Advanced Ship Control.	$1,500,000
RDTE,N	Integrated Condition Assessment and Reliability Engineering.	$1,000,000
RDTE,N	Joint Explosive Ordnance Disposal Diver Situational Awareness System.	$2,000,000
RDTE,N	Joint Tactical Radio System Handheld Manpack Small Form Factor Radio System.	$4,500,000
RDTE,N	Management of Lung Injury by Micronutrients.	$1,500,000
RDTE,N	Micro-Drive for Future HVAC Systems.	$600,000
RDTE,N	Military Upset Recovery Training.	$1,000,000
RDTE,N	Modular Advanced Vision System.	$2,000,000
RDTE,N	Navy Advanced Threat Simulator.	$2,000,000
RDTE,N	Next Generation Electronic Warfare Simulator.	$2,000,000
RDTE,N	Paragon (Frequency Extension).	$3,000,000
RDTE,N	Persistent Surveillance Wave Powerbuoy System.	$2,000,000
RDTE,N	Submarine Fatline Vector Sensor Towed Array.	$2,000,000
RDTE,N	Submarine Navigation Decision Aids.	$5,000,000
RDTE,N	Wide Area Sensor Force Protection Targeting.	$2,000,000
RDTE,N(MC)	Global Supply Chain Management.	$1,000,000

The Acting CHAIR. Pursuant to House Resolution 685, 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 chairman.

As my colleagues are aware, I submitted 553 amendments to the Rules Committee, each seeking to strike an earmark that was listed by the sponsoring Member as going to a private for-profit earmark—553 amendments. Nearly half of these—I'm sorry. There are 1,102 earmarks representing $2.7 billion. This is not chump change. This is a lot of money going out the door. I'm sorry. I said 553. 552 are listed as going to for-profit companies. If a dollar amount is attached to these earmarks, it's $1.3 billion, comprising nearly half of the earmarked dollars in the bill. I simply do not believe, and I think the country agrees, that we should be doing no-bid contracts for private companies.

As much as the Members on the other side of the aisle, and this side aisle, as much of the members of the Appropriations Subcommittee will say that these are going to be competed out, we know that they won't be.

We had testimony from the Comptroller General's office in the Government Reform Committee. He said there is no automated database that provides insight into the extent of competition achieved on congressional earmarks. I have been trying for literally months to get some insight into this process. And we were told, as I mentioned, we were told we do compete these out, but then when I asked them to do a random sample of earmarks in a prior bill, they came back and confessed that with uncanny precision, these earmarks find their way to the intended recipients.

This process will not change because language has been submitted in this bill just saying they must now be competed. If the Members really believe that statement, then they would agree that if the Senate nullifies that language, that they would strike these no-bid contracts and say that the Defense Department should simply make them all open to competition.

□ 1230

But we know that they're not going to do that because the Members here know the Senate is not going to agree to that language. Even if they did, the Defense Department confesses here: There is no way to really track these,

but with uncanny precision, even though they've had a process that they claim subjects these earmarks to open competition, they aren't subjected to open competition. They know that unless they follow the guidelines in these conference reports that they may not get funding next year.

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Washington.

Mr. DICKS. If, in fact, we do wind up competing these projects, which is the intent of our committee, wouldn't the gentleman say that that is a major step forward in correcting his concern, if they were, in fact, competed?

Mr. FLAKE. If they were, in fact, competed, we wouldn't need to earmark them. That's the point. An earmark is a way around competition. We've seen it in other appropriations bills, and it's no different here in defense. You earmark dollars because you want that company, either in your district or out, to be sure to receive that funding. That's why in the certification letters the Members say, This earmark is to go to this recipient at this address.

Mr. DICKS. Will the gentleman yield on that point?

Mr. FLAKE. I yield to the gentleman.

Mr. DICKS. Because, again, the gentleman may not understand the process. It is because that is the company that has made the request of the Member of Congress. The Member of Congress now realizes that it is going to be competed, that it isn't going to necessarily go to that company. I think that is a good reform. I supported it in the Appropriations Committee.

Also, by the way, for the gentleman's knowledge, all of these earmarks, every single earmark, was vetted with the Department of Defense before the committee staff and Members considered those amendments. They were looked at by the Department of Defense.

Mr. FLAKE. Reclaiming my time, I would submit that if it's going to be subjected to competition, there is no reason to name the recipient organization that's to get the earmark.

Mr. DICKS. They're the ones that made the request.

Mr. FLAKE. Excuse me. I have very limited time.

The Acting CHAIR. The gentleman from Arizona controls the time.

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

The Acting CHAIR. The gentleman from Arizona has 45 seconds remaining.

Mr. FLAKE. As I mentioned, I have very little time. I will say that if we believe in that language, then we would agree that if the Senate nullifies it, then we would take out these no-bid contracts. Would the gentleman agree to that?

Mr. DICKS. I think we ought to fight for that language in conference to do the very best we can to prevail and to keep that language.

Mr. FLAKE. I would submit that the gentleman knows full well that the Senate will not retain that language, that that bill will come back to the House without that language, and that we, unless we take a stand here—and we can with this amendment—and simply strike funding for those, if these companies are great—some of them are, I'm sure—then they'll win these contracts. If they're not, they won't. But the Member won't be earmarking and saying, This money needs to go to this company at this address. That is a no-bid contract. That's what the Member is seeking; and that, unfortunately, is what happens when it gets to the Defense Department.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I know that the gentleman from Arizona, who is my friend, listened to the comments that I made when I read from the bill earlier and when others have read from the bill. But I don't think he heard. He listened, but he didn't hear. The intent of this legislation is that any money provided here will be competitively bid.

Now I've gone to the Senate in conference many, many times and have returned so frustrated many, many times. I don't know what the Senate will do on this language or anything else in this bill. But I know if I were a Senator and I was being accused on the floor today, I would be really offended by the fact that he is suggesting that the Senate doesn't want competition. I am not prepared to say that. I think the Senators believe in competition, just like the House.

Mr. FLAKE. Will the gentleman yield?

Mr. YOUNG of Florida. No, I won't. If I have the time, I might; but right now I don't have time.

As we participate in this debate, anyone listening might think that Congress is all a bunch of crooks and that American free enterprise is sneaking in the back door to make money and that the Congress and the Department of Defense are at odds all the time. Well, that's not true. Congress is full of good people. The Defense Department secures our Nation. But they don't have all of the knowledge, and they don't have all of the wisdom. Neither does the administration, neither does the Congress. That's why we work together. I think that's one reason that the drafters of the Constitution included article I, section 9 to say how appropriations should be handled. Now maybe you don't like the way the appropriations are handled. People can make that decision in the House every 2 years. Article I, section 9 says very simply, ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.'' Now what that means is, Congress appropriates the people's money. The Constitution—read it thoroughly—does not say that Congress can only appropriate money requested by the administration. It does say that the administration can only spend money that has been appropriated by the Congress. Now if you don't like that, offer a constitutional amendment. Amend the Constitution. But somebody's got to be responsible, and the Constitution makes Congress responsible.

I said that the Pentagon is not the fountain of all knowledge. I will give you a couple of examples of where Congress has insisted, over objection on the part of the Pentagon, for certain types of appropriations. With the leadership of Jerry Lewis who was the chairman of the subcommittee at the time, this subcommittee and the Congress insisted that we buy, produce and deploy unmanned aerial vehicles. We call it the Predator; and next to the American soldier on the ground, al Qaeda fears that Predator more than any other weapon that we have. The Pentagon didn't want it. It was not in any budget request. Congress insisted, and it has become one of the most effective weapons that we have in the war against terror in Iraq and in Afghanistan.

Then on another side of it—not taking out the enemy but saving our own people—without any support from the administration, Congress created something we refer to as the Bone Marrow Transplant Program. It is a lifesaving program that has saved the lives of thousands of people. The administration didn't like it. They just thought we were wasting our time trying to do it, but we did it anyway. They told us we would never develop probably, maybe 50,000 people willing to donate their bone marrow to save the life of another human being, but we prevailed. Today there are over 7 million people in the registry that we created with an earmark that are saving lives every day not only in America but in many countries around the world. We have relationships with 13 other countries where we exchange patients and exchange bone marrow over the oceans to save people's lives, to give them a chance for life. That was a congressional earmark.

The Acting CHAIR. All time has expired.

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

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

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

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

It is now in order to consider amendments printed in part C of House Report 111–233.

PART C AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I have at the desk Campbell amendment No. 1.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 1 offered by Mr. CAMPBELL:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in title II under the heading ''Operation and Maintenance, Marine Corps'' shall be available for the MGPTS Type III or Rapid Deployable Shelter project, and the amount otherwise provided under such heading is hereby reduced by $3,000,000.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, this amendment would strike the $3 million earmark for the Rapid Deployable Shelter project, which money would go to Johnson Outdoors Inc. Mr. Chairman, during the debate on the previous earmark, there's been a lot of discussion on all the previous earmarks about how the earmarks say that they are to be competitively bid. I guess the question that I would have is: If, in fact, the earmarks are to be competitively bid, why did the author/sponsor of this earmark send in his certification letter to the ranking member and the chairman of the Appropriations Committee to say, ''The entity to receive funding for this project is Johnson Outdoors Inc., 625 Conklin Road, Binghamton, New York, 13903.''

So I would ask the question of the sponsor: If these are to be competitively bid, how do you reconcile that with the statement that ''the entity to receive funding for this project is''?

Mr. DICKS. Will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Washington.

Mr. DICKS. I think it's a very simple answer. It's the company that made the request. But that doesn't mean that when there is a competition that this funding is going to necessarily go to that company. But if you want the people to certify that they don't have a financial interest, you've got to put down the name of the company that made the request.

Mr. CAMPBELL. If I can reclaim my time, and I understand—the gentleman from Washington and I have discussed this. Frankly, some day I hope—maybe after this, which is the last appropriations bill—we can sit down and see if we can figure something out here. Because this says, ''The entity to receive the funding for the project is.'' If that's not dispositive, I don't know what is.

Mr. DICKS. We might want to change that language to ''will compete for the project.''

Mr. CAMPBELL. Well, then, don't list the entity. If somebody requested the money, and the expectation is that they're going to get it, then where is the competitive bidding? Shouldn't we just simply say, Here is a project. Here is what it is. There is no name. There is no indication. Let whoever wants to bid for this thing compete for it, and require that there be a minimum of three bidders or the earmark doesn't go out. Because sometimes these things are written to a specific product that perhaps only one company makes.

I understand the gentleman from Washington's point on this, but I hope you understand mine. Mr. Chairman, this is a stain on this House. I don't want to be doing this. We've all got better things to do. There happens to be a recession going on. There are a lot of people out of work. There happens to be a big and legitimate debate about how health care should go forward in this country. We have a lot of things to do. But this has been a stain on this House, these earmarks, particularly the ones on private companies. I don't do any earmarks; and arguably, if I were king, I don't think we should do any in this House at all. I understand the legitimate argument for them, but I absolutely reject any thought or idea that earmarks that go to private entities like this, with a direction to a private entity, are anything but a stain in this House.

Mr. Chairman, there are former Members of this body in jail today because of earmarks to private entities. I wish I could say that there will never be any more, but I don't know that. But the way we won't have any more is if we stop this practice, and we don't do this sort of thing again in the future. This really is about this House and the integrity of this House and the view of the integrity of this House to the outside world, to our constituents, and to the people of the United States.

I would ask a couple of more questions. I am almost out of time. But did the company submit for defense procurement and was turned down, is that why you have this earmark? How did you determine the price, that $3 million is the right price? And will you, as other Members have, commit that you have not received and will not accept campaign contributions from company executives, employees, shareholders or lobbyists on this entity? Other Members on this floor have made that commitment.

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

Mr. HINCHEY. Mr. Chairman, I oppose the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. HINCHEY. Mr. Chairman, I just want to make it clear that we're dealing with a situation here which is critically important to military personnel both here in the United States and in many places around the world.

□ 1245

I'm sure that the sponsor of this amendment doesn't realize what it's like not to have a roof over your head, but if you're in the military and you're stationed out in places that are difficult and hazardous to deal with, it's important to have these tents.

The particular entity with which we are focusing attention on in this particular earmark to provide these tents is a company that has done so over and over again in the context of bidding—and bidding successfully—for it. The Army and Marine Corps, just as an example, currently have unmet needs for shelters, and those unmet needs are growing.

This year, the tent and shelter industry was informed by the Marine Corps—just by the Marine Corps—of a need of 9,000 tents. Unfortunately, those real priorities are not resulting in production orders. And the main reason they're not resulting in production orders is due to the way in which the Department of Defense has focused on other things and not dealing with this particular aspect of the needs of military personnel in a number of places, here and in a lot of other places which are dangerous around the world, Iraq, Afghanistan, places like that, for example. So without this stop-gap funding for these shelter programs, our troops could literally be without that roof over their head.

The Defense Logistics Agency had stated that the tent and shelter industry is a critical part of the U.S. defense industrial base, and they did that in the context of a report to the Congress. So supporting this amendment by Mr. CAMPBELL will leave the United States military with a smaller, less competitive, and potentially foreign source of this essential material which is needed by our military personnel.

You're dealing with something that is fundamentally essentially important. And in the context of this particular situation, if we didn't deal with it in this particular way, perhaps these manufacturing operations would come from places outside the United States. There are a lot of people here, apparently, who are opposed to many of the things that we're doing, who are not opposed to having manufacturing activities in other parts of the world and not here.

So this is what we are intending to do, to make sure that the military gets the security, the safety that they need and, at the same time, to ensure in every way that we can that the manufacturing process is done here in the United States so that these jobs are going to be an important part of our dealing with this economic recession, which was put forward over the course of the previous 8 years and is now something that we are dealing with effectively.

So if you're opposed to this earmark, it really doesn't make any sense. If you're opposed to the amendment, that makes perfect sense. And that is exactly what we're doing, for all of the

good reasons that I have stipulated, and that's why this amendment should remain as an important part of this absolutely essential piece of legislation.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

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

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

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

PART C AMENDMENT NO. 8 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I have amendment No. 8 at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 8 offered by Mr. CAMPBELL:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds provided in title IV under the heading ''Research, Development, Test and Evaluation, Army'' shall be available for the Model for Green Laboratories and Clean Rooms project, and the amount otherwise provided under such heading is hereby reduced by $1,500,000.

The Acting CHAIR. Pursuant to House Resolution 685, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, first, before I discuss this amendment, I would like to make a comment relative to the gentleman from New York's defense of his earmark before.

If, in fact, these shelters are necessary—and I'm not going to dispute that point with the gentleman, they may in fact be—then why do we not have a designation that the Defense Department shall procure 9,000, 90,000, whatever it is, items of shelter, and they should procure them from a U.S.-based source, and they should do it under competitive bidding and get at least three bids and pick that which is deemed to be the highest quality and the lowest cost? Wouldn't that be an appropriate way to do this?

And that's what I am saying, and I think the gentleman from Arizona before me is saying. We are not here—and certainly I am not here—to say that it is not Congress' right to appropriate funds. It is, in fact, the right, as you have all pointed out, as enumerated in the Constitution. However, there is a right way to do that and there is a wrong way to do that. And with these 552 no-bid, going-to-private-companies earmarks, amounting to $1.3 billion, which if the 18 minutes of debate in committee were spent entirely on the earmarks means that each earmark received 2 seconds of debate, this is not the proper way to do it.

This particular earmark, Mr. Chairman, would strike $1.5 million designated for the Green Laboratories and Clean Rooms project and would reduce the overall funding of the bill by an equivalent amount, and this money is intended to go to Amethyst Technologies. And again, as we have discussed, if this is competitively bid, why does the sponsor's letter, which I have here, of certification of this earmark say, and I quote, ''The contact name and address is Ms. Kimberly Brown, President, Amethyst Technologies, 1450 South Rolling Road, Suite 2041, Baltimore, Maryland, 21227?''

Mr. Chairman, again I would ask—and I don't think I see the author of the earmark—but let me ask someone over there, whoever is going to deal with this, why, again, is only one company listed if it is to be competitively bid?

If there is no response to that, then I guess I would ask, did this company submit this to the Defense Department for procurement? Did this company even try to go to the Defense Department and make their case with those in the military whose job it is to determine what is best for the military?

Mr. TAYLOR. Would the gentleman yield?

Mr. CAMPBELL. I will yield, yes.

Mr. TAYLOR. I want to thank the gentleman. You ask a great question. The reason is, in the 6 years that he was Secretary of Defense, Don Rumsfeld decimated the defense acquisition community, fired tens of thousands of people who would have drawn those drafts and would have put it out for bid. We are trying to reconstitute that community right now.

Mr. CAMPBELL. Reclaiming my time, Donald Rumsfeld is no longer Secretary of Defense, has not been for some time, and there is a different President. We are dealing with appropriations for a fiscal year that begins later this year and goes into 2010.

Look, if you think this is necessary, just don't say it's for this company, that it's $1.5 million. Because another question I would have is, how do you determine the $1.5 million is the right price? What are you getting for $1.5 million, and how do you know you couldn't get the same thing somewhere else for half that?

And I will yield.

Mr. TAYLOR. You are exactly right. Because of the lack of trained professionals, there really isn't anyone in the DOD anymore who can say what something should cost. You don't learn that overnight. Now, we are trying to restore that——

Mr. CAMPBELL. Just reclaiming my time, I'm happy to exchange, but if there's nobody, then isn't that something the Armed Services Committee should be dealing with?

And I would yield.

Mr. TAYLOR. And we are dealing with it.

The other part is, on those major programs, starting with the big ones, whenever we buy something here going forward, we are demanding that when we buy something, we own the technical data package, that from now on we will own the specifications so that——

Mr. CAMPBELL. Reclaiming my time——

Mr. TAYLOR. If we think the contractor is not being fair with us, we can put it out for bid for someone else.

Mr. CAMPBELL. Reclaiming my time, could I inquire as to how much time I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. CAMPBELL. I am going to reserve the balance of my time, and I would ask that the gentleman please continue his argument on his time.

Mr. MURTHA. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MURTHA. I reserve my time.

Mr. CAMPBELL. Mr. Chairman, one other question, one that didn't get answered on the last earmark, and I will ask it again on this particular earmark. I understand the sponsor is not here, but will the sponsor commit, as other people have done on this floor, that he has not received and will not accept campaign contributions from the company, its executives, its stockholders, employees, or lobbyists, or other people who can benefit directly from the earmark? Because, Mr. Chairman, if people won't do that, then as the gentleman from Arizona and others have suggested, that is where, perhaps, we can get in deeper trouble on these sorts of things in the future.

Mr. Chairman, I ask for an ''aye'' vote.

I yield back the balance of my time.

Mr. MURTHA. Mr. Chairman, let me read the policy of the committee. The full committee just brought me the policy which answers the gentleman's question.

Under the policies adopted by the great Appropriations Committee, ''The use of Member earmarks awarded to for-profit entities as a functional equivalent of no-bid contracts is ended.

''In cases where the committee funds an earmark designated for a for-profit entity, the committee includes legislative language requiring the executive branch to nonetheless issue a request for proposal that gives other entities an opportunity to apply and requires the agency to evaluate all bids received and make a decision based on merit. The legislative language included in the bills requires 'full and open competition.'

''This gives the original designee an opportunity to be brought to the attention of the agency, but with the possibility that an alternative entity may be selected.''

Now, let me read to the gentleman, Mr. Chairman: ''With respect to the list of specific programs, projects and activities contained in the tables entitled 'Explanation of Project Level Adjustments' in the Report of the Committee on Appropriations of the House of Representatives, those which are considered congressional earmarks for purposes of Rule XXI''—this is on page 113 of the bill—''when awarded to a for-profit entity, shall be awarded under full and open competition.''

In this particular case, they strike $1.5 million from hospital maintenance and so forth. Nobody, there is no committee in the Congress—the authorizing committees work on different things. We work on making sure that the medical facilities are clean, making sure that they are taken care of. And Mr. BISHOP offers an amendment which wants to make sure that the funding would provide for development, renovation, maintenance, to test the environmental sustainable laboratories, hospitals, and clean rooms for drug development.

I ask for a ''no'' vote.

I yield to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. Again, I would remind the gentleman; the gentleman makes the point that we have had a new administration for 6 months. Don Rumsfeld, the guy who said he knew the Iraqis had weapons of mass destruction and he knew they were going to use them, decimated the acquisition force.

Unless you own the specs, you can't put it out for competition. We are in the process, in the Armed Services Committee, of getting the specifications of everything we buy from here on out—something Rumsfeld never did—so that we can have the kind of competition that the gentleman seeks. We are in the process of doing so, starting with the Littoral Combat Ship.

If the gentleman has a question, I would be more than happy to answer it.

Mr. CAMPBELL. Would the gentleman yield?

Mr. TAYLOR. Sure.

Mr. CAMPBELL. Does the gentleman see a problem with doing these in the future without a company name?

Mr. TAYLOR. Again, there will be times when someone who has invented something comes to Congress and says, I have something that is bigger, faster, smaller, faster—whatever the deal is. And if that person says, and by the way, I own the unique rights to this, do you want to buy it from me or not? That first time it makes sense for the Nation to buy it. It also makes sense for the Nation to say, from here on out, when we buy your product, we are buying the specifications with it so we can get it from somebody else in the future.

Mr. CAMPBELL. Will the gentleman yield?

Mr. TAYLOR. Sure.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time and ask for a ''no'' vote.

The Acting CHAIR. The gentleman from Pennsylvania controls the time and he has yielded back his time.

The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

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

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

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–233 on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part A by Mr. MURTHA of Pennsylvania.

Amendment No. 3 printed in part A by Mr. FLAKE of Arizona.

Amendment No. 5 printed in part A by Mr. TIERNEY of Massachusetts.

Amendment No. 1 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 258 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 389 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 432 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 439 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 449 printed in part B by Mr. FLAKE of Arizona.

Amendment No. 553 printed in part B by Mr. FLAKE of Arizona.

Amendments en bloc by Mr. FLAKE of Arizona.

Amendment No. 1 printed in part C by Mr. CAMPBELL of California.

Amendment No. 8 printed in part C by Mr. CAMPBELL of California.

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

□ 1300

PART A AMENDMENT NO. 1 OFFERED BY MR. MURTHA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 165, not voting 5, as follows:

[Roll No. 661]

AYES—269

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp
Campbell
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
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Filner
Flake
Foster
Frank (MA)
Fudge
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

NOES—165

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett

Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Velázquez
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—5

Fattah
Hall (NY)
McCarthy (NY)
Norton
Schwartz

□ 1324

Ms. LEE of California, Ms. KOSMAS and Messrs. GOHMERT and KUCINICH changed their vote from ''aye'' to ''no.''

Ms. EDWARDS of Maryland and Mr. ROHRABACHER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHWARTZ. Mr. Chair, on rollcall No. 661, had I been present, I would have voted "yea."

Ms. NORTON. Mr. Chair, on rollcall No. 661, had I been present, I would have voted "aye."

Stated against:

Mr. TURNER. Mr. Chair, on rollcall No. 661, inadvertently voted "aye", intending to vote "no."

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. JACKSON of Illinois. Mr. Chairman, are these 2-minute votes or 5-minute votes, the series?

The Acting CHAIR. The remaining votes in this series are 2-minute votes.

PART A AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The Acting 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 48, noes 373, not voting 18, as follows:

[Roll No. 662]

AYES—48

Bachmann
Bachus
Barrett (SC)
Bartlett
Boustany
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Coble
Cooper
Deal (GA)
Duncan
Flake
Foster
Foxx
Garrett (NJ)
Halvorson
Hensarling
Herger
Inglis
Jenkins
Kind
Kline (MN)
Lamborn
Linder
Lummis
Marchant
McClintock
McHenry
Miller (FL)
Minnick
Moran (KS)
Myrick
Paul
Petri
Pitts
Price (GA)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Stark
Westmoreland
Wilson (SC)

NOES—373

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
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
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
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
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
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
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
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
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Berkley
Bishop (GA)
Broun (GA)
Gohmert
Hall (NY)
Hinchey
Israel
Kingston
Lipinski
Lowey
McCarthy (NY)
McDermott
Mollohan
Murphy, Tim
Olver
Pence
Shadegg
Smith (NE)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1328

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TIM MURPHY of Pennsylvania. Mr. Chair, on rollcall No. 662 I was unavoidably

detained. Had I been present, I would have voted "no."

Mr. SMITH of Nebraska. Mr. Chair, on rollcall No. 662 I was unavoidably detained. Had I been present, I would have voted "no."

PART A AMENDMENT NO. 5 OFFERED BY MR. TIERNEY

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 124, noes 307, not voting 8, as follows:

[Roll No. 663]

AYES—124

Arcuri
Baldwin
Berman
Biggert
Bishop (NY)
Blumenauer
Bordallo
Boswell
Braley (IA)
Bright
Brown-Waite, Ginny
Capps
Capuano
Carnahan
Castle
Castor (FL)
Chu
Coble
Crowley
Davis (CA)
DeFazio
Delahunt
Doggett
Duncan
Edwards (MD)
Ehlers
Ellsworth
Eshoo
Farr
Filner
Foster
Frank (MA)
Goodlatte
Gordon (TN)
Grijalva
Gutierrez
Halvorson
Hare
Heinrich
Himes
Hodes
Hoekstra
Holt
Honda
Hoyer
Inslee
Israel
Jenkins
Johnson (GA)
Johnson (IL)
Kagen
Kaptur
Kilroy
Kind
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lynch
Maffei
Markey (MA)
Matheson
Matsui
McCollum
McGovern
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (WI)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Oberstar
Obey
Olver
Paul
Payne
Perriello
Peters
Petri
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Skelton
Slaughter
Speier
Spratt
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Watt
Waxman
Weiner
Welch
Wu
Yarmuth

NOES—307

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellison
Emerson
Engel
Etheridge
Faleomavaega
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Granger
Graves
Grayson
Green, Al
Griffith
Guthrie
Hall (TX)
Harman
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Hunter
Inglis
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Myrick
Napolitano
Neugebauer
Norton
Nunes
Nye
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Peterson
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Scalise
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Towns
Turner
Upton
Walz
Wamp
Wasserman Schultz
Waters
Watson
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cole
Green, Gene
Hall (NY)
Klein (FL)
McCarthy (NY)
Rodriguez
Rush
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1332

Mrs. MALONEY changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ELLISON. Mr. Chair, during rollcall vote No. 663 on H.R. 3326, I mistakenly recorded my vote as "no" when I should have voted "aye."

I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 663.

Stated against:

Mr. KLEIN of Florida. Mr. Chair. Today, July 30, 2009, I was unavoidably detained on rollcall No. 663.

Had I voted, I would have voted "no" on rollcall No. 663.

PART B AMENDMENT NO. 1 OFFERED BY MR. FLAKE

The Acting 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 77, noes 347, answered ''present'' 10, not voting 5, as follows:

[Roll No. 664]

AYES—77

Bachmann
Barton (TX)
Blackburn
Blumenauer
Boehner
Boustany
Broun (GA)
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Foster
Foxx
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Graves
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
Marchant
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Myrick
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Stearns
Wamp
Westmoreland
Wittman

NOES—347

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boccieri
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd

Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
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)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
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.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
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
Souder
Space
Spratt
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
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—5

Buchanan
Edwards (TX)
Hall (NY)
Maloney
McCarthy (NY)

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1335

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 258 OFFERED BY MR. FLAKE

The Acting 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 69, noes 351, answered ''present'' 10, not voting 9, as follows:

[Roll No. 665]

AYES—69

Bachmann
Blackburn
Blumenauer
Boustany
Broun (GA)
Campbell
Cassidy
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Doggett
Duncan
Ehlers
Flake
Forbes
Foxx
Garrett (NJ)
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Marchant
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Olver
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Teague
Terry
Walden
Westmoreland
Wittman

NOES—351

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
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
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
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
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas

Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—9

Berry
Conyers
Ellison
Hall (NY)
Hirono
Johnson, E.B.
McCarthy (NY)
Rodriguez
Rush

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1338

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 389 OFFERED BY MR. FLAKE

The Acting 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 76, noes 350, answered ''present'' 10, not voting 3, as follows:

[Roll No. 666]

AYES—76

Bachmann
Bishop (NY)
Blackburn
Boustany
Broun (GA)
Burton (IN)
Campbell
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Connolly (VA)
Cooper
Davis (KY)
Deal (GA)
Doggett
Driehaus
Flake
Foster
Foxx
Garrett (NJ)
Gerlach
Gohmert
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kagen
Kind
King (IA)
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
McCaul
McClintock
McHenry
McMahon
Minnick
Moran (KS)
Nunes
Nye
Paulsen
Pence
Perlmutter
Peters
Petri
Pitts
Platts
Polis (CO)
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Speier
Terry
Walden
Wamp
Westmoreland
Wittman

NOES—350

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Hare
Harman
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.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
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
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perriello
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
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
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—3

Hall (NY)
McCarthy (NY)
Stark

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1342

Mr. PLATTS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 432 OFFERED BY MR. FLAKE

The Acting 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 82, noes 341, answered ''present'' 11, not voting 5, as follows:

[Roll No. 667]

AYES—82

Bachmann
Barton (TX)
Blumenauer
Blunt
Boehner
Boustany
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Fortenberry
Foster
Foxx
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
Minnick
Moran (KS)
Myrick
Nunes
Paulsen
Pence
Petri
Pitts
Platts
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Stearns
Terry
Upton
Walden
Wamp
Westmoreland

NOES—341

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boccieri
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
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)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hare
Harman
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.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
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)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
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
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch
Wittman

NOT VOTING—5

Andrews
Edwards (TX)
Hall (NY)
Hall (TX)
McCarthy (NY)

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1345

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HALL of New York. Mr. Chair, I missed rollcall votes 661 through 667.

Had I been present, I would have voted "aye" on 661, and "no" on 662–667.

PART B AMENDMENT NO. 439 OFFERED BY MR. FLAKE

The Acting 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 78, noes 348, answered ''present'' 10, not voting 3, as follows:

[Roll No. 668]

AYES—78

Bachmann
Blackburn
Blumenauer
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Fortenberry
Foxx
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
Marchant
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Myrick
Nunes
Pence
Petri
Pitts
Platts
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Terry
Walden
Wamp
Westmoreland
Wittman

NOES—348

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
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
Fallin
Farr
Fattah
Filner
Fleming
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
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.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
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
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—10

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Harper
Lofgren, Zoe
Welch

NOT VOTING—3

Barton (TX)
McCarthy (NY)
Rodriguez

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1348

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 449 OFFERED BY MR. FLAKE

The Acting 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 83, noes 338, answered ''present'' 11, not voting 7, as follows:

[Roll No. 669]

AYES—83

Bachmann
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Fortenberry
Foster
Foxx
Garrett (NJ)
Gingrey (GA)
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Linder
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
Minnick
Moran (KS)
Myrick
Nunes
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Roe (TN)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Terry
Walden
Wamp
Westmoreland
Wittman
Wolf

NOES—338

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
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, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
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.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
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)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
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
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Lofgren, Zoe
Welch

NOT VOTING—7

Aderholt
Cole
Conyers
Gohmert
McCarthy (NY)
Payne
Sutton

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1351

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 553 OFFERED BY MR. FLAKE

The Acting 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 118, noes 304, answered ''present'' 11, not voting 6, as follows:

[Roll No. 670]

AYES—118

Austria
Bachmann
Barton (TX)
Bean
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cao
Cassidy
Castle
Chaffetz
Coffman (CO)
Cooper
Deal (GA)
Doggett
Duncan
Ehlers
Flake
Forbes
Fortenberry
Foster
Foxx
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)

Gohmert
Goodlatte
Hall (TX)
Halvorson
Heller
Hensarling
Himes
Hodes
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kind
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Myrick
Nunes
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Quigley
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Speier
Stark
Stearns
Teague
Terry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wittman

NOES—304

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
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 (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Frank (MA)
Frelinghuysen
Fudge
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
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
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
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Lofgren, Zoe
Welch

NOT VOTING—6

Davis (IL)
Edwards (TX)
Franks (AZ)
Graves
Herger
McCarthy (NY)

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1354

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FRANKS of Arizona. Mr. Chair, on roll-call No. 670, I was unavoidably detained. Had I been present I would have voted "aye."

EN BLOC AMENDMENT OFFERED BY MR. FLAKE

The Acting 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 82, noes 342, answered ''present'' 11, not voting 4, as follows:

[Roll No. 671]

AYES—82

Bachmann
Blackburn
Boustany
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Chaffetz
Coffman (CO)
Cooper
Deal (GA)
Doggett
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Garrett (NJ)
Gohmert
Goodlatte
Hall (TX)
Halvorson
Heller
Hensarling
Herger
Himes
Hoekstra
Issa
Jenkins
Johnson (IL)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Marchant
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (MI)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Pence
Petri
Pitts
Price (GA)
Quigley
Roe (TN)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stark
Stearns
Tiberi
Walden
Wamp
Westmoreland
Wittman

NOES—342

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
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
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
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
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
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
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Lofgren, Zoe
Welch

NOT VOTING—4

Edwards (MD)
McCarthy (NY)
Tonko
Waters

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1357

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 81, noes 353, not voting 5, as follows:

[Roll No. 672]

AYES—81

Bachmann
Barrett (SC)
Blackburn
Blunt
Boehner
Boozman
Boustany
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cassidy
Chaffetz
Coble
Coffman (CO)
Cooper
Deal (GA)
Duncan
Ehlers
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Halvorson
Heller
Hensarling
Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
Kirk
Kline (MN)
Lamborn
Linder
Lummis
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McMorris Rodgers
Minnick
Moran (KS)
Myrick
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Walden
Wamp
Westmoreland
Wittman

NOES—353

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
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
Conaway
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
Fleming
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
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.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
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)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Platts
Poe (TX)
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)
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
Souder
Space
Spratt
Stark
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

McCarthy (NY)
Pingree (ME)
Sablan
Sutton
Waters

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1400

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 8 OFFERED BY MR. CAMPBELL

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 99, noes 338, not voting 2, as follows:

[Roll No. 673]

AYES—99

Austria
Bachmann
Barrett (SC)
Bean
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz

Coble
Coffman (CO)
Cooper
Deal (GA)
Dent
Duncan
Ehlers
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Graves
Hall (TX)
Halvorson
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Linder
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Miller, Gary
Minnick
Moran (KS)
Myrick
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Roe (TN)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Speier
Stearns
Terry
Upton
Walden
Wamp
Westmoreland
Wittman

NOES—338

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
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
Conaway
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
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
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.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
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)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
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
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
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)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—2

McCarthy (NY)
Rush

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1404

Mr. HALL of Texas changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Defense Appropriations Act, 2010''.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 685, 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 685, the question on adoption of the amendments will be put en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. FRELINGHUYSEN. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. FRELINGHUYSEN. In its present form, I am.

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

The Clerk read as follows:

Mr. Frelinghuysen moves to recommit the bill H.R. 3326 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

Page 2, line 22, after the dollar amount, insert ''(increased by $100,000,000)

Page 26, line 9, after the dollar amount, insert ''(increased by $304,800,000)''.

Page 29, line 21, after the dollar amount, insert ''(reduced by $404,800,000)''.

In section 8120, strike ''None of the funds appropriated'' and all that follows through ''$368,800,000 of the funds'' and insert ''Funds''.

In section 8120, strike paragraph (1) (and redesignate subsequent paragraphs accordingly):

Mr. FRELINGHUYSEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered read.

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

There was no objection.

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

Mr. FRELINGHUYSEN. The motion to recommit would restore funding originally included in the bill as reported by the Appropriations Committee for advanced procurement for 12 F–22 aircraft and allow the program to move forward. It would also provide an additional $100 million for the Army military personnel accounts. These increases are offset by cutting $400 million in unrequested funds for the Presidential helicopter, a troubled program that the President himself has proposed to eliminate.

My motion to recommit is consistent with the recently passed Defense authorization bill which recognized the continued vital need for the F–22 by authorizing an additional F–22 aircraft and, at the same time, did not authorize additional funding for the President's helicopter.

Mr. Speaker, while much is made of the President's threatened veto of this bill over the F–22, the fact of the matter is the President has also threatened a veto over funding for the Presidential helicopter. While I appreciate the President has a role in this process, it is Congress, not the President, that has the power of the purse. I do not believe that we should simply take the President's budget proposal and rubber-stamp it.

In addition, my motion to recommit begins to fill a known funding shortfall in the Army military and personnel accounts that resulted from Secretary Gates' recent decision to increase the total Army end strength by 22,000 troops to support the administration's Afghanistan policy.

My motion would also leave intact the additional funds added in the Murtha amendment for four of the Air Force's unfunded priorities.

I urge my colleagues to support this motion to recommit.

I yield to the gentleman from Utah (Mr. BISHOP), a member of the Armed Services Committee, for the remaining time.

Mr. BISHOP of Utah. Mr. Speaker, we all know that to maintain air superiority, which we have had since the Korean War, requires two elements: one is the technological ability, which we know the F–22 provides, but the other is the numerical superiority that we have to have, which is why, when this program was originally started, it was supposed to be 750 planes.

Even as late as last year, the military was telling us 381 maintains the status quo and 243 is the absolute minimum, a number still maintained by Air Combat Command, by the Air National Guard, by 30 of the military studies over the last 15 years. Even the Chief of Staff admitted the 243 is what they needed.

The only person that said 187 is the Secretary of Defense. There is no study to verify that number. That number is a political number, not a military number.

As we go into the future where the Russians are building a new generation fighter with 200 to 300 extra planes to sell to countries like Iran and Venezuela, when we then couple that by cutting 250 legacy planes already in the Air Force and stopping the F–22 and having an F–35 which will not be available under the best of circumstances until 2014, maybe even 2016 as we are talking about it, what we are doing is putting ourselves in danger 10 and 15 years out of being on the wrong side of history. We cannot do that.

This amendment mirrors what the House voted on the Defense authorization bill by putting back procurement money for 12 F–22s and adding $100 million for military personnel to help the anticipated shortfall in the upgrade in what we are doing in Afghanistan.

This is the right thing to do. This is what the military needs. We should not simply make a political decision, because I hate to say this in this crass of a way, but when we can authorize $5 billion for groups like ACORN but $2 billion to keep 18,000 jobs going and provide planes for another year that this country needs, we have something to do to look at our priorities. The $2 billion is for the defense of this country into the future. The military needs this plane.

Mr. FRELINGHUYSEN. Please support the motion to recommit.

I yield back.

Mr. MURTHA. I rise in opposition to the motion to recommit.

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

Mr. MURTHA. I've said over and over again, I have been for the F–22. The point is we'd need 292 votes here in order to pass the F–22. We'd need 66 votes in the Senate. The Senate voted 58–40 against it. So we have no alternative.

Now, what I've done is try to robustly fund the program as it is. In other words, they have 187. Let's make sure it's funded adequately. Let's make sure they have what they need. They have a lot of maintenance questions about the F–22. There is no question about it, and so we need to make sure it's robustly funded.

The Presidential helicopter, $3.2 billion we spent on this thing. We ought to get something out of it. One of the Secretaries said to me the other day that they are going to spend another $2 billion if you get it right. I said, Wait a minute; how much do you think you will spend if you have to do another one?

I'm trying to work something out with the White House on that and other issues.

It took a little more time than I expected in this bill today, but I'd appreciate a ''no'' vote on this vote to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 169, noes 261, not voting 3, as follows:

[Roll No. 674]

AYES—169

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
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
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pence
Perriello
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Scott (GA)
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—261

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Foster
Frank (MA)
Fudge
Garrett (NJ)
Gerlach
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.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano

Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—3

McCarthy (NY) McHugh Shuster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1432

Ms. BALDWIN changed her vote from ''aye'' to ''no.''

Mr. BURGESS and Mrs. KIRKPATRICK of Arizona changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 30, not voting 3, as follows:

[Roll No. 675]

YEAS—400

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
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
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
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
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, 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
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
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
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—30

Baldwin
Blumenauer
Campbell
Duncan
Ellison
Filner
Flake
Frank (MA)
Griffith
Johnson (IL)
Kucinich
Lee (CA)
Lewis (GA)
Lofgren, Zoe
McDermott
Miller, George
Moore (WI)
Paul
Payne
Royce
Schakowsky
Sensenbrenner
Serrano
Speier
Stark
Tierney
Towns
Waters
Watt
Welch

NOT VOTING—3

McCarthy (NY) Murphy, Tim Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in the vote.

□ 1440

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CONYERS. Madam Speaker, on July 30, 2009, I inadvertently cast a "yea" vote for H.R. 3326. I intended to vote "nay."

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I request that the RECORD note that for rollcall No. 661, Murtha of Pennsylvania Part A Amendment No. 1, I voted "no", but would like the RECORD to reflect, I intended to vote "aye."

I request that the RECORD note that for rollcall No. 675, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, I voted "yea", but would like the RECORD to reflect, I intended to vote "nay."

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Speaker, on rollcall No. 663 I inadvertently voted ''no.'' I intended to vote ''yes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces a correction to an earlier vote tally. On rollcall vote No. 666, the ayes were 76 and the noes were 350.

PROVIDING FOR CONSIDERATION OF H.R. 2749, FOOD SAFETY ENHANCEMENT ACT OF 2009

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 691 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 691

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, 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. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit with or without instructions.

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

Ms. SLAUGHTER. Mr. Chairman, for the purpose of debate only, I yield the customary 30 minutes to the gentlelady from North Carolina, Representative FOXX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, today the House will consider H.R. 2749, the Food Safety Enhancement Act, legislation that will help make our food supply safer and cleaner and provide much-needed peace of mind to American families.

Too often recently, we have watched horrible news reports showing stories of Americans who have become terribly sick or have died from eating the same simple foods that we take for granted and consume every day. Think about that for a minute. Our country, one of the wealthiest in the world with the most bountiful food supply and endless choices for consumers, has been in the grip of a food panic that shows no signs of easing up. Peanut butter, spinach, cookie dough, beef, tomatoes, sprouts, pistachios—every day it seems like it's something new.

We know that every year 76 million Americans are sickened from consuming contaminated food, and 5,000 of those persons die. This issue has probably touched every one of us in some way. In too many cases, they're not random, unpredictable events but widespread and systematic. And sadly, they are also preventable. They come about because of flaws in our food safety system. I am happy to say that these gaps in protection are closed by this legislation.

Under this bill, we give the FDA new authority, new tools, and a new source of funding to carry out its vital mission. Thanks to this bill, the FDA will make more frequent inspections of food processing facilities, develop a food trace-back system to pinpoint the source of food-borne illnesses, and have enhanced powers to ensure that imported foods are safe.

The bill provides the FDA better access to the records of food producers and manufacturers without having to wait for an outbreak of food-borne illness.

The bill provides strong, flexible enforcement tools and, importantly, it strengthens penalties imposed on food facilities that fail to comply with safety requirements.

We require food facilities to have safety plans in place to identify and mitigate hazards, one of the best ways to make an immediate improvement to food safety.

The legislation before us is bipartisan, and I think it is safe to say it will fundamentally change the way we protect the safety of our food supply.

It is worth noting the bill was approved by the Energy and Commerce Committee back on June 17 by voice vote. That is how broad the support was.

□ 1445

We know this bill enjoys a lot of support from all Members. It received 280 votes yesterday, including 50 Republican votes that I'm happy to have and very confident that the bill will enjoy the same level of support today.

I will enter a copy of an editorial from today's New York Times into the RECORD. The page made the following points:

''Under the current system, the FDA can only try to coax a food production facility to voluntarily recall its product after people have grown sick or even died. The legislation, the best in years, would give the agency a great deal more power and responsibility to prevent such outbreaks. The FDA would finally have the authority to set strong science-based safety standards for the growing, harvesting, and transporting of both domestic and imported food. The agency would then require each food production facility to come up with the best safety plan showing how it would meet those standards.

''Right now several years or more can elapse before the FDA does a full onsite inspection of a food facility. Most inspections are done by States and not all plants are visited. Under this bill so-called high-risk facilities, ones where there have been problems in the past or ones that handle easily spoiled items like raw seafood, would have to be inspected by the FDA every 6 to 12 months. Lower-risk facilities, which deal with items like dry packaged products with no history of causing problems, would be inspected every 18 months to 3 years.''

As others have noted, the legislation is supported by a range of organizations including Consumers Union, Consumer Federation of America, American Public Health Association, Association of Schools of Public Health, Center for Science and the Public Interest, The Pew Charitable Trusts, Trust for America's Health, and the Grocery Manufacturers Association.

I was disappointed yesterday that some farm organizations seem unwilling to support the legislation even after the committee negotiated in good faith to address their concerns. That lack of support cost us the two-thirds support needed for passage.

I want to address a few other concerns, including one complaint that every farm has to pay an annual $500 fee. I would like to point out that that requirement does not apply to farms that sell directly to consumers, meaning most if not all small family organic farms would not be covered.

Another concern centered on what this bill would mean to small organic farmers and whether the larger FDA power would interfere with their operations. The bill specifically says the FDA can only issue standards for the riskiest products, and the FDA is also directed to take into consideration the impact on small-scale and diversified farms and on wildlife habitat, conservation practices, watershed protection efforts, and organic production methods.

Yet another issue centered on whether confidential farm records might be disclosed by the FDA to others. In fact, the only new records that the FDA can have access to relate only to fresh produce for which the FDA has issued a safety standard or that is the subject of an active investigation of a food-borne illness outbreak.

It is my hope that the small farmers in my district in upstate New York and elsewhere see this bill as a positive step forward in improving safety. Ultimately, we should feel confident about the quality of our food regardless of whether it comes from a big farm or a small family-run organic farm.

Let me touch on one other issue as well. The legislation does not include strong new language to restrict the current overuse, I would say abuse, of antibiotics by farmers who raise livestock for human consumption. We have legislation that has a strong and growing number of supporters who, like me, worry that the use of nontherapeutic antibiotics in our food supply poses an enormous and growing health risk for all Americans. It is my plan to make a strong push on this legislation later in the year, and I hope all my colleagues who are ready to vote for this food safety bill will be with us when we take up the Preservation of Antibiotics for Medical Treatment Act.

Let's approve this food safety bill right now and start taking steps to make sure that our food supply is as safe as it can be.

[From The New York Times, July 30, 2009]

VOTE FOR SAFER FOOD

Far too many Americans are falling ill after eating foods tainted with salmonella, E. coli and other pathogens. The Food and

Drug Administration, which is charged with protecting much of the nation's food supply, doesn't have the authority or the tools to do its job. The House of Representatives can start to fix that problem if it votes this week to approve the Food Safety Enhancement Act.

Under the current system, the F.D.A. can only try to coax a food production facility to voluntarily recall its product after people have grown sick or even died. The legislation, the best in years, would give the agency a great deal more power and responsibility to prevent such outbreaks.

The F.D.A. would finally have the authority to set strong science-based safety standards for the growing, harvesting and transporting of both domestic and imported food. The agency would then require each food production facility to come up with the best safety plan showing how it would meet those standards.

To investigate possible food problems, the F.D.A. would be able to demand far more information during inspections, and it would be required to set up a process for tagging food to make it easier to trace the source of a food-borne illness. The tomato business was devastated last year when tomatoes were blamed for an outbreak of salmonella that was really caused by tainted jalapeño and other peppers.

Right now, several years or more can elapse before the F.D.A. does a full on-site inspection of a food facility. Most inspections are done by states, and many plants are not visited at all. Under this bill, so-called high-risk facilities—ones where there have been problems in the past or ones that handle easily spoiled items like raw seafood—would have to be inspected by the F.D.A. every 6 to 12 months. Lower-risk facilities, which deal with items like dry packaged products with no history of causing problems, would be inspected every 18 months to three years. For that reason, the F.D.A. will need more inspectors, but it is unclear whether new license fees of $500 a year per food facility will be enough to pay for them.

The bill does not solve all of the problems of food safety, of course. There will still be a patchwork of federal inspection programs done by a variety of different agencies. In the future, one food agency that works for consumers and food producers makes more sense. Right now, the F.D.A. has the responsibility for 80 percent of the nation's food supply, and this bill would give it a lot more of the muscle it needs to do that job.

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

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

I want to thank my colleague from New York (Ms. SLAUGHTER), Chair of the Rules Committee, for yielding time. This is a bill I know she feels strongly about.

Mr. Speaker, this bill is being brought to the floor as a rule bill today because it failed to win enough votes to pass under the Suspension Calendar yesterday. It's being brought to the floor under a closed rule. This is yet another closed rule on top of an entire appropriation season filled with closed rules. And I come before you today deeply concerned by the closed rule we have before us.

After promising the American people during campaign season that this would be the most open and honest Congress in history, Speaker PELOSI has gone back on her word by making this the most closed and restrictive Congress in history. Instead of having their ideas heard, the American people are being silenced with Speaker PELOSI's justification that ''we won the election; so we decide.''

Majority Leader HOYER stated this past February his agreement with restoring the House to the regular order process of legislating. He said, ''I think that is a very important pursuit . . . our committees and Members are served on both sides of the aisle by pursuing regular order. Regular order gives to everybody the opportunity to participate in the process in a fashion which will affect, in my opinion, the most consensus and the best product.''

If the majority leader believes this, then why, Mr. Speaker, are we faced with another closed rule today? As my colleagues have expressed time and time again, bringing this number of bills to the floor under closed rules is unprecedented. It does an injustice to both Democrats and Republicans who want to have the opportunity to offer amendments and participate in debate with their colleagues over pressing issues of our time. By choosing to operate in this way, the majority has cut off the minority and their own colleagues from having appropriate input in the legislative process. This is not the way the greatest deliberative body in the world should operate.

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

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

Ms. FOXX. Mr. Speaker, I now yield 4 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentlewoman for yielding.

Mr. Speaker, based upon yesterday's vote on H.R. 2749, the Food Safety Enhancement Act, one would think that the Democrat leadership would say, wait, maybe we have some issues here that need to be taken care of. Maybe we should refer this bill to the Committee on Agriculture and get some of these problems cleaned up. Instead of taking the lesson from yesterday's defeat on this bill on the Suspension Calendar, the Democrat leadership has decided to run this bill through the House under a closed rule with no debate and no amendments.

I would ask: What's the problem with referring this bill to a committee of jurisdiction to make technical, yet necessary, changes? Why not allow an amendment to clean up some of the bill's problems regarding production agriculture and other rural businesses?

All of us want to support a food safety bill. I will say that again: All of us, including me, want to support a food safety bill. I also believe that if the majority would allow a referral to the Committee on Agriculture, this food safety bill would receive wide and bipartisan support. However, the Democrat leadership has taken its my-way-or-the-highway approach that leaves those of us from rural America unable to support this legislation.

Yesterday when H.R. 2749 was on suspension, I raised issues that concern farmers and ranchers. The primary concern is an inadequate exemption for grain farmers and livestock producers. True, the bill exempts grain farmers from performance standards and record-keeping from growing and harvesting activities, but it fails to exempt on-farm grain storage and transportation activities. So while I thank the members of the Energy and Commerce Committee for trying to accommodate us, it's still not right and more needs to be done.

Another problem I would like to raise today involves the grain-handling industry, which affects thousands of small grain elevators across the country where farmers deliver their grain. Many of these facilities are already subject to USDA grain inspections. Many are also subject to State and Federal warehouse licensing fees.

However, this bill gives duplication authority to the FDA to do its inspections. It also imposes a one-size-fits-all registration fee for grain-handling facilities large and small. What's the point of the fee? Grain elevators are already subject to licensing fees; so it must be to impose another revenue-raising tax.

A country-of-origin labeling is included in this bill, but we don't need country-of-origin labeling for grain. Unlike meat, grain is a fungible product, and while it's possible, although difficult, to identify a steak, giving identity to tiny individual kernels of grain, which are blended with billions of other tiny kernels of grain, is next to impossible.

I would like to point out that of the many food safety concerns Members and their constituents have raised, I have yet to hear a complaint about the grain industry. This is because we already have a system that works. Instead of strengthening that system, this bill overlays another system of unnecessary bureaucracy.

Mr. Speaker, I oppose the rule and I oppose the bill and would ask once again that the Committee on Agriculture utilize its jurisdiction to correct the flaws so that all of us can vote ''yes.''

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I would now yield 5 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in opposition to H.R. 2749, the Food Safety Enhancement Act of 2009.

Let me begin by saying that yesterday Members from both sides of the aisle rejected the bill that was attempted to be rushed through Congress. Yet today we find ourselves considering the same legislation under a closed rule. Once again we are barred

from offering amendments. I simply have to ask: What's the majority leadership afraid of?

We have said before, and I will continue to say again today, this country has the safest food supply in the world. Does that mean that there isn't room for improvement? No. Does that mean that we shouldn't continue to examine our regulatory systems and find ways to make it better? No. I don't think there is a single Member of Congress who wouldn't support reasonable proposals that improve the safety of what is already the safest supply of food in the world. But this legislation is woefully inadequate. It fails to achieve what we are all seeking for our consumers: an improved food safety system.

The biggest challenge that I can point to is the fact that the bill expands the reach and authority of the U.S. Food and Drug Administration but does not require further accountability. This legislation does not require FDA to spend any additional funds on the inspection of food.

Beyond that there are other provisions that are troublesome. One in particular would mandate FDA to set on-farm production performance standards. I'm stunned that more people are not outraged by this concept, that the Federal Government will tell our farmers and ranchers how to do something that they have been doing since the dawn of mankind. Even after changes that will limit the intrusion of the Federal Government on the farm, the bill still goes too far in the direction of trying to produce food from a bureaucrat's chair in Washington, D.C.

There remains a host of other problems with this bill. For example, has anyone considered if it's wise to have the Federal Government grant licenses and charge fees for processing food? This would mean that the Federal Government could arbitrarily withdraw that license for technical violations of the law that ultimately would shut down an operation. Has anyone even considered the consequences of the provisions of this bill? Has anyone thought about how this would increase the cost of food for consumers and force food production out of the country?

□ 1500

Furthermore, the bill's quarantine authority allows FDA to quarantine the entire Nation if there is evidence or just simply justification or information that a food commodity poses a health risk. No consideration is given to economic losses suffered by food producers, processors or distributors. In particular, if the FDA ultimately lifts the quarantine because it was wrong, the agency has no obligation, no authority or means to indemnify producers for their losses.

Mr. Speaker, let me revisit my original point. We have the safest food supply in the world. We need to constantly work to improve our food safety system. But if we are sincere in making those improvements, then we must have a bill before us that is not the product of a rushed legislative process where all the committees of jurisdiction were not allowed to fully participate. Yesterday, with the votes of Members on both sides of the aisle, we rejected that process, and today we find ourselves considering the same legislation under a closed rule, once again, barred from offering amendments.

I repeat, what is the majority afraid of? Food safety should not be a partisan or political issue. This should not be a fight. It should be a constructive process.

Defeat this rule. Bring H.R. 2749 back to the committees. Let all the committees of jurisdiction work their will and work their way so that we can create a bill that serves farmers, ranchers, processors, retailers and, yes, consumers. Tell me what is wrong with that. Tell me what is wrong with that.

Let's defeat the rule. Let's finish the process. Let's do better.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to ask a question: If everybody is doing things so well in the United States, why do 76 million Americans get sick every single year from contaminated food and 5,000 of them die?

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the chairwoman for yielding.

Mr. Speaker, I rise with mixed emotions but in support of the rule. I represent the Salinas Valley, which is one of the most productive agricultural regions of the world. We are the ''Salad Bowl Capital'' of the world. And when you produce fresh produce, for example, lettuce, you don't have a kill step. You can't boil it before you eat it, so you have to be very careful about how you grow this material—lettuce, broccoli, brussels sprouts and all of those things—so you don't have contamination coming from the field.

We have had recalls, the E. coli recall, a very serious recall, and the difficulty we have had over the years is that essentially the Federal responsibility for food safety is in the Food and Drug Administration, the FDA. The responsibility for poultry inspection and meat inspection is in the Department of Agriculture. So you have a split responsibility in this country, and it has been that way for a long, long time.

What you hear in this bill is we need to have some national standards. The authority for those standards lies, for other than meat and poultry, with the Food and Drug Administration. So if you are going to get these standards and get some national credibility and an equal playing field, then you are going to have to work on the food safety for agriculture and organic and all of those others in this legislation.

We have been trying to do that, and the author of the bill, JOHN DINGELL, has been a tremendous help in trying to understand the nuances of small farmers, of organic farmers and others that are selling to farmers' markets.

But I hear from all my ag folks that they may not want the FDA, who don't know much about growing practices, to be out there. They do agree we need to have these national standards, that this is the only way we are going to ensure that all food we serve in this country, which has the safest food in the world, is going to be even safer.

So I share the concerns raised by the minority, but I think that the best answer to the problem is to work in a constructive way so that we can develop constructive regulations that benefit everyone, and that is an equal playing field, not a split between the USDA and the FDA.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I thank the gentlelady from North Carolina for yielding.

Mr. Speaker, I rise in opposition to the rule and the underlying legislation. This bill was brought to the floor yesterday under an expedited rule in order to push the measure through with minimal debate. The bill failed to pass under a two-thirds vote, and that is why we are considering it again today.

I have three main objections to the bill in its current form: the cost to our farmers, the jurisdictional overreach of FDA, and the process the majority has taken to bring this to the floor today.

Let me begin by saying that food safety is among the highest priorities of our farmers, the USDA and the Agriculture Committee. In my view, having a safe and abundant domestic food supply is a crucial public health matter and it is equally imperative to our national security.

Although America has the safest food supply in the world, there are clearly improvements that need to be made to our system. However, this legislation is not a step in the right direction. The bill would do little, if anything at all, to improve food safety, yet will have a substantial impact upon the Nation's 2.2 million farms, many of which are family owned and operated.

Specifically, I am concerned with the increased costs this bill will charge farms in the form of unnecessary fees and registrations. Farmers will not be able to sell their products without paying expensive annual registration fees. Enacting this legislation could place significant new financial and administrative burdens on the Food and Drug Administration. The bill provides the FDA with more regulatory authority over farming activities, when currently such activities are already regulated by the agriculture experts at USDA.

USDA is doing great outreach work on food safety and has a presence in every county across this country. In other words, USDA already is doing a great deal of work on improving food safety, and therefore food safety does

not need to be additionally regulated by the FDA. I admit that some modest steps were taken to improve the bill, specifically regarding livestock and row crops, but the minor improvements did not go far enough to improve the overall bill.

The United States Department of Agriculture has a strong record. They work hard to partner with industry, they work hard to provide mechanisms for consumer input, and they work hard on consumer education regarding food safety. Frankly, my confidence lies with the USDA rather than the FDA.

I also have substantial concerns with the process taken to bring this measure to the floor. This legislation bypassed regular order and was not considered by the committee of jurisdiction. This legislation has the greatest impact on our farmers, but never received consideration by the committee tasked with agricultural oversight.

I again strongly urge my colleagues to vote ''no'' on the rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), chairman emeritus of the Energy and Commerce Committee and dean of the House.

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

Mr. DINGELL. Mr. Speaker, we are hearing much fiction and little fact. I want to say what I say with great respect and affection for the gentleman from Oklahoma, but giving an understanding of what it is we are doing and why is very important here.

I represent farmers and I represent consumers. Almost all of us have some farmers, and all of us represent consumers. The safety of both is important.

Understand that Food and Drug has been starved of authority and starved of money for a long time. The last meaningful reform in Food and Drug occurred in 1938. America's food is the safest in the world, but it is not as safe as it should be. It should be known that much of the lack of safety of American food comes because of foreign producers, whose production cannot be traced and checked.

We are going to hear complaints about the tomato pepper problem that we had a few years ago. That occurred because there is no way of tracing or finding how these goods move through commerce. Similar situations have occurred with regard to seafood and shellfish, with regard to berries and grapes, with regard to all manner of leafy vegetables and foods. It occurs because Food and Drug cannot control what enters this country, and it occurs because Food and Drug does not have the authority to properly deal with it.

In the instance of major failures, it has occurred because the Food and Drug Administration does not have sufficient authority to focus on the specific wrongdoers and wrongdoing. So every American producer is hurt. We have enabled Food and Drug and required them to address this by a focused effort.

Now, with regard to the authorities given, first of all, we have assiduously avoided any intrusion into the authority of the Agriculture Committee. Extensive discussions were held between the Commerce Committee members and the Committee on Agriculture; respectful, open, friendly discussions.

If there are troubles inside the Agriculture Committee, that is not a matter that the Commerce Committee can address. But we have achieved the approval of the chairman of the committee, who spoke yesterday, as my colleagues will remember, in favor of the legislation which we now discuss.

What does the legislation do? First of all, it keeps the FDA off the farm. Second of all, it is aimed at seeing to it that we have a responsible program for control. It requires registration of producers and manufacturers. That is very important, because without that, Food and Drug doesn't know who is doing what and has no real control to assure that good manufacturing practices, a word of art, are applied by the industry at every phase.

The Chinese are notoriously sloppy in their handling of food: melamine in milk products, unsafe seafood, unsafe shellfish, unsafe meats, mushrooms that are unsafe.

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

Ms. SLAUGHTER. I yield the gentleman 2 additional minutes.

Mr. DINGELL. So, if the manufacturer or the processor pays no fee and does not register, he can't bring the food in this country to poison Americans.

Just recently, we had a major peanut scare. Eight people died, that we know of. Large numbers were sickened. We had a similar problem with other nut products, and the result has been that, again, people were sickened. I mentioned the other kinds of problems that we have confronted, including berries. Americans are dying because Food and Drug does not have the authority to protect them, and American producers and American agriculture is being hurt in enormous amounts because of this.

We will shortly be seeing an attempt by my Republican colleagues to come forward with a motion to recommit that will raise money that American manufacturers and producers are contributing to assure that Food and Drug can protect the consuming public and can protect the farmers, manufacturers and producers against unfair competition.

The bill makes it possible for us to track foods from the point where they are grown to the point where they reach the hands of the consumer. That is extremely important, because without that, a disaster impends with regard to the people who are sickened or killed, but it also is going to impact upon the farmers, the producers, and people in the industry.

This is a balanced, honest, fair, and friendly attempt to see to it that everyone gets the protection that Food and Drug can give. The Department of Agriculture, its inspection and its operations, is not impaired by this. And if my good friends on the Agriculture Committee on the minority side have business that they want to do with regard to their concerns on agriculture, I would urge them to do so, but not to raid the funds, not to oppose good legislation, not to prevent the protection of American consumers. The country deserves better.

□ 1515

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

Ms. SLAUGHTER. I yield an additional 1 minute to the gentleman from Michigan.

Mr. DINGELL. I will use that minute wisely, Madam Chairman, first, to thank you for an excellent rule; second, to thank you for the leadership that you have shown, not only on this matter but many other difficult matters of concern, especially to the American consuming public. The bill is not a new piece of legislation. It has been around and has been the source of a number of investigations by the Commerce Committee, where we find that people are being killed by the inadequacy of authority of Food and Drug, by its inability to protect the American people.

This is a good bill. As I have pointed out, it's old enough to vote. It has gone through many iterations. Now, I hear my friends on the Republican side complaining about the bill. But the harsh fact of the matter is that the changes about which they complain are changes that were made to meet the concerns of the Agriculture Committee as expressed by its chairman, and changes that were made to meet the concerns of producers, manufacturers and growers. I urge my colleagues to support the rule and to support the bill.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to the former chairman of the Agriculture Committee, Mr. GOODLATTE.

Mr. GOODLATTE. I thank the gentlewoman for yielding. I thank her and the gentleman from Oklahoma for their leadership in attempting to address this issue, even though we bring a bill to the floor under a closed rule, with no opportunity, not only on the floor of the House, but also in the House Agriculture Committee, to mark up a bill that proposes to make food safer. Unfortunately, this bill does little, if anything, to enhance food safety.

The legislation does not require the U.S. Food and Drug Administration to spend one additional penny on the inspection of food; yet the legislation imposes significant regulatory burdens on small businesses without properly holding the regulatory agency accountable. The bill contains an expanded

registration requirement that effectively creates a Federal license to be in the food business.

Like the Democrat stimulus bill, cap-and-trade, and the proposed health care bill, this is another example of broadening the size and scope of government, raising new taxes on small businesses, and intruding in the private lives of Americans.

On-farm performance standards: New language added to the bill would exclude row crop producers from FDA regulatory authority over growing and harvesting of crops. Language was also improved that would relieve livestock producers from some of the burdens of the law. Although these are needed changes, they do not go far enough to make the bill acceptable. This bill still leaves our Nation's fruit and vegetable producers subject to objectionable regulatory burdens. We can still expect to have an agency of the Federal Government telling our farmers how to do their jobs.

Registration of food-processing facilities was originally envisioned as a commonsense way of helping the FDA identify facilities under the bioterrorism act in 2002. This provision turns registration into a Federal license for any food business to operate by charging exorbitant fees, making it unlawful to sell food without a registration license and allowing the FDA to suspend a company's registration.

Traceability is another issue. It does not make food safer. Traceability simply adds enormous regulatory burden without even knowing if it can be done in the first place. There is no requirement that the system developed by the FDA be feasible or affordable.

Recordkeeping: Broad recordkeeping authorities will impose significant regulatory burdens. Minimal consideration is given to risks associated with the product produced at the regulated facility when developing the recordkeeping requirements. The language lacks protections from disclosure of proprietary information.

The issue of quarantine authority. The bill's quarantine authority allows the Food and Drug Administration to quarantine a geographic area if there is credible evidence that food poses a health risk. No consideration is given to economic losses suffered by food producers, processors or distributors in the quarantine area. It's my understanding that the ranking member of the Agriculture Committee will offer something that will help to correct that later on, and I hope everyone will support that measure.

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

Ms. FOXX. I yield the gentleman an additional 1 minute.

Mr. GOODLATTE. In particular, if the FDA ultimately lifts the quarantine for lack of confirmatory evidence, the agency has no obligation, authority or means to indemnify producers for their losses. Conversely, under the authority of the Animal Health Protection Act and Plant Protection Act, the USDA, which has jurisdiction over other sectors of our food safety and has done an outstanding job, must indemnify producers who have incurred such losses.

The language allows the FDA to act on suspicion to require a producer to cease distribution of food. Once again, no consideration is given in this legislation to indemnification for economic damages, particularly if the FDA was wrong.

From a public health and safety point of view, end product testing offers little protection or assurance. HAACP was introduced as a system whereby the manufacturer evaluates their process and institutes site and process specific controls, rather than attempt to detect problems by testing the finished product. That is the better way to go.

Mr. Speaker, I would urge my colleagues to oppose this rule, this closed rule, and this bad bill.

Ms. SLAUGHTER. I will reserve.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume. The concern about closed rules is not just one expressed by Republicans. Democrats have expressed their own frustrations with the closed manner in which this Congress is being operated, but nothing has changed.

In February, a group of Democrats garnered more than 60 signatures on a letter to Majority Leader HOYER calling for a prompt return to regular order. In the letter, they stated that ''Committees must function thoroughly and inclusively, and cooperation must ensue between the parties and the houses to ensure that our legislative tactics enable rather than impede progress.'' This was written by, as I said, over 60 Democratic Members.

They went on to say, ''In general, we must engender an atmosphere that allows partisan games to cease and collaboration to succeed. We look forward to working with you to restore this institution.'' So not only does the closed rule process hurt and exclude Republican Members, it hurts and excludes Democrat Members as well.

By preferring to stifle debate, the Democrats in charge have denied their colleagues on both sides of the aisle the ability to do the job they've been elected to do, offer ideas that represent and serve their constituents. The Democrats in charge are denying Members the ability to offer improvements to legislation, and this is an injustice to all of their colleagues, and this rule and this bill are prime examples.

The Democrats in charge are limiting what ideas can be debated on the floor and what constituents can be represented in this House. Our constituents, in both Republican and Democrat districts, are struggling to make ends meet, are facing unemployment, and yet are simultaneously being shut out of participating in a debate over how their hard-earned taxpayer dollars are being borrowed and spent by the Federal Government.

Mr. Speaker, it's very concerning to me that the Democrat majority has chosen to silence their colleagues on both sides of the aisle yet again. In doing so, they have chosen to keep the millions of constituents we represent from having a voice on the floor of the people's House.

My colleagues have offered a lot of reasons why this bill underlying this rule is not a good bill and needs to be improved. But I want to make a couple of comments about that, also. This bill actually does very little to enhance food safety. In fact, I want to call attention, again, to the motto of the State of North Carolina, ''To be, rather than to seem.''

We have a bill here called the Food Safety Enhancement Act that does very little to enhance the safety of food. As my colleague from Virginia said just now, the FDA is not being required to spend one extra dime on inspecting food. But it gives unprecedented authority to the Food and Drug Administration by imposing mandatory recall, quarantine authority, recording requirements, warrantless inspection authority and country-of-origin labeling requirements.

By enacting user fees on inspections and licensing requirements on food facilities, this bill essentially places a tax on consumers by increasing the price of food. So much for the promise that taxes would not go up on people who make less than $250,000 a year.

This bill grants the FDA the authority to shut down or inspect businesses and determine what qualifies as a health concern.

This bill leaves our Nation's fruit and vegetable producers subject to regulatory burdens by allowing the FDA to regulate how crops are raised, dictating to farmers how they should farm. We've been farming since our earliest beginnings as a species, and we've done it without the regulatory guidance of the FDA. This bill reminds me of the tactics of the former Soviet Union, and we know how successful that was.

This bill requires the Secretary of Health and Human Services to establish a tracing system for food. Each person who produces, manufactures, processes, packs, transports or holds such food would have to maintain the full pedigree of the origin and pre-use distribution history of the food. This bill does not explain how far foods will have to be traced back, or how it will be done for foods with multiple ingredients. Given these ambiguities, it's unclear how much it will cost farmers and taxpayers.

This bill also creates severe criminal and civil penalties, including prison terms of up to 10 years and/or fines of up to a total of $100,000 for individuals.

The bill would impose an annual registration fee of $500 on any facility that holds, processes or manufactures food. Even though farms are technically exempt, FDA has defined ''farm'' very narrowly. People making foods such as

lacto-fermented vegetables, cheeses or breads would be required to register and pay the fee, which could drive small and start-up producers out of business during difficult economic times.

The bill would empower the FDA to regulate how crops are raised and harvested. It puts the Federal government right on the farm dictating to our farmers. And yet, Mr. Speaker, it never went through the Agriculture Committee. This bill that will directly impact American farmers was never vetted through the established processes in the Agriculture Committee, doing a great disservice to the American people. Why is the Democrat leadership refusing to allow a committee with jurisdiction over this matter to offer their ideas and join in on the legislative process?

This bill will cost taxpayers nearly $2.2 billion over 5 years. Every day I hear from constituents their concerns that the Federal Government in Washington is borrowing and spending too much. The American people know that in these tough times they should save, not spend money. However, the Federal Government does not reflect the common sense I see throughout my district. Instead, the Democrats in charge continue to borrow more and spend more, increasing our Federal deficit on the backs of our children and grandchildren.

This bill will increase the deficit even more by borrowing and spending money we do not have. We can no longer blame the deficit and economic difficulties today on the previous administration. The Democrats in charge have shown they do not care about the deficit by continuing to dig America into a bigger and bigger hole with more reckless spending. This borrowed money is all being spent by Speaker PELOSI and the Obama administration, and as a result, the unemployment rate will continue to rise and the deficit will continue to increase.

I urge my colleagues to vote down the previous question and the rule.

I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I would like to close by reiterating what I have said before, that in the United States, every single year 76 million Americans get ill from contaminated food, and 5,000 die.

□ 1530

As a scientist, I, for one, would like once more to feel pride and confidence in the FDA.

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

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.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Ms. SLAUGHTER. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 172

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, July 31, 2009, Saturday, August 1, 2009, or Sunday, August 2, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 8, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, August 6, 2009, through Tuesday, August 11, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 8, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on agreeing to the concurrent resolution.

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

Mr. LUCAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to House Concurrent Resolution 172 will be followed by 5-minute votes on the adoption of H. Res. 691 and motions to suspend the rules with regard to H.R. 2728, if ordered, and H.R. 2510, if ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 191, not voting 11, as follows:

[Roll No. 676]

YEAS—231

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
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
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Gerlach
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
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 (IL)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lummis
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
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
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Young (AK)

NAYS—191

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
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
Carney
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
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger

Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (GA)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Maffei
Manzullo
Marchant
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—11

Grijalva
Lofgren, Zoe
Mack
McCarthy (NY)
Payne
Ryan (OH)
Sanchez, Loretta
Schwartz
Van Hollen
Yarmuth
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1557

Messrs. GALLEGLY, BARTON of Texas, SESSIONS, MAFFEI, and KING of Iowa changed their vote from ''yea'' to ''nay.''

Mrs. DAHLKEMPER, Messrs. AL GREEN of Texas, ORTIZ, CLEAVER, and TEAGUE changed their vote from ''nay'' to ''yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 676, had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 2749, FOOD SAFETY ENHANCEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 691, 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 will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 180, not voting 4, as follows:

[Roll No. 677]

YEAS—249

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
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)
Deal (GA)
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
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
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
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
Mollohan
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
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—180

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

NOT VOTING—4

McCarthy (NY)
Price (GA)
Sanchez, Loretta
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1604

Mr. MOORE of Kansas changed his vote from ''yea'' to ''nay.''

Mr. CARSON of Indiana 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.

WILLIAM ORTON LAW LIBRARY IMPROVEMENT AND MODERNIZATION ACT

The SPEAKER pro tempore (Mr. CAPUANO). The unfinished business is the question on suspending the rules and passing the bill, H.R. 2728, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 2728, as amended.

The question was taken.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 383, noes 44, not voting 6, as follows:

[Roll No. 678]

AYES—383

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
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
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, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
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
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—44

Akin
Bartlett
Blackburn
Brady (TX)
Broun (GA)
Burgess
Campbell
Cantor
Carter
Cassidy
Coble
Coffman (CO)
Deal (GA)
Dreier
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Hensarling
Herger
Johnson (IL)
Jordan (OH)
King (IA)
Kingston
Lamborn
Lummis
Marchant
McHenry
Miller (FL)
Neugebauer
Olson
Paul
Petri
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Shadegg
Stearns
Westmoreland
Wilson (SC)

NOT VOTING—6

Berman
McCarthy (NY)
Moore (WI)
Price (GA)
Sanchez, Loretta
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1613

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PRICE of Georgia. Mr. Speaker, on roll-call Nos. 677 and 678 I was inadvertently detained. Had I been present, I would have voted "no" on No. 677 and "no" on No. 678.

ABSENTEE BALLOT TRACK, RECEIVE, AND CONFIRM ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2510.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 2510.

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

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 15, 2009.

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to section 194 of title 14, United States Code, as Chairman of the Committee on Transportation and Infrastructure, I am required to designate three Members of the United States Coast Guard Academy Board of Visitors. I designate Representative Michael H. Michaud (Maine), Representative Mazie K. Hirono (Hawaii), and Ranking member John L. Mica (Florida) to serve on the Board of Visitors.

Since is founding in 1876, the Coast Guard Academy, based in New London, Connecticut has accomplished its mission of "educating, training, and developing leaders of character who are ethically, intellectually, professionally, and physically prepared to serve their country." The Board of Visitors meets annually with staff, faculty and cadets to review the Academy's programs, curricula, and facilities and to assess future needs. The Board of Visitors plays an important supervisory role in ensuring the continued success of the Academy and the tradition of excellence of the U.S. Coast Guard.

Thank you for your consideration in this matter.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

□ 1615

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3269, CORPORATE AND FINANCIAL INSTITUTION COMPENSATION FAIRNESS ACT OF 2009

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–237) on the resolution (H. Res. 697) providing for consideration of the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions, which was referred to

the House Calendar and ordered to be printed.

FOOD SAFETY ENHANCEMENT ACT OF 2009

Mr. DINGELL. Mr. Speaker, pursuant to H. Res. 691, I call up the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 691, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, the amendment in the nature of a substitute printed in House Report 111–235 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2749

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 ''Food Safety Enhancement Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Rules of construction.
Sec. 5. USDA exemptions.
Sec. 6. Alcohol-related facilities.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

Sec. 101. Changes in registration of food facilities.
Sec. 102. Hazard analysis, risk-based preventive controls, food safety plan, finished product test results from category 1 facilities.
Sec. 103. Performance standards.
Sec. 104. Safety standards for produce and certain other raw agricultural commodities.
Sec. 105. Risk-based inspection schedule.
Sec. 106. Access to records.
Sec. 107. Traceability of food.
Sec. 108. Reinspection and food recall fees applicable to facilities.
Sec. 109. Certification and accreditation.
Sec. 110. Testing by accredited laboratories.
Sec. 111. Notification, nondistribution, and recall of adulterated or misbranded food.
Sec. 112. Reportable food registry; exchange of information.
Sec. 113. Safe and secure food importation program.
Sec. 114. Infant formula.

Subtitle B—Intervention

Sec. 121. Surveillance.
Sec. 122. Public education and advisory system.
Sec. 123. Research.

Subtitle C—Response

Sec. 131. Procedures for seizure.
Sec. 132. Administrative detention.
Sec. 133. Authority to prohibit or restrict the movement of food.
Sec. 134. Criminal penalties.
Sec. 135. Civil penalties for violations relating to food.
Sec. 136. Improper import entry filings.

TITLE II—MISCELLANEOUS

Sec. 201. Food substances generally recognized as safe.
Sec. 202. Country of origin labeling.
Sec. 203. Exportation certificate program.
Sec. 204. Registration for commercial importers of food; fee.
Sec. 205. Registration for customs brokers.
Sec. 206. Unique identification number for food facilities, importers, and custom brokers.
Sec. 207. Prohibition against delaying, limiting, or refusing inspection.
Sec. 208. Dedicated foreign inspectorate.
Sec. 209. Plan and review of continued operation of field laboratories.
Sec. 210. False or misleading reporting to FDA.
Sec. 211. Subpoena authority.
Sec. 212. Whistleblower protections.
Sec. 213. Extraterritorial jurisdiction.
Sec. 214. Support for training institutes.
Sec. 215. Bisphenol A in food and beverage containers.
Sec. 216. Lead content labeling requirement for ceramic tableware and cookware.

SEC. 3. REFERENCES.

Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 4. RULES OF CONSTRUCTION.

(a) Nothing in this Act or the amendments made by this Act shall be construed to prohibit or limit—

(1) any cause of action under State law; or

(2) the introduction of evidence of compliance or noncompliance with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) Nothing in this Act or any amendment made by this Act shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes and regulations;

(2) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(3) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency involving products regulated under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 5. USDA EXEMPTIONS.

(a) USDA-REGULATED PRODUCTS.—Food is exempt from the requirements of this Act to the extent that such food is regulated by the Secretary of Agriculture under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(b) LIVESTOCK AND POULTRY.—Livestock and poultry that are intended to be presented for slaughter pursuant to the regulations by the Secretary of Agriculture under the Federal Meat Inspection Act or the Poultry Products Inspection Act are exempt from the requirements of this Act. A cow, sheep, or goat that is used for the production of milk is exempt from the requirements of this Act.

(c) USDA-REGULATED FACILITIES.—A facility is exempt from the requirements of this Act to the extent such facility is regulated as an official establishment by the Secretary of Agriculture under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act or under a program recognized by the Secretary of Agriculture as at least equal to Federal regulation under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

(d) FARMS.—A farm is exempt from the requirements of this Act to the extent such farm raises animals from which food is derived that is regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

SEC. 6. ALCOHOL-RELATED FACILITIES.

(a) IN GENERAL.—With the exception of the amendments made by section 101(a) and (b) and section 113 of this Act, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5291 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the distributing of any non-alcohol food, except that subsection (a) shall apply to a facility described in paragraphs (1) and (2) of subsection (a) that receives and distributes non-alcohol food provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—This section shall not be construed to exempt any food, apart from distilled spirits, wine, and malt beverages, as defined in section 211 of the Federal Alcohol Administration Act (27 U.S.C. 211), from the requirements of this Act and the amendments made by this Act.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

SEC. 101. CHANGES IN REGISTRATION OF FOOD FACILITIES.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

''(z) If it was manufactured, processed, packed, or held in a facility that is not duly registered under section 415, including a facility whose registration is canceled or suspended under such section.''.

(b) ANNUAL REGISTRATION.—

(1) DEFINITION OF FACILITY.—Paragraph (1) of section 415(b) (21 U.S.C. 350d(b)) is amended to read as follows:

''(1)(A) The term 'facility' means any factory, warehouse, or establishment (including a factory, warehouse, or establishment of an importer) that manufactures, processes, packs, or holds food.

''(B) Such term does not include farms; private residences of individuals; restaurants; other retail food establishments; nonprofit

food establishments in which food is prepared for or served directly to the consumer; or fishing vessels (except such vessels engaged in processing as defined in section 123.3(k) of title 21, Code of Federal Regulations, or any successor regulations).

''(C)(i) The term 'retail food establishment' means an establishment that, as its primary function, sells food products (including those food products that it manufactures, processes, packs, or holds) directly to consumers (including by Internet or mail order).

''(ii) Such term includes—

''(I) grocery stores;

''(II) convenience stores;

''(III) vending machine locations; and

''(IV) stores that sell bagged feed, pet food, and feed ingredients or additives over-the-counter directly to consumers and final purchasers for their own personal animals.

''(iii) A retail food establishment's primary function is to sell food directly to consumers if the annual monetary value of sales of food products directly to consumers exceeds the annual monetary value of sales of food products to all other buyers.

''(D)(i) The term 'farm' means an operation in one general physical location devoted to the growing and harvesting of crops, the raising of animals (including seafood), or both.

''(ii) Such term includes—

''(I) such an operation that packs or holds food, provided that all food used in such activities is grown, raised, or consumed on such farm or another farm under the same ownership;

''(II) such an operation that manufactures or processes food, provided that all food used in such activities is consumed on such farm or another farm under the same ownership;

''(III) such an operation that sells food directly to consumers if the annual monetary value of sales of the food products from the farm or by an agent of the farm to consumers exceeds the annual monetary value of sales of the food products to all other buyers;

''(IV) such an operation that manufactures grains or other feed stuffs that are grown and harvested on such farm or another farm under the same ownership and are distributed directly to 1 or more farms for consumption as food by humans or animals on such farm; and

''(V) a fishery, including a wild fishery, an aquaculture operation or bed, a fresh water fishery, and a saltwater fishery.

''(iii) Such term does not include such an operation that receives manufactured feed from another farm as described in clause (ii)(IV) if the receiving farm releases the feed to another farm or facility under different ownership.

''(iv) The term 'harvesting' includes washing, trimming of outer leaves of, and cooling produce.

''(E) The term 'consumer' does not include a business.''.

(2) REGISTRATION.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(A) in the first sentence of paragraph (1)—

(i) by striking ''require that'' and inserting ''require that, on or before December 31 of each year,''; and

(ii) by striking ''food for consumption in the United States'' and inserting ''food for consumption in the United States or for export from the United States'';

(B) in subparagraphs (A) and (B) of paragraph (1), by inserting ''and pay the registration fee required under section 743'' after ''submit a registration to the Secretary'' each place it appears;

(C) in the first sentence of paragraph (2), by inserting ''in electronic format'' after ''submit''; and

(D) in paragraph (4), by inserting after the first sentence the following: ''The Secretary shall remove from such list the name of any facility that fails to reregister in accordance with this section, that fails to pay the registration fee required under section 743, or whose registration is canceled by the registrant, canceled by the Secretary in accordance with this section, or suspended by the Secretary in accordance with this section.''.

(3) CONTENTS OF REGISTRATION.—Paragraph (2) of section 415(a) (21 U.S.C. 350d(a)), as amended by paragraph (1), is amended by striking ''containing information'' and all that follows and inserting the following: ''containing information that identifies the following:

''(A) The name, address, and emergency contact information of the facility being registered.

''(B) The primary purpose and business activity of the facility, including the dates of operation if the facility is seasonal.

''(C) The general food category (as defined by the Secretary by guidance) of each food manufactured, processed, packed, or held at the facility.

''(D) All trade names under which the facility conducts business related to food.

''(E) The name, address, and 24-hour emergency contact information of the United States distribution agent for the facility, which agent shall have access to the information required to be maintained under section 414(d) for food that is manufactured, processed, packed, or held at the facility.

''(F) If the facility is located outside of the United States, the name, address, and emergency contact information for a United States agent.

''(G) The unique facility identifier of the facility, as specified under section 1011.

''(H) Such additional information pertaining to the facility as the Secretary may require by regulation.

The registrant shall notify the Secretary of any change in the submitted information not later than 30 days after the date of such change, unless otherwise specified by the Secretary.''.

(4) SUSPENSION AND CANCELLATION AUTHORITY.—Section 415(a) (21 U.S.C. 350d(a)), as amended by paragraphs (1) and (2), is further amended by adding at the end the following:

''(5) SUSPENSION OF REGISTRATION.—

''(A) IN GENERAL.—The Secretary may suspend the registration of any facility registered under this section for a violation of this Act that could result in serious adverse health consequences or death to humans or animals.

''(B) NOTICE OF SUSPENSION.—Suspension of a registration shall be preceded by—

''(i) notice to the facility of the intent to suspend the registration; and

''(ii) an opportunity for an informal hearing, as defined in guidance or regulations issued by the Secretary, concerning the suspension of such registration for such facility.

''(C) REQUEST.—The owner, operator, or agent in charge of a facility whose registration is suspended may request that the Secretary vacate the suspension of registration when such owner, operator, or agent has corrected the violation that is the basis for such suspension.

''(D) VACATING OF SUSPENSION.—If, based on an inspection of the facility or other information, the Secretary determines that adequate reasons do not exist to continue the suspension of a registration, the Secretary shall vacate such suspension.

''(6) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration if the Secretary determines that—

''(i) the registration was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information; or

''(ii) the required registration fee has not been paid within 30 days after the date due.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the facility of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the facility is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(7) REPORT TO CONGRESS.—Not later than March 30th of each year, the Secretary shall submit to the Congress a report, based on the registrations on or before December 31 of the previous year, on the following:

''(A) The number of facilities registered under this section.

''(B) The number of such facilities that are domestic.

''(C) The number of such facilities that are foreign.

''(D) The number of such facilities that are high-risk.

''(E) The number of such facilities that are low-risk.

''(F) The number of such facilities that hold food.

''(8) LIMITATION ON DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or cancel a registration shall not be delegated to any officer or employee other than the Commissioner of Food and Drugs, the Principal Deputy Commissioner, the Associate Commissioner for Regulatory Affairs, or the Director for the Center for Food Safety and Applied Nutrition, of the Food and Drug Administration.''.

(c) REGISTRATION FEE.—Chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end of subchapter C the following:

''PART 6—FEES RELATING TO FOOD

''SEC. 743. FACILITY REGISTRATION FEE.

''(a) IN GENERAL.—

''(1) ASSESSMENT AND COLLECTION.—Beginning in fiscal year 2010, the Secretary shall assess and collect an annual fee for the registration of a facility under section 415.

''(2) PAYABLE DATE.—A fee under this section shall be payable—

''(A) for a facility that was not registered under section 415 for the preceding fiscal year, on the date of registration; and

''(B) for any other facility—

''(i) for fiscal year 2010, not later than the sooner of 90 days after the date of the enactment of this part or December 31, 2009; and

''(ii) for a subsequent fiscal year, not later than December 31 of such fiscal year.

''(b) FEE AMOUNTS.—

''(1) IN GENERAL.—The registration fee under subsection (a) shall be—

''(A) for fiscal year 2010, $500; and

''(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under subsection (c).

''(2) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of fiscal year 2011 and each subsequent fiscal year, establish, for the next fiscal year, registration fees under subsection (a), as described in paragraph (1).

''(3) MAXIMUM AMOUNT.—Notwithstanding paragraph (1), a person who owns or operates multiple facilities for which a fee must be paid under this section for a fiscal year shall be liable for not more than $175,000 in aggregate fees under this section for such fiscal year.

''(c) INFLATION ADJUSTMENT.—For fiscal year 2011 and each subsequent fiscal year, the fee amount under subsection (b)(1) shall

be adjusted by the Secretary by notice, published in the Federal Register, to reflect the greater of—

''(1) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; U.S. city average) for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

''(2) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

''(3) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

The adjustment made each fiscal year under this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

''(d) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for fiscal year 2010 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for registration under section 415 at any time in such fiscal year.

''(3) ADJUSTMENT FACTOR.—In this subsection, the term 'adjustment factor' applicable to a fiscal year is the Consumer Price Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by such Index for October 2009.

''(e) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to defray the costs of food safety activities.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

''(4) PUBLIC MEETINGS.—For each fiscal year, the Secretary shall hold a public meeting on how fees collected under this section will be used to defray the costs of food safety activities in order to solicit the views of the regulated industry, consumers, and other interested stakeholders.

''(f) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(g) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in food safety activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''(h) ANNUAL FISCAL REPORTS.—Beginning with fiscal year 2011, not later than 120 days after the end of each fiscal year for which fees are collected under this section, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

''(i) DEFINITIONS.—In this section:

''(1) The term 'costs of food safety activities' means the expenses incurred in connection with food safety activities for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and to contracts with such contractors;

''(B) laboratory capacity;

''(C) management of information, and the acquisition, maintenance, and repair of technology resources;

''(D) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

''(E) collecting fees under this section and accounting for resources allocated for food safety activities.

''(2) The term 'food safety activities' means activities related to compliance by facilities registered under section 415 with the requirements of this Act relating to food (including research related to and the development of standards (such as performance standards and preventive controls), risk assessments, hazard analyses, inspection planning and inspections, third-party inspections, compliance review and enforcement, import review, information technology support, test development, product sampling, risk communication, and administrative detention).''.

(d) TRANSITIONAL PROVISIONS.—

(1) FEES.—The Secretary of Health and Human Services shall first impose the fee established under section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), for fiscal years beginning with fiscal year 2010.

(2) MODIFICATION OF REGISTRATION FORM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall modify the registration form under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) to comply with the amendments made by this section.

(3) APPLICATION.—The amendments made by this section, other than subsections (b)(2) and (c), shall take effect on the date that is 30 days after the date on which such modified registration form takes effect, but not later than 210 days after the date of the enactment of this Act.

(4) SUNSET DATE.—Section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), does not authorize the assessment or collection of a fee for registration under section 415 of such Act (21 U.S.C. 360) occurring after fiscal year 2014.

SEC. 102. HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN, FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

(a) HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN.—

(1) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342) is amended by adding at the end the following:

''(j) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the requirements of sections 418 and 418A.''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

''(a) IN GENERAL.—The owner, operator, or agent of a facility shall, in accordance with this section—

''(1) conduct a hazard analysis (or more than one if appropriate);

''(2) identify and implement effective preventive controls;

''(3) monitor preventive controls;

''(4) institute corrective actions when—

''(A) monitoring shows that preventive controls have not been properly implemented; or

''(B) monitoring and verification show that such controls were ineffective;

''(5) conduct verification activities;

''(6) maintain records of monitoring, corrective action, and verification; and

''(7) reanalyze for hazards.

''(b) IDENTIFICATION OF HAZARDS.—

''(1) IN GENERAL.—The owner, operator, or agent of a facility shall evaluate whether there are any hazards, including hazards due to the source of the ingredients, that are reasonably likely to occur in the absence of preventive controls that may affect the safety, wholesomeness, or sanitation of the food manufactured, processed, packed, transported, or held by the facility, including—

''(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, filth, decomposition, parasites, allergens, and unapproved food and color additives; and

''(B) hazards that occur naturally or that may be unintentionally introduced.

''(2) IDENTIFIED BY THE SECRETARY.—The Secretary may, by regulation or guidance, identify hazards that are reasonably likely to occur in the absence of preventive controls.

''(3) HAZARD ANALYSIS.—The owner, operator, or agent of a facility shall identify and describe the hazards evaluated under paragraph (1) or identified under paragraph (2), to the extent applicable to the facility, in a hazard analysis.

''(c) PREVENTIVE CONTROLS.—

''(1) IN GENERAL.—The owner, operator, or agent of a facility shall identify and implement effective preventive controls to prevent, eliminate, or reduce to acceptable levels the occurrence of any hazards identified in the hazard analysis under subsection (b)(3).

''(2) IDENTIFIED BY THE SECRETARY.—

''(A) ESTABLISHMENT.—The Secretary may establish by regulation or guidance preventive controls for specific product types to prevent unintentional contamination

throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive controls identified by the Secretary under this paragraph.

''(B) ALTERNATIVE CONTROLS.—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive control to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative control effectively addresses the hazard, including meeting any applicable performance standard.

''(C) LIMITATION.—Subparagraph (B) shall not apply to any preventive control described in subparagraph (A), (B), or (E) of subsection (i)(2).

''(d) MONITORING.—The owner, operator, or agent of a facility shall monitor the implementation of preventive controls under subsection (c) to identify any circumstances in which the preventive controls are not fully implemented or verification shows that such controls were ineffective.

''(e) CORRECTIVE ACTIONS.—The owner, operator, or agent of a facility shall establish and implement procedures to ensure that, if the preventive controls under subsection (c) are not fully implemented or are not found effective—

''(1) no affected product from such facility enters commerce; and

''(2) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure.

''(f) VERIFICATION.—The owner, operator, or agent of a facility shall ensure that—

''(1) the system of preventive controls identified under subsection (c) has been validated as scientifically and technically sound so that, if such system is implemented, the hazards identified in the hazard analysis under subsection (b)(3) will be prevented, eliminated, or reduced to an acceptable level;

''(2) the facility is conducting monitoring in accordance with subsection (d);

''(3) the facility is taking effective corrective actions under subsection (e); and

''(4) the preventive controls are effectively preventing, eliminating, or reducing to an acceptable level the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means.

''(g) REQUIREMENT TO REANALYZE AND REVISE.—

''(1) REQUIREMENT.—The owner, operator, or agent of a facility shall—

''(A) review the evaluation under subsection (b) for the facility and, as necessary, revise the hazard analysis under subsection (b)(3) for the facility—

''(i) not less than every 2 years;

''(ii) if there is a change in the process or product that could affect the hazard analysis; and

''(iii) if the Secretary determines that it is appropriate to protect public health; and

''(B) whenever there is a change in the hazard analysis, revise the preventive controls under subsection (c) for the facility as necessary to ensure that all hazards that are reasonably likely to occur are prevented, eliminated, or reduced to an acceptable level, or document the basis for the conclusion that no such revision is needed.

''(2) NONDELEGATION.—Any revisions ordered by the Secretary under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

''(h) RECORDKEEPING.—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (a) through (g).

''(i) DEFINITIONS.—For purposes of this section:

''(1) FACILITY.—The term 'facility' means a domestic facility or a foreign facility that is required to be registered under section 415.

''(2) PREVENTIVE CONTROLS.—The term 'preventive controls' means those risk-based procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, transporting, or holding of food would employ to prevent, eliminate, or reduce to an acceptable level the hazards identified in the hazard analysis under subsection (b)(3) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, transporting, or holding at the time of the analysis. Those procedures, practices, and processes shall include the following, as appropriate to the type of facility or food:

''(A) Sanitation procedures and practices.

''(B) Supervisor, manager, and employee hygiene training.

''(C) Process controls.

''(D) An allergen control program to minimize potential allergic reactions in humans from ingestion of, or contact with, human and animal food.

''(E) Good manufacturing practices.

''(F) Verification procedures, practices, and processes for suppliers and incoming ingredients, which may include onsite auditing of suppliers and testing of incoming ingredients.

''(G) Other procedures, practices, and processes established by the Secretary under subsection (c)(2).

''(3) HAZARD THAT IS REASONABLY LIKELY TO OCCUR.—A food safety hazard that is reasonably likely to occur is one for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish controls because experience, illness data, scientific reports, or other information provides a basis to conclude that there is a reasonable possibility that the hazard will occur in the type of food being manufactured, processed, packed, transported, or held in the absence of those controls.

''SEC. 418A. FOOD SAFETY PLAN.

''(a) IN GENERAL.—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food safety plan (in this section referred to as a 'food safety plan').

''(b) CONTENTS.—The food safety plan shall include each of the following elements:

''(1) The hazard analysis and any reanalysis conducted under section 418.

''(2) A description of the preventive controls being implemented under subsection 418(c), including those to address hazards identified by the Secretary under subsection 418(b)(2).

''(3) A description of the procedures for monitoring preventive controls.

''(4) A description of the procedures for taking corrective actions.

''(5) A description of verification activities for the preventive controls, including validation that the system of controls, if implemented, will prevent, eliminate, or reduce to an acceptable level the identified hazards, review of monitoring and corrective action records, and procedures for determining whether the system of controls as implemented is effectively preventing, eliminating, or reducing to an acceptable level the occurrence of identified hazards, including the use of environmental and product testing programs.

''(6) A description of the facility's recordkeeping procedures.

''(7) A description of the facility's procedures for the recall of articles of food, whether voluntarily or when required under section 422.

''(8) A description of the facility's procedures for tracing the distribution history of articles of food, whether voluntarily or when required under section 414.

''(9) A description of the facility's procedures to ensure a safe and secure supply chain for the ingredients or components used in making the food manufactured, processed, packed, transported, or held by such facility.

''(10) A description of the facility's procedures to implement the science-based performance standards issued under section 419.''.

(3) GUIDANCE OR REGULATIONS.—

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall issue guidance or promulgate regulations to establish science-based standards for conducting a hazard analysis, documenting hazards, identifying and implementing preventive controls, and documenting the implementation of the preventive controls, including verification and corrective actions under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2)).

(B) INTERNATIONAL STANDARDS.—In issuing guidance or regulations under subparagraph (A), the Secretary shall review international hazard analysis and preventive control standards that are in existence on the date of the enactment of this Act and relevant to such guidelines or regulations to ensure that the programs under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2) are consistent, to the extent the Secretary determines practicable and appropriate, with such standards.

(C) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section and the amendments made by this section with respect to facilities that are solely engaged in—

(i) the production of food for animals other than man or the storage of packaged foods that are not exposed to the environment; or

(ii) the storage of raw agricultural commodities for further distribution or processing.

(D) SMALL BUSINESSES.—The Secretary—

(i) shall consider the impact of any guidance or regulations under this section on small businesses; and

(ii) shall issue guidance to assist small businesses in complying with the requirements of this section and the amendments made by this section.

(4) NO EFFECT ON EXISTING HACCP AUTHORITIES.—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(5) CONSIDERATION.—When implementing sections 418 and 418A of the Federal Food,

Drug, and Cosmetic Act, as added by paragraph (2), the Secretary may take into account differences between food intended for human consumption and food intended for consumption by animals other than man.

(6) EFFECTIVE DATE.—

(A) GENERAL RULE.—The amendments made by subsection (a) and this subsection shall take effect 18 months after the date of the enactment of this Act.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A)—

(i) the amendments made by subsection (a) and this subsection shall apply to a small business (as defined by the Secretary) after the date that is 2 years after the date of the enactment of this Act; and

(ii) the amendments made by subsection (a) and this subsection shall apply to a very small business (as defined by the Secretary) after the date that is 3 years after the date of the enactment of this Act.

(b) FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.—

(1) ADULTERATION.—Section 402 (21 U.S.C. 342), as amended by subsection (a), is amended by adding at the end the following:

''(k) If it is manufactured or processed in a facility that is in violation of section 418B.''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

"SEC. 418B. FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

''(a) AUTHORITY.—Beginning on the date specified in subsection (c), the Secretary shall require, after public notice and an opportunity for comment, the submission to the Secretary of finished product test results by the owner, operator, or agent of each category 1 facility subject to good manufacturing practices regulations documenting the presence of contaminants in food in the possession or control of such facility posing a risk of severe adverse health consequences or death.

''(b) CONSIDERATIONS.—The Secretary shall require submissions under subsection (a)—

''(1) as the Secretary determines feasible and appropriate; and

''(2) taking into consideration available data and information on the potential risks posed by the facility.

''(c) BEGINNING DATE.—The date specified in this subsection is the sooner of—

''(1) the date of completion of the pilot projects and feasibility study under subsections (d) and (e); and

''(2) the date that is 2 years after the date of the enactment of this section.

''(d) PILOT PROJECTS.—The Secretary shall conduct 2 or more pilot projects to evaluate the feasibility of collecting positive finished product testing results from category 1 facilities, including the value and feasibility of reporting corrective actions taken when positive finished product test results are reported to the Secretary.

''(e) FEASIBILITY STUDY.—The Secretary shall assess the feasibility and benefits of the reporting by facilities subject to good manufacturing practices regulations of appropriate finished product testing results from category 1 facilities to the Secretary, including the extent to which the collection of such finished product testing results will help the Secretary assess the risk presented by a facility or product category.

''(f) LIMITATIONS.—Nothing in this section shall be construed—

''(1) to require the Secretary to mandate testing or submission of test results that the Secretary determines would not provide useful information in assessing the potential risk presented by a facility or product category; or

''(2) to limit the Secretary's authority under any other provisions of law to require any person to provide access, or to submit information or test results, to the Secretary, including the ability of the Secretary to require field or other testing and to obtain test results in the course of an investigation of a potential food-borne illness or contamination incident.

''(g) DEFINITION.—In this section, the term 'category 1 facility' means a category 1 facility within the meaning of section 704(h).''.

(c) FOOD DEFENSE.—

(1) ADULTERATION.—Section 402(j), as added by subsection (a), is amended by striking ''and 418A'' and inserting '', 418A, or 418C''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

"SEC. 418C. FOOD DEFENSE.

''(a) IN GENERAL.—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food defense plan (in this section referred to as a 'food defense plan').

''(b) CONTENTS.—The food defense plan shall include each of the following elements:

''(1) A food defense assessment to identify conditions and practices that may permit a hazard that may be intentionally introduced, including by an act of terrorism. This assessment shall evaluate processing security, cybersecurity, material security (including ingredients, finished product, and packaging), personnel security, storage security, shipping and receiving security, and utility security.

''(2) A description of the preventive measures being implemented as a result of such assessment to minimize the risk of intentional contamination.

''(3) A description of the procedures to check for and identify any circumstances in which the preventive measures are not fully implemented or were ineffective.

''(4) A description of the procedures for taking corrective actions to ensure that when preventive measures have not been properly implemented or have been ineffective, appropriate action is taken—

''(A) to reduce the likelihood of recurrence of the failure; and

''(B) to assess the consequences of the failure.

''(5) A description of evaluation activities for the preventive measures, including a review of records provided for under paragraph (6) and procedures to periodically test the effectiveness of the plan.

''(6) A description of the facility's recordkeeping procedures, including records documenting implementation of the procedures under paragraphs (3), (4), and (5).

''(c) HAZARD.—For purposes of this section, the term 'hazard that may be intentionally introduced, including by an act of terrorism' means a hazard for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish preventive measures because the hazard has been identified by a food defense assessment by application of—

''(1) a targeting assessment tool recommended by the Secretary by guidance; or

''(2) a comparable targeting assessment tool.

''(d) FOOD DEFENSE HAZARDS IDENTIFIED BY THE SECRETARY.—

''(1) ESTABLISHMENT.—The Secretary may establish by regulation or guidance preventive measures for specific product types to prevent intentional contamination throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive measures identified by the Secretary under this paragraph.

''(2) ALTERNATIVE MEASURES.—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive measure to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative measure effectively addresses the hazard.

''(e) REQUIREMENT TO REASSESS AND REVISE.—

''(1) REQUIREMENT.—The owner, operator, or agent of a facility shall—

''(A) review the food defense assessment under subsection (b)(1) for the facility and, as necessary, revise the food defense assessment under subsection (b)(1) for the facility—

''(i) not less than every 2 years;

''(ii) if there is a change in the process or product that could affect the food defense assessment; and

''(iii) if the Secretary determines that it is appropriate to protect public health; and

''(B) whenever there is a change in the food defense assessment, revise the preventive measures under subsection (b)(2) for the facility as necessary to ensure that for all hazards identified, the risk is minimized, or document the basis for the conclusion that no such revision is needed.

''(2) NONDELEGATION.—Any revisions ordered by the Secretary under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

''(f) RECORDKEEPING.—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (b) and (e).

''(g) ACCESS TO PLAN.—

''(1) ON INSPECTION.—An officer or employee of the Secretary shall have access to the food defense plan of a facility under section 414(a) only if the Secretary, through an official who is the director of the district under this Act in which the facility is located or an official who is senior to such a director, provides notice under section 414(a)(1)(C).

''(2) NONDISCLOSURE.—A food defense plan, and any information derived from such a plan, shall be exempt from disclosure under section 552 of title 5, United States Code.''.

(3) PROHIBITION.—Section 301(j) (21 U.S.C. 331(j)) is amended by inserting after ''entitled to protection'' the following: ''or a food defense plan, or any information derived from such a plan, under section 418C''.

SEC. 103. PERFORMANCE STANDARDS.

(a) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342), as amended by section 102, is amended by adding at the end the following:

''(l) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the standards issued under section 419.''.

(b) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 102(b), is further amended by adding at the end the following:

"SEC. 419. PERFORMANCE STANDARDS.

''(a) PERFORMANCE STANDARDS.—The Secretary shall, not less frequently than every 2 years, review and evaluate epidemiological data and other appropriate sources of information, including research under section 123 of the Food Safety Enhancement Act of 2009, to identify the most significant food-borne contaminants and the most significant resulting hazards. The Secretary shall issue, as soon as practicable, through guidance or by regulation, science-based performance standards (which may include action levels) applicable to foods or food classes, as appropriate,

to minimize to an acceptable level, prevent, or eliminate the occurrence of such hazards. Such standards shall be applicable to foods and food classes. Notwithstanding the timelines set forth in this paragraph, the Secretary shall as appropriate establish such science-based performance standards for identified contaminants as necessary to protect the public health.

''(b) LIST OF CONTAMINANTS.—Following each review under subsection (a), the Secretary shall publish in the Federal Register a list of food-borne contaminants that have the greatest adverse impact on public health. In determining whether a particular food-borne contaminant should be added to such list, the Secretary shall consider the number and severity of illnesses and the number of deaths associated with the foods associated with such contaminants.

''(c) SAMPLING PROGRAM.—In conjunction with the establishment of a performance standard under this section, the Secretary may make recommendations to industry for conducting product sampling.

''(d) REVOCATION BY SECRETARY.—All performance standards of the Food and Drug Administration applicable to foods or food classes in effect on the date of the enactment of this section, or issued under this section, shall remain in effect until revised or revoked by the Secretary.''.

(c) REPORT TO CONGRESS.—The Secretary of Health and Human Services shall submit to the Congress by March 30th of the year following each review under section 419 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), a report on the results of such review and the Secretary's plans to address the significant food-borne hazards identified, or the basis for not addressing any significant food-borne hazards identified, including any resource limitations or limitations in data that preclude further action at that time.

SEC. 104. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

(a) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342), as amended by sections 102 and 103(a), is amended by adding at the end the following:

''(m) If it has been grown, harvested, processed, packed, sorted, transported, or held under conditions that do not meet the standards established under section 419A.''.

(b) STANDARDS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102(b) and 103(b), is amended by adding at the end the following:

''SEC. 419A. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

''(a) STANDARDS.—The Secretary, in coordination with the Secretary of Agriculture, shall establish by regulation scientific and risk-based food safety standards for the growing, harvesting, processing, packing, sorting, transporting, and holding of those types of raw agricultural commodities—

''(1) that are a fruit, vegetable, nut, or fungus; and

''(2) for which the Secretary has determined that such standards are reasonably necessary to minimize the risk of serious adverse health consequences or death to humans or animals.

''(b) CONTENTS.—The regulations under subsection (a)—

''(1) may set forth such procedures, processes, and practices as the Secretary determines to be reasonably necessary—

''(A) to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into raw agricultural commodities that are a fruit, vegetable, nut, or fungus; and

''(B) to provide reasonable assurances that such commodity is not adulterated under section 402;

''(2) may include, with respect to growing, harvesting, processing, packing, sorting, transporting, and storage operations, standards for safety as the Secretary determines to be reasonably necessary;

''(3) may include standards addressing manure use, water quality, employee hygiene, sanitation and animal control, and temperature controls, as the Secretary determines to be reasonably necessary;

''(4) may include standards for such other elements as the Secretary determines necessary to carry out subsection (a);

''(5) shall provide a reasonable period of time for compliance, taking into account the needs of small businesses for additional time to comply;

''(6) may provide for coordination of education and enforcement activities;

''(7) shall take into consideration, consistent with ensuring enforceable public health protection, the impact on small-scale and diversified farms, and on wildlife habitat, conservation practices, watershed-protection efforts, and organic production methods;

''(8) may provide for coordination of education and training with other government agencies, universities, private entities, and others with experience working directly with farmers; and

''(9) may provide for recognition through guidance of other existing publicly available procedures, processes, and practices that the Secretary determines to be equivalent to those established under paragraph (1).

''(c) EDUCATION AND COMPLIANCE.—The Secretary shall coordinate with the Secretary of Agriculture to provide for effective implementation of education and compliance activities. The Secretary may contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.''.

(c) TIMING.—

(1) PROPOSED RULE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a proposed rule to carry out section 419A of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b).

(2) FINAL RULE.—Not later than 3 years after such date, the Secretary of Health and Human Services shall issue a final rule under such section.

(d) NO EFFECT ON EXISTING HACCP AUTHORITIES.—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(e) UPDATE EXISTING GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall update the guidance document entitled ''Guidance For Industry: Guide To Minimize Microbial Food Safety Hazards For Fresh Fruits And Vegetables'' (issued on October 26, 1998) in accordance with this section and the amendments made by this section.

SEC. 105. RISK-BASED INSPECTION SCHEDULE.

(a) IN GENERAL.—Section 704 (21 U.S.C. 374) is amended by adding at the end the following:

''(h)(1) Each facility registered under section 415 shall be inspected—

''(A)(i) by one or more officers duly designated under section 702 or other statutory authority by the Secretary;

''(ii) for domestic facilities, by a Federal, State, or local official recognized by the Secretary under paragraph (2); or

''(iii) for foreign facilities, by an agency or a representative of a country that is recognized by the Secretary under paragraph (2); and

''(B) at a frequency determined pursuant to a risk-based schedule.

''(2) For purposes of paragraph (1)(A), the Secretary—

''(A) may recognize Federal, State, and local officials and agencies and representatives of foreign countries as meeting standards established by the Secretary for conducting inspections under this Act; and

''(B) may limit such recognition to inspections of specific commodities or food types.

''(3) The risk-based schedule under paragraph (1)(B) shall be implemented beginning not later than 18 months after the date of the enactment of this subsection.

''(4) Such risk-based schedule shall provide for a frequency of inspections commensurate with the risk presented by the facility and shall be based on the following categories and inspection frequencies:

''(A) CATEGORY 1.—A category 1 food facility is a high-risk facility that manufactures or processes food. The Secretary shall randomly inspect a category 1 food facility at least every 6 to 12 months.

''(B) CATEGORY 2.—A category 2 food facility is a low-risk facility that manufactures or processes food or a facility that packs or labels food. The Secretary shall randomly inspect a category 2 facility at least every 18 months to 3 years.

''(C) CATEGORY 3.—A category 3 food facility is a facility that holds food. The Secretary shall randomly inspect a category 3 facility at least every 5 years.

''(5) The Secretary—

''(A) may, by guidance, modify the types of food facilities within a category under paragraph (4);

''(B) may alter the inspection frequencies specified in paragraph (4) based on the need to respond to food-borne illness outbreaks and food recalls; and

''(C) may inspect a facility more frequently than the inspection frequency provided by paragraph (4);

''(D) beginning 6 months after submitting the report required by section 105(b)(2) of the Food Safety Enhancement Act of 2009, may—

''(i) publish in the Federal Register adjustments to the inspection frequencies specified in subparagraphs (B) and (C) of paragraph (4) for category 2 and category 3 food facilities, which adjustments shall be in accordance with the Secretary's recommendations in such report; and

''(ii) after such publication, implement the adjustments; and

''(E) except as provided in subparagraphs (B) and (C), may not alter the inspection frequency specified in paragraph (4)(A) for category 1 food facilities.

''(6) In determining the appropriate frequency of inspection, the Secretary shall consider—

''(A) the type of food manufactured, processed, packed, or held at the facility;

''(B) the compliance history of the facility;

''(C) whether the facility importing or offering for import into the United States food is certified by a qualified certifying entity in accordance with section 801(q); and

''(D) such other factors as the Secretary determines by guidance to be relevant to assessing the risk presented by the facility.

''(7) Before establishing or modifying the categorization under paragraph (4) of any food facility or type of food facility, the Secretary shall publish a notice of the proposed categorization in the Federal Register and provide a period of not less than 60 days for public comment on the proposed categorization.''.

(b) REPORTS ON RISK-BASED INSPECTIONS OF FOOD FACILITIES.—

(1) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate describing—

(A) the number of foreign and domestic facilities, by risk category, inspected under the risk-based inspection schedule established under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), in the preceding fiscal year; and

(B) the costs of implementing the risk-based inspection schedule for the preceding 12 months.

(2) THIRD-YEAR REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate describing recommendations on the risk-based inspection schedule under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), including recommendations for adjustments to the timing of the schedule and other ways to improve the risk-based allocation of resources by the Food and Drug Administration. In making such recommendations, the Secretary shall consider—

(A) the nature of the food products being processed, stored, or transported;

(B) the manner in which food products are processed, stored, or transported;

(C) the inherent likelihood that the products will contribute to the risk of food-borne illness;

(D) the best available evidence concerning reported illnesses associated with the foods processed, stored, held, or transported in the category of facilities; and

(E) the overall record of compliance with food safety law among facilities in the category, including compliance with applicable performance standards and the frequency of recalls.

SEC. 106. ACCESS TO RECORDS.

(a) RECORDS ACCESS.—Subsection (a) of section 414 (21 U.S.C. 350c) is amended to read as follows:

''(a) RECORDS ACCESS.—

''(1) RECORDS ACCESS DURING AN INSPECTION.—

''(A) IN GENERAL.—Except as provided in paragraph (3), each person who manufactures, processes, packs, transports, distributes, receives, or holds an article of food in the United States or for import into the United States shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article bearing on whether the food may be adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A.

''(B) SCOPE OF RECORDS.—The requirement under subparagraph (A) applies to all records relating to the manufacture, processing, packing, transporting, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.

''(C) IMMEDIATE AVAILABILITY WITH NOTICE.—Records not required to be made available immediately on commencement of an inspection under subparagraph (A) shall nonetheless be made available immediately on commencement of such an inspection if, by a reasonable time before such inspection, the Secretary by letter to the person identifies the records to be made available during such inspection. Nothing in this subparagraph shall be construed as permitting a person to refuse to produce records required under and in accordance with subparagraph (A) due to failure of the Secretary to provide notice under this paragraph.

''(2) ADDITIONAL AUTHORITIES TO ACCESS RECORDS REMOTELY; SUBMISSION OF RECORDS TO THE SECRETARY.—

''(A) REMOTE ACCESS IN EMERGENCIES.—If the Secretary has a reasonable belief that an article of food presents a threat of serious adverse health consequences or death to humans or animals, the Secretary may require each person who manufactures, processes, packs, transports, distributes, receives, holds, or imports such article of food, or any article of food that the Secretary determines may be affected in a similar manner, to submit to the Secretary all records reasonably related to such article of food as soon as is reasonably practicable, after receiving written notice (including by notice served personally and outside normal business hours to an agent identified under subparagraph (E) or (F) of section 415(a)(2)) of such requirement.

''(B) REMOTE ACCESS TO RECORDS RELATED TO FOOD SAFETY PLANS.—With respect to a facility subject to section 418 and 418A, the Secretary may require the owner, operator, or agent of such facility to submit to the Secretary, as soon as reasonably practicable after receiving written notice of such requirement, the food safety plan, supporting information relied on by the facility to select the preventive controls to include in its food safety plan, and documentation of corrective actions, if any, taken under section 418(e) within the preceding 2 years

''(C) ELECTRONIC SUBMISSION.—If the records required to be submitted to the Secretary under subparagraph (A) or (B) are available in electronic format, such records shall be submitted electronically unless the Secretary specifies otherwise in the notice under such subparagraph.

''(3) LIMITED RECORDS ACCESS ON FARMS.—

''(A) APPLICATION.—Paragraphs (1) and (2) do not apply with respect to farms, except as provided in this paragraph.

''(B) IN GENERAL.—A person who is the owner, operator, or agent of a farm (as defined in section 415) shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to an article of food produced, manufactured, processed, packed, or held on such farm as specified in paragraphs (1) and (2) if—

''(i) such article of food is a fruit, vegetable, nut, or fungus that is the subject of a standard issued under section 419A; or

''(ii) such article of food is the subject of an active investigation by the Secretary of a food borne illness outbreak and is not a grain or similarly handled commodity as defined in subsection (c)(4)(C)(ii).

''(C) RECORDS ACCESS ON FARMS PRIOR TO RULEMAKING.—

''(i) IN GENERAL.—As soon as practicable after the enactment of this paragraph, the Secretary shall, in coordination with the Secretary of Agriculture, identify 1 or more fruits, vegetables, nuts, or fungi for which the Secretary shall have access to records on farms. Such identification shall be made by guidance, following notice and public comment.

''(ii) IDENTIFICATION OF RAW AGRICULTURAL COMMODITIES.—The Secretary, in coordination with the Secretary of Agriculture, shall make the identification in clause (i), based on any past food borne illness outbreak attributed to the fruit, vegetable, nut, or fungus—

''(I) in the United States and the risk that a similar outbreak could occur again in the United States; or

''(II) in a foreign country and the risk that a similar outbreak could occur in the United States.

''(iii) DURATION OF AUTHORITY.—The authority to have access to records for a fruit, vegetable, nut, or fungus under this subparagraph shall begin on the date on which the Secretary identifies such fruit, vegetable, nut, or fungus under clause (i) and shall terminate on the effective date of a final rule issued by the Secretary under section 419A.

''(iv) SCOPE OF RECORDS ACCESS.—In the guidance under clause (i), and for the period specified in clause (iii), the Secretary, in coordination with the Secretary of Agriculture, shall determine the scope of the records to which the Secretary shall have access under this subparagraph.

''(D) RULE OF CONSTRUCTION.—This paragraph shall not be construed as limiting access to any records authorized under—

''(i) this Act or the Public Health Service Act, as in effect on the day before the date of the enactment of this paragraph; or

''(ii) regulations issued under such Acts on any date before the date of the enactment of this paragraph.''.

(b) REGULATIONS CONCERNING RECORDKEEPING.—

(1) AMENDMENT.—Subsection (b) of section 414 (21 U.S.C. 350c) is amended to read as follows:

''(b) REGULATIONS CONCERNING RECORDKEEPING.—The Secretary, in consultation and coordination, as appropriate, with other Federal departments and agencies with responsibilities for regulating food safety, shall by regulation establish requirements regarding the establishment and maintenance, for not longer than 3 years, of records by persons who manufacture, process, pack, transport, distribute, receive, or hold food in the United States or for import into the United States. The Secretary shall take into account the size of a business in promulgating regulations under this subsection. The Secretary shall consult with the Secretary of Agriculture in promulgating regulations with respect to farms under this subsection and shall take into account the nature of and impact on farms in promulgating such regulations. The only distribution records which may be required of restaurants under this subsection are those showing the restaurant's suppliers and subsequent distribution other than to consumers.''.

(2) APPLICATION.—The Secretary of Health and Human Services shall promulgate revised regulations to implement section 414(b) of the Federal Food, Drug, and Cosmetic Act, as amended by this subsection. Section 414(b) of the Federal Food, Drug, and Cosmetic Act and regulations thereunder, as in effect on the day before the date of the enactment of this Act, shall apply to acts and omissions occurring before the effective date of such revised regulations.

(c) CONFORMING AMENDMENTS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended—

(1) in the second sentence—

(A) by striking ''(excluding farms or restaurants)'' and inserting ''(excluding farms, except as provided in section 414(a)(3))'';

(B) by inserting ''receives,'' before ''holds'';

(C) by striking ''described in section 414'' and inserting ''described in or required under section 414''; and

(D) by striking ''when the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''bearing on whether such food is adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A''; and

(2) in the fourth sentence—

(A) by striking ''the preceding sentence'' and inserting ''either of the preceding two sentences''; and

(B) by inserting ''recipes for food,'' before ''financial data,''.

SEC. 107. TRACEABILITY OF FOOD.

(a) PROHIBITED ACT.—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting '', the violation of any requirement of the food tracing system under section 414(c);'' before ''or the refusal to permit access to or verification or copying of any such required record''.

(b) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting ''or (4) the requirements of section 414 have not been complied with regarding such article,'' before ''then such article shall be refused admission''.

(c) PRODUCT TRACING FOR FOOD.—Section 414 (21 U.S.C. 350c), as amended by section 106, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) TRACING SYSTEM FOR FOOD.—

''(1) IN GENERAL.—The Secretary shall by regulation establish a tracing system for food that is located in the United States or is for import into the United States.

''(2) INFORMATION GATHERING.—

''(A) TRACING TECHNOLOGIES.—Before issuing a proposed regulation under this subsection, the Secretary shall—

''(i) identify technologies and methodologies for tracing the distribution history of a food that are, or may be, used by members of different sectors of the food industry, including technologies and methodologies to enable each person who produces, manufactures, processes, pack, transports, or holds a food to—

''(I) maintain the full pedigree of the origin and previous distribution history of the food;

''(II) link that history with the subsequent distribution of the food;

''(III) establish and maintain a system for tracing the food that is interoperable with the systems established and maintained by other such persons; and

''(IV) use a unique identifier for each facility owned or operated by such person for such purpose, as specified under section 1011; and

''(ii) to the extent practicable, assess—

''(I) the costs and benefits associated with the adoption and use of such technologies;

''(II) the feasibility of such technologies for different sectors of the food industry; and

''(III) whether such technologies are compatible with the requirements of this subsection.

''(B) PUBLIC MEETINGS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct not less than 2 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to provide input and information to the Secretary.

''(C) PILOT PROJECTS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct 1 or more pilot projects in coordination with 1 or more sectors of the food industry to explore and evaluate tracing systems for food. The Secretary shall coordinate with the Secretary of Agriculture in conducting pilot projects with respect to farms under this subsection.

''(3) REGULATION.—

''(A) IN GENERAL.—Taking into account information obtained through information gathering under paragraph (2), the Secretary shall issue regulations establishing a tracing system that enables the Secretary to identify each person who grows, produces, manufactures, processes, packs, transports, holds, or sells such food in as short a timeframe as practicable but no longer than 2 business days.

''(B) SCOPE OF REGULATION.—The Secretary may include in the regulations establishing a tracing system—

''(i) the establishment and maintenance of lot numbers;

''(ii) a standardized format for pedigree information; and

''(iii) the use of a common nomenclature for food.

''(C) COORDINATION REGARDING FARM IMPACT.—In issuing regulations under this paragraph that will impact farms, the Secretary—

''(i) shall coordinate with the Secretary of Agriculture; and

''(ii) take into account the nature of the impact of the regulations on farms.

''(4) EXEMPTIONS AND LIMITATIONS.—

''(A) DIRECT SALES BY FARMS.—Food is exempt from the requirements of this subsection if such food is—

''(i) produced on a farm; and

''(ii) sold by the owner, operator, or agent in charge of such farm directly to a consumer or to a restaurant or grocery store.

''(B) FISHING VESSELS.—Food is exempt from the requirements of this subsection if such food is produced through the use of a fishing vessel as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

''(C) GRAINS AND SIMILARLY HANDLED COMMODITIES.—

''(i) LIMITATION ON EXTENT OF TRACING.—In addition to the exemption under subparagraph (A), any tracing system established under this subsection with regard to any grain or similarly handled commodity shall be limited to enabling the Secretary to identify persons who received, processed, packed, transported, distributed, held, or sold the grain or similarly handled commodity from the initial warehouse operator that held the grain or similarly handled commodity for any period of time to the ultimate consumer.

''(ii) DEFINITIONS.—In this subparagraph:

''(I) The term 'grain or similarly handled commodity' means wheat, corn, grain sorghum, barley, oats, rice, wild rice, rye, soybeans, legumes, sugar cane, sugar beets, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, camelina, cottonseed, cocoa beans, grass hay, and honey. The term may include any other commodity as determined by the Secretary in coordination with the Secretary of Agriculture.

''(II) The term 'warehouse operator' has the meaning given that term in section 2 of the United States Warehouse Act (7 U.S.C. 241), except that the term also includes any person or entity that handles or stores agricultural products for other persons or entities or, in the case of a cooperative, handles or stores agricultural products for its members, as determined by the Secretary in coordination with the Secretary of Agriculture.

''(D) EXEMPTION OF OTHER FOODS.—The Secretary may by notice in the Federal Register exempt a food or a type of facility, farm, or restaurant from, or modify the requirements with respect to, the requirements of this subsection if the Secretary determines that a tracing system for such food or type of facility, farm, or restaurant is not necessary to protect the public health.

''(E) RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.—For a food or person covered by a limitation or exemption under subparagraph (B), (C), or (D), the Secretary shall require each person who produces, receives, manufactures, processes, packs, transports, distributes, or holds such food to maintain records to identify the immediate previous sources of such food and its ingredients and the immediate subsequent recipients of such food.

''(F) RECORDKEEPING BY RESTAURANTS AND GROCERY STORES.—For a food covered by an exemption under subparagraph (A), restaurants and grocery stores shall keep records documenting the farm that was the source of the food.

''(G) RECORDKEEPING BY FARMS.—For a food covered by an exemption under subparagraph (A), farms shall keep records, in electronic or non-electronic format, for at least 6 months documenting the restaurant or grocery store to which the food was sold.''.

SEC. 108. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

(a) IN GENERAL.—Part 6 of subchapter C of chapter VII (21 U.S.C. 371 et seq.), as added by section 101(c), is amended by adding at the end the following:

''SEC. 743A. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

''(a) IN GENERAL.—The Secretary shall assess and collect fees from each entity in a fiscal year—

''(1) that—

''(A) during such fiscal year commits a violation of any requirement of this Act relating to food, including any such requirement relating to good manufacturing practices; and

''(B) because of such violation, undergoes additional inspection by the Food and Drug Administration; or

''(2) during such fiscal year is subject to a food recall.

''(b) AMOUNT OF FEES.—The Secretary shall set the amount of the fees under this section to fully cover the costs of—

''(1) in the case of fees collected under subsection (a)(1), conducting the additional inspections referred to in such subsection; and

''(2) in the case of fees collected under subsection (a)(2), conducting food recall activities, including technical assistance, follow-up effectiveness checks, and public notifications, during the fiscal year involved.

''(c) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to defray the costs referred to in subsection (b).

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

''(d) WAIVER.—The Secretary shall waive and, if applicable, refund the amount of any fee collected under this section from an entity as a result of a food recall that the Secretary determines was inappropriately ordered.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to additional inspections and food recall activities occurring after the date of the enactment of this Act.

SEC. 109. CERTIFICATION AND ACCREDITATION.

(a) MISBRANDING.—

(1) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by section 101(a), is amended by adding at the end the following:

''(aa) If it is part of a shipment offered for import into the United States and such shipment is in violation of section 801(q) (requiring a certification of compliance for certain food shipments).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to shipments offered for import on or after the date that is 3 years after the date of the enactment of this Act.

(b) CERTIFICATION OF COMPLIANCE FOR IMPORTS.—Chapter VIII (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(a), as amended by section 107(b), by inserting after the third sentence the following: ''If such article is food being imported or offered for import into the United States and is not in compliance with the requirement of subsection (q) (relating to certifications of compliance with this Act), then such article shall be refused admission.'';

(2) in the second sentence of section 801(b), by striking ''the fourth sentence'' and inserting ''the fifth sentence''; and

(3) by adding at the end of section 801 the following:

''(q) CERTIFICATIONS CONCERNING IMPORTED ARTICLES.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—The Secretary may require, as an additional condition of granting admission to an article of food being imported or offered for import into the United States, that a qualified certifying entity provide a certification that the article complies with requirements of this Act as specified by the Secretary if—

''(i) for food imported from a particular country, territory, or region, the Secretary finds, based on scientific, risk-based evidence, that the government controls in such country, territory, or region are inadequate to ensure that the article is safe and that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a);

''(ii) for a type of food for which there is scientific evidence that there is a particular risk associated with the food that presents a threat of serious adverse health consequences or death, the Secretary finds that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a); or

''(iii) for an article imported from a particular country or territory, there is an agreement between the Secretary and the government of such country or territory providing for such certification.

''(B) FORM OF CERTIFICATION.—A certification under subparagraph (A) may take the form of a statement that the article or the facility or farm that manufactured, processed, packed, held, grew, harvested, sorted, or transported the article, as the case may be, complies with requirements of this Act as specified by the Secretary, or any other form as the Secretary may specify, including a listing of certified facilities or other entities. The Secretary may require that the certification include additional information regarding compliance.

''(C) ADEQUATE GOVERNMENT CONTROLS.—

''(i) PROCESS.—Before requiring a certification under clause (ii) of subparagraph (A) with respect to a food, the Secretary shall establish a process by which a country or territory may demonstrate that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

''(ii) DEMONSTRATION.—The Secretary shall not require a certification under clause (ii) of subparagraph (A) for a food exported from a country or territory, if that country or territory has demonstrated, pursuant to the process established by the Secretary under clause (i), that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

''(D) NOTICE OF CANCELLATION OR SUSPENSION OF CERTIFICATION.—As a condition on acceptance of certifications from a qualified certifying entity, the Secretary shall require the qualified certifying entity to notify the Secretary whenever the qualified certifying entity cancels or suspends the certification of any facility or other entity included in a listing under subparagraph (B).

''(E) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—The Secretary shall apply this paragraph consistently with United States obligations under international agreements.

''(2) QUALIFIED CERTIFYING ENTITY.—For purposes of this subsection, the term 'qualified certifying entity' means—

''(A) an agency or a representative of the government of the country from which the article originated, as designated by such government or the Secretary; or

''(B) an individual or entity determined by the Secretary or an accredited body recognized by the Secretary to be qualified to provide a certification under paragraph (1).

''(3) NO CONFLICTS OF INTEREST.—

''(A) IN GENERAL.—The Secretary shall issue regulations to ensure that any qualified certifying entity and its auditors are free from conflicts of interest. In issuing these regulations, the Secretary may rely on or incorporate international certification standards.

''(B) REGULATIONS.—Such regulations shall require that—

''(i) the qualified certifying entity shall have a committee or management structure for safeguarding impartiality;

''(ii) conflict of interest policies for a qualified certifying entity and auditors acting for the qualified certifying entity shall be written;

''(iii) the qualified certifying entity shall not be owned, operated, or controlled by a producer, manufacturer, processor, packer, holder, supplier, or vendor of any article of the type it certifies;

''(iv) the qualified certifying entity shall not have any ownership or financial interest in any product, producer, manufacturer, processor, packer, holder, supplier or vendor of the type it certifies;

''(v) no auditor acting for the qualified certifying entity (or spouse or minor children) shall have any significant ownership or other financial interest regarding any product of the type it certifies;

''(vi) the qualified certifying entity shall—

''(I) obtain and maintain annual declarations from all personnel who may be directly involved in the performance of audits as to whether they do or do not have direct financial interests in any producer, manufacturer, processor, packer, holder, supplier, or vendor of foods, and a list of any such companies in which they do have financial interests or by which they were employed in the past year; and

''(II) when an auditor is assigned to audit a facility, require that individual to affirm that he or she has no financial interest in the company that owns or operates that facility and was not employed by that facility in the previous year;

''(vii) neither the qualified certifying entity nor any of its auditors acting for the qualified certifying entity shall participate in the production, manufacture, processing, packing, holding, promotion, or sale of any product of the type it certifies;

''(viii) neither the qualified certifying entity nor any of its auditors shall provide consultative services to any facility certified by the qualified certifying entity, or the owner, operator, or agent in charge of such a facility, unless the qualified certifying entity has procedures in place, approved by the Secretary, to ensure separation of functions between auditors providing consultative services and auditors providing certification services under this subsection;

''(ix) no auditors acting for the qualified certifying entity shall participate in an audit of a facility they were employed by within the last 12 months;

''(x) fees charged or accepted shall not be contingent or based upon the report made by the qualified certifying entity or any personnel involved in the audit process;

''(xi) neither the qualified certifying entity nor any of its auditors shall accept anything of value from anyone in connection with the facility being audited other than the audit fee;

''(xii) the qualified certifying entity shall not be owned, operated, or controlled by a trade association whose member companies operate facilities that it certifies;

''(xiii) the qualified certifying entity and its auditors shall be free from any other conflicts of interest that threaten impartiality;

''(xiv) the qualified certifying entity and its auditors shall sign a statement attesting to compliance with the conflict of interests requirements under this paragraph; and

''(xv) the qualified certifying entity shall ensure that any subcontractors that might be used (such as laboratories and sampling services) provide similar assurances, except that it shall not be a violation of this subsection to the extent such subcontractors perform additional nutritional testing services unrelated to the testing under this subsection.

''(C) DEFINITIONS.—In this paragraph:

''(i) The term 'anything of value' includes gifts, gratuities, reimbursement of non-audit-related expenses, entertainment, loans, or any other form of compensation in cash or in kind.

''(ii) The term 'direct financial interest' does not include any ownership of mutual funds that have a financial interest in a company.

''(4) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary shall—

''(A) require that, to the extent applicable, any certification provided by a qualified certifying entity be renewed by such entity at such times as the Secretary determines appropriate; and

''(B) refuse to accept any certification if the Secretary determines that such certification is no longer valid or reliable.

''(5) ON-SITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under this subsection, or whether to accept certifications from a qualified certifying entity, the Secretary may—

''(A) observe on-site audits of qualified certifying entities by such accreditation body; or

''(B) for any facility that is certified by a qualified certifying entity, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an on-site audit of the facility, which shall include access to, and copying and verification of, any related records.

''(6) ELECTRONIC SUBMISSION.—The Secretary shall provide, in coordination with the Commissioner responsible for Customs and Border Protection, for the electronic submission of certifications under this subsection.

''(7) NO LIMIT ON AUTHORITY.—This subsection shall not be construed to limit the authority of the Secretary to conduct random inspections of imported articles or facilities of importers, issue import alerts for detention without physical examination, require submission to the Secretary of documentation or other information about an article imported or offered for import, or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported articles.''.

SEC. 110. TESTING BY ACCREDITED LABORATORIES.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(uu) The violation of any requirement of section 714 (relating to testing by accredited laboratories).''.

(b) LABORATORY ACCREDITATION.—Subchapter A of chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

''SEC. 714. TESTING BY ACCREDITED LABORATORIES.

''(a) IN GENERAL.—

''(1) REQUIREMENT.—Whenever analytical testing of an article of food is conducted as part of testimony for the purposes of section 801(a), or for such other purposes as the Secretary deems appropriate through regulation or guidance, such testing shall be conducted by a laboratory that—

''(A) is accredited, for the analytical method used, by a laboratory accreditation body that has been recognized by the Secretary; and

''(B) samples such article with adequate controls for ensuring the integrity of the samples analyzed.

''(2) INDEPENDENCE OF LABORATORY.—

''(A) CERTAIN TESTS.—Tests required for purposes of section 801(a) or in response to a finding of noncompliance by the Secretary shall be conducted by a laboratory independent of the person on whose behalf such testing is conducted and analyzed.

''(B) CERTAIN PRODUCTS.—The Secretary may require that testing for certain products under paragraph (1) be conducted by a laboratory independent of the person on whose behalf such testing is conducted.

''(b) RECOGNITION OF LABORATORY ACCREDITATION BODIES.—The Secretary shall establish and implement a program for the recognition, based on standards the Secretary deems appropriate, of laboratory accreditation bodies that accredit laboratories to perform analytical testing for the purposes of this section. The Secretary shall issue regulations or guidance to implement this program.

''(c) ONSITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under subsection (b), the Secretary may—

''(1) observe onsite audits of laboratories by such accreditation bodies; or

''(2) for any laboratory that is accredited by such accreditation body under this section, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an onsite audit of the laboratory, which shall include access to, and copying and verification of, any related records.

''(d) PUBLICATION OF LIST OF RECOGNIZED ACCREDITATION BODIES.—The Secretary shall publish and maintain on the public Web site of the Food and Drug Administration a list of accreditation bodies recognized by the Secretary under subsection (b).

''(e) NOTIFICATION OF ACCREDITATION OF LABORATORY.—An accreditation body that has been recognized pursuant to this section shall promptly notify the Secretary whenever it accredits a laboratory for the purposes of this section and whenever it withdraws or suspends such accreditation.

''(f) ADVANCE NOTICE.—Whenever analytical testing is conducted pursuant to subsection (a), the person on whose behalf the testing is conducted shall notify the Secretary before any sample of the article is collected. Such notice shall contain information the Secretary determines is appropriate to identify the article, the location of the article, and each laboratory that will analyze the sample on the person's behalf.

''(g) CONTENTS OF LABORATORY PACKAGES.—Whenever analytical testing is conducted pursuant to subsection (a), the laboratory conducting such testing shall submit, directly to the Secretary—

''(1) the results of all analyses conducted by the laboratory on each sample of such article; and

''(2) all information the Secretary deems appropriate to—

''(A) determine whether the laboratory is accredited by a recognized laboratory accreditation body;

''(B) identify the article tested;

''(C) evaluate the analytical results; and

''(D) determine whether the requirements of this section have been met.

''(h) EXIGENT CIRCUMSTANCES.—The Secretary may waive the requirement of subsection (a)(1)(A) (relating to analytical methods) on a laboratory or method basis due to exigent or other circumstances.

''(i) FEDERAL LABORATORY TESTING.—If Customs and Border Protection laboratory testing concludes that an article of food is adulterated or misbranded, the Secretary shall consider and utilize as appropriate the testing results issued by the Customs and Border Protection laboratories in making a decision about the admissibility of the product.

''(j) NO LIMIT ON AUTHORITY.—Nothing in this section shall be construed to limit—

''(1) the ability of the Secretary to review and act upon information from the analytical testing of food (including under this section), including determining the sufficiency of such information and testing; or

''(2) the authority of the Secretary to conduct, require, or consider the results of analytical testing pursuant to any other provision of law.''.

SEC. 111. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 110, is amended by adding at the end the following:

''(vv)(1) The failure to notify the Secretary in violation of section 420(a).

''(2) The failure to comply with any order issued under section 420.''.

(b) NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, and 104, is amended by adding at the end the following:

''SEC. 420. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.

''(a) NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.—

''(1) IN GENERAL.—A responsible party as that term is defined in section 417(a)(1) or a person required to register under section 801(s) that has reason to believe that an article of food when introduced into or while in interstate commerce, or while held for sale (regardless of whether the first sale) after shipment in interstate commerce, is adulterated or misbranded in a manner that presents a reasonable probability that the use or consumption of, or exposure to, the article (or an ingredient or component used in any such article) will cause a threat of serious adverse health consequences or death to humans or animals shall, as soon as practicable, notify the Secretary of the identity and location of the article.

''(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Secretary may require by regulation or guidance.

''(b) VOLUNTARY RECALL.—The Secretary may request that any person who distributes an article of food that the Secretary has reason to believe is adulterated, misbranded, or otherwise in violation of this Act voluntarily—

''(1) recall such article; and

''(2) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

''(c) ORDER TO CEASE DISTRIBUTION.—If the Secretary has reason to believe that the use or consumption of, or exposure to, an article of food may cause serious adverse health consequences or death to humans or animals, the Secretary shall have the authority to issue an order requiring any person who distributes such article to immediately cease distribution of such article.

''(d) ACTION FOLLOWING ORDER.—Any person who is subject to an order under subsection (c) shall immediately cease distribution of such article and provide notification as required by such order, and may appeal within 24 hours of issuance such order to the Secretary. Such appeal may include a request for an informal hearing and a description of any efforts to recall such article undertaken voluntarily by the person, including after a request under subsection (b). Except as provided in subsection (f), an informal hearing shall be held as soon as practicable, but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for an informal hearing, the Secretary shall determine whether the order should be amended to require a recall of such article. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(e) ORDER TO RECALL.—

''(1) AMENDMENT.—Except as provided under subsection (f), if after providing an opportunity for an informal hearing under subsection (d), the Secretary determines that the order should be amended to include a recall of the article with respect to which the order was issued, the Secretary shall amend the order to require a recall.

''(2) CONTENTS.—An amended order under paragraph (1) shall—

''(A) specify a timetable in which the recall will occur;

''(B) require periodic reports to the Secretary describing the progress of the recall; and

''(C) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

In providing for such notice, the Secretary may allow for the assistance of health professionals, State or local officials, or other individuals designated by the Secretary.

''(3) NONDELEGATION.—An amended order under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.

''(f) EMERGENCY RECALL ORDER.—

''(1) IN GENERAL.—If the Secretary has credible evidence or information that an article of food subject to an order under subsection (c) presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may issue an order requiring any person who distributes such article—

''(A) to immediately recall such article; and

''(B) to provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

''(2) ACTION FOLLOWING ORDER.—Any person who is subject to an emergency recall order under this subsection shall immediately recall such article and provide notification as required by such order, and may appeal within 24 hours after issuance such order to the Secretary. An informal hearing shall be held within as soon as practicable but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for an informal hearing, the Secretary shall determine whether the order should be amended pursuant to subsection (e)(1). If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(3) NONDELEGATION.—An order under this subsection shall be issued by the Commissioner of Food and Drugs, the Principal Deputy Commissioner, or the Associate Commissioner for Regulatory Affairs of the Food and Drug Administration.

''(g) NOTICE TO CONSUMERS AND HEALTH OFFICIALS.—The Secretary shall, as the Secretary determines to be necessary, provide notice of a recall order under this section to consumers to whom the article was, or may have been, distributed and to appropriate State and local health officials.

''(h) SAVINGS CLAUSE.—Nothing contained in this section shall be construed as limiting—

''(1) the authority of the Secretary to issue an order to cease distribution of, or to recall, an article under any other provision of this Act or the Public Health Service Act; or

''(2) the ability of the Secretary to request any person to perform a voluntary activity related to any article subject to this Act or the Public Health Service Act.''.

(c) ARTICLES SUBJECT TO REFUSAL.—The third sentence of subsection (a) of section 801 (21 U.S.C. 381), as amended by section 107(b), is amended by inserting ''or (5) such article is subject to an order under section 420 to cease distribution of or recall the article,'' before ''then such article shall be refused admission''.

(d) EFFECTIVE DATE.—Sections 301(vv)(1) and 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsections (a) and (b), shall apply with respect to articles of food as of such date, not later than 1 year after the date of the enactment of this Act, as the Secretary of Health and Human Services shall specify.

SEC. 112. REPORTABLE FOOD REGISTRY; EXCHANGE OF INFORMATION.

(a) REPORTABLE FOOD REGISTRY.—Section 417 (21 U.S.C. 350f) is amended—

(1) in subsection (a)(1), by striking ''means a person'' and all that follows through the end of paragraph (1) and inserting the following: ''means—

''(A) a person who submits the registration under section 415(a) for a food facility that is required to be registered under section 415(a), at which such food is manufactured, processed, packed, or held;

''(B) a person who owns, operates, is an agent of, or is otherwise responsible for such food on a farm (as such term is defined in section 1.227(b)(3) of title 21, Code of Federal Regulations, or successor regulations) at which such food is produced for sale or distribution in interstate commerce;

''(C) a person who owns, operates, or is an agent of a restaurant or other retail food establishment (as such terms are defined in section 1.227(b)(11) and (12), respectively, of title 21, Code of Federal Regulations, or successor regulations) at which such food is offered for sale; or

''(D) a person that is required to register pursuant to section 801(s) with respect to importation of such food.'';

(2) in subsection (b), by adding at the end the following:

''(3) REPORTING BY FARMS, RESTAURANTS, AND RETAIL FOOD ESTABLISHMENTS.—In addition to the electronic portal described in paragraph (1), the Secretary shall make available alternative means of reporting under this section with respect to farms, restaurants, and other retail food establishments with limited ability for such reporting.'';

(3) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A), by inserting ''following a timely review of any reasonably available data and information,'' after ''reportable food,'';

(B) in subparagraph (A), by striking ''and'' at the end;

(C) by redesignating subparagraph (B) as subparagraph (C); and

(D) by inserting after subparagraph (A) the following:

''(B) submit, with such report, through the electronic portal, documentation of results from any sampling and testing of such article, including—

''(i) analytical results from testing of such article conducted by or on behalf of the responsible party under section 418, 418A, 419, 419A, or 714;

''(ii) analytical results from testing conducted by or on behalf of such responsible party of a component of such article;

''(iii) analytical results of environmental testing of any facility at which such article, or a component of such article, is manufactured, processed, packed, or held; and

''(iv) any other information the Secretary determines is necessary to evaluate the adulteration of such article, any component of such article, any other article of food manufactured, processed, packed or held in the same manner as, or at the same facility as, such article, or any other article containing a component from the same source as a component of such article; and''; and

(4) in subsection (e)—

(A) in paragraph (1), by inserting ''if the responsible party is required to register'' after ''415(a)(3)''; and

(B) by adding at the end the following:

''(12) Such additional information as the Secretary deems appropriate.''.

(b) EXCHANGE OF INFORMATION.—Section 708 (21 U.S.C. 379) is amended—

(1) by striking ''The Secretary'' and inserting ''(a) The Secretary''; and

(2) by adding at the end the following:

''(b)(1)(A) The Secretary may provide to any Federal agency acting within the scope of its jurisdiction any information relating to food that is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

''(B) Any such information provided to another Federal agency shall not be disclosed by such agency except in any action or proceeding under the laws of the United States to which the receiving agency or the United States is a party.

''(2)(A) In carrying out this Act, the Secretary may provide to a State or local government agency any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

''(B) Any such information provided to a State or local government agency shall not be disclosed by such agency.

''(3) In carrying out this Act, the Secretary may provide to any person any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that providing the information to the person is appropriate under the circumstances and the recipient provides adequate assurances to the Secretary that the recipient will preserve the confidentiality of the information.

''(4) In carrying out this Act, the Secretary may provide any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j)—

''(A) to any foreign government agency; or

''(B) any international organization established by law, treaty, or other governmental action and having responsibility—

''(i) to facilitate global or regional harmonization of standards and requirements in an area of responsibility of the Food and Drug Administration; or

''(ii) to promote and coordinate public health efforts,

if the agency or organization provides adequate assurances to the Secretary that the agency or organization will preserve the confidentiality of the information.

''(c) Except where specifically prohibited by statute, the Secretary may disclose to the public any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that such disclosure is necessary to protect the public health.

''(d) Except as provided in subsection (e), the Secretary shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law any information relating to food obtained

from a Federal, State, or local government agency, or from a foreign government agency, or from an international organization described in subsection (b)(4), if the agency or organization has requested that the information be kept confidential, or has precluded such disclosure under other use limitations, as a condition of providing the information.

''(e) Nothing in subsection (d) authorizes the Secretary to withhold information from the Congress or prevents the Secretary from complying with an order of a court of the United States.

''(f) This section shall not affect the authority of the Secretary to provide or disclose information under any other provision of law.''.

(c) CONFORMING AMENDMENT.—Section 301(j) (21 U.S.C. 331(j)) is amended by striking ''or to the courts when relevant in any judicial proceeding under this Act,'' and inserting ''to the courts when relevant in any judicial proceeding under this Act, or as specified in section 708,''.

SEC. 113. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

''SEC. 805. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

''(a) IN GENERAL.—The Secretary may establish by regulation or guidance in coordination with the Commissioner responsible for Customs and Border Protection a program that facilitates the movement of food through the importation process under this Act if the importer of such food—

''(1) verifies that each facility involved in the production, manufacture, processing, packaging, and holding of the food is in compliance with the food safety and security guidelines developed under subsection (b) with respect to such food;

''(2) ensures that appropriate safety and security controls are in place throughout the supply chain for such food; and

''(3) provides supporting information to the Secretary.

''(b) GUIDELINES.—

''(1) DEVELOPMENT.—For purposes of the program established under subsection (a), the Secretary shall develop in consultation with the Commissioner responsible for Customs and Border Protection safety and security guidelines applicable to the importation of food taking into account, to the extent appropriate, other relevant Federal programs, such as the Customs-Trade Partnership Against Terrorism (C-TPAT) programs under section 211 of the Security and Accountability for Every Port Act of 2006.

''(2) FACTORS.—Such guidelines shall take into account the following factors:

''(A) The personnel of the person importing the food.

''(B) The physical and procedural safety and security of such person's food supply chain.

''(C) The sufficiency of preventive controls for food and ingredients purchased by such person.

''(D) Vendor and supplier information.

''(E) Other programs for certification or verification by a qualified certifying entity used by the importer.

''(F) Such other factors as the Secretary determines necessary.''.

SEC. 114. INFANT FORMULA.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a) and 109(a), is amended by adding at the end the following:

''(bb) If it is a new infant formula and—

''(1) it is not the subject of a registration made pursuant to section 412(c)(1)(A);

''(2) it is not the subject of a submission made pursuant to section 412(c)(1)(B), or

''(3) at least 90 days have not passed since the making of such registration or of such submission to the Secretary.''.

(b) REQUIREMENTS.—Section 412 (21 U.S.C. 350a) is amended—

(1) in subsection (c)(1)(B), by striking ''(c)(1)'' at the end and inserting ''(d)(1), subject to subsection (d)(2)(B)'';

(2) in subsection (d)(1)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting '', and''; and

(C) by adding at the end the following:

''(E) information on any new ingredient in accordance with paragraph (2)(A).'';

(3) in subsection (d), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) of subsection (d) the following:

''(2)(A) The description of any new infant formula required under paragraph (1) shall include, for any new ingredient for use in the formula—

''(i) a citation to a prior approval by the Secretary of the new ingredient for use in infant formula under section 409;

''(ii) a citation to or information showing a prior consideration of the new ingredient for use in infant formula under any program established by the Secretary for the review of ingredients used in food; or

''(iii) for a new ingredient that is not a food additive or a color additive, information equivalent to that provided under any program established by the Secretary for the review of ingredients used in food.

''(B) If the information submitted under subparagraph (A) is the information described in clause (iii) of such subparagraph, the 90 day period provided by subsection (c)(1)(B) shall not commence until the Secretary has completed review of the information submitted under such clause and has provided the submitter notice of the results of such review.''.

Subtitle B—Intervention

SEC. 121. SURVEILLANCE.

(a) DEFINITION OF FOOD-BORNE ILLNESS OUTBREAK.—In this section, the term ''food-borne illness outbreak'' means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a food.

(b) FOOD-BORNE ILLNESS SURVEILLANCE SYSTEMS.—The Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, shall enhance food-borne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on food-borne illnesses by—

(1) coordinating Federal, State, and local food-borne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(2) facilitating sharing of findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, and State and local agencies, and with the public;

(3) developing improved epidemiological tools for obtaining quality exposure data, and microbiological methods for classifying cases;

(4) augmenting such systems to improve attribution of a food-borne illness outbreak to a specific food;

(5) expanding capacity of such systems, including fingerprinting and other detection strategies for food-borne infectious agents, in order to identify new or rarely documented causes of food-borne illness;

(6) allowing timely public access to aggregated, de-identified surveillance data;

(7) at least annually, publishing current reports on findings from such systems;

(8) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(9) integrating food-borne illness surveillance systems and data with other bio-surveillance and public health situational awareness capabilities at the Federal, State, and local levels; and

(10) other activities as determined appropriate by the Secretary.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve food-borne illness outbreak response and containment.

(B) Accelerate food-borne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of food-borne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(2) REVIEW.—In developing the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of this Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

SEC. 122. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) PUBLIC EDUCATION.—The Secretary, in cooperation with private and public organizations, including the appropriate State entities, shall design and implement a national public education program on food safety. The program shall provide—

(1) information to the public so that individuals can understand the potential impact and risk of food-borne illness, take action to reduce their risk of food-borne illness and injury, and make healthy dietary choices;

(2) information to health professionals so that they may improve diagnosis and treatment of food-related illness and advise individuals whose health conditions place them in particular risk; and

(3) such other information or advice to consumers and other persons as the Secretary determines will promote the purposes of this Act.

(b) HEALTH ADVISORIES.—The Secretary shall work with the States and other appropriate entities to—

(1) develop and distribute regional and national advisories concerning food safety;

(2) develop standardized formats for written and broadcast advisories; and

(3) incorporate State and local advisories into the national public education program required under subsection (a).

SEC. 123. RESEARCH.

The Secretary shall conduct research to assist in the implementation of this Act, including studies to—

(1) improve sanitation and food safety practices in the production, harvesting, and processing of food products;

(2) develop improved techniques for the monitoring of food and inspection of food products;

(3) develop efficient, rapid, and sensitive methods for determining and detecting the presence of contaminants in food products;

(4) determine the sources of contamination of food and food products, including critical points of risk for fresh produce and other raw agricultural commodities;

(5) develop consumption data with respect to food products;

(6) draw upon research and educational programs that exist at the State and local level;

(7) utilize the DNA matching system and other processes to identify and control pathogens;

(8) address common and emerging zoonotic diseases;

(9) develop methods to reduce or destroy pathogens before, during, and after processing;

(10) analyze the incidence of antibiotic resistance as it pertains to the food supply and evaluate methods to reduce the transfer of antibiotic resistance to humans; and

(11) conduct other research that supports the purposes of this Act.

Subtitle C—Response

SEC. 131. PROCEDURES FOR SEIZURE.

Section 304(b) (21 U.S.C. 334(b)) is amended by inserting ''and except that, with respect to proceedings relating to food, Rule G of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions shall not apply in any such case, exigent circumstances shall be deemed to exist for all seizures brought under this section, and the summons and arrest warrant shall be issued by the clerk of the court without court review in any such case'' after ''in any such case shall be tried by jury''.

SEC. 132. ADMINISTRATIVE DETENTION.

(a) AMENDMENTS.—Section 304(h) (21 U.S.C. 334(h)) is amended—

(1) in paragraph (1)(A), by striking ''credible evidence or information indicating'' and inserting ''reason to believe'';

(2) in paragraph (1)(A), by striking ''presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''is adulterated, misbranded, or otherwise in violation of this Act'';

(3) in paragraph (2), by striking ''30'' and inserting ''60'';

(4) in paragraph (3), by striking the third sentence; and

(5) in paragraph (4)(A) by striking the terms ''five'' and ''five-day'' and inserting ''fifteen'' and ''fifteen-day'', respectively.

(b) REGULATIONS.—The Secretary shall issue regulations or guidance to implement the amendments made by this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 133. AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by sections 110 and 111, is amended by adding at the end by adding the following:

''(ww) The violation of a prohibition or restriction under section 304(i).''.

(b) IN GENERAL.—Section 304 (21 U.S.C. 334) is amended by adding at the end the following:

''(i) AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD WITHIN A STATE OR PORTION OF A STATE.—

''(1) AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.—

''(A) IN GENERAL.—

''(i) After consultation with the Governor or other appropriate official of an affected State, if the Secretary determines that there is credible evidence that an article of food presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may prohibit or restrict the movement of an article of food within a State or portion of a State for which the Secretary has credible evidence that such food is located within, or originated from, such State or portion thereof.

''(ii) In carrying out clause (i), the Secretary may prohibit or restrict the movement within a State or portion of a State of any article of food or means of conveyance of such article of food, if the Secretary determines that the prohibition or restriction is a necessary protection from an imminent threat of serious adverse health consequences or death to humans or animals.

''(2) NOTIFICATION PROCEDURES.—Subject to paragraph (3), before any action is taken in a State under this subsection, the Secretary shall—

''(A) notify the Governor or other appropriate official of the State affected by the proposed action;

''(B) issue a public announcement of the proposed action; and

''(C) publish in the Federal Register—

''(i) the findings of the Secretary that support the proposed action;

''(ii) a statement of the reasons for the proposed action; and

''(iii) a description of the proposed action, including—

''(I) the area affected; and

''(II) an estimate of the anticipated duration of the action.

''(3) NOTICE AFTER ACTION.—If it is not practicable to publish in the Federal Register the information required under paragraph (2)(C) before taking action under paragraph (1), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

''(4) APPLICATION OF LEAST DRASTIC ACTION.—No action shall be taken under paragraph (1) unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the imminent threat of serious adverse health consequences or death to humans or animals.

''(5) NONDELEGATION.—An action under paragraph (1) may only be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the Commissioner of Food and Drugs or the Principal Deputy Commissioner.

''(6) DURATION.—Fourteen days after the initiation of an action under paragraph (1), and each 14 days thereafter, if the Secretary determines that it is necessary to continue the action, the Secretary shall—

''(A) notify the Governor or other appropriate official of the State affected of the continuation of the action;

''(B) issue a public announcement of the continuation of the action; and

''(C) publish in the Federal Register the findings of the Secretary that support the continuation of the action, including an estimate of the anticipated duration of the action.

''(7) RULEMAKING.—The Secretary shall, consistent with national security interests and as appropriate for known hazards, establish by regulation standards for conducting actions under paragraph (1), including, as appropriate, sanitation standards and procedures to restore any affected equipment or means of conveyance to its status prior to an action under paragraph (1).''.

SEC. 134. CRIMINAL PENALTIES.

Section 303(a) (21 U.S.C. 333) is amended—

(1) in paragraph (1), by striking ''Any'' and inserting ''Except as provided in paragraph (2) or (3), any''; and

(2) by adding at the end the following:

''(3) Notwithstanding paragraph (1), any person who knowingly violates paragraph (a), (b), (c), (k), or (v) of section 301 with respect to any food that is misbranded or adulterated shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.''.

SEC. 135. CIVIL PENALTIES FOR VIOLATIONS RELATING TO FOOD.

(a) IN GENERAL.—Paragraph (2) of section 303(f) (21 U.S.C. 331 et seq.) is amended to read as follows:

''(2)(A) Any person who violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

''(i) $20,000 in the case of an individual, not to exceed $50,000 in a single proceeding; and

''(ii) $250,000 in the case of any other person, not to exceed $1,000,000 in a single proceeding.

''(B) Any person who knowingly violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

''(i) $50,000 in the case of an individual, not to exceed $100,000 in a single proceeding; and

''(ii) $500,000 in the case of any other person, not to exceed $7,500,000 in a single proceeding.

''(C) Each violation described in subparagraph (A) or (B) and each day during which the violation continues shall be considered to be a separate offense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to violations committed on or after the date of the enactment of this Act.

SEC. 136. IMPROPER IMPORT ENTRY FILINGS.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, and 133, is amended by adding at the end the following:

''(xx) The submission of information relating to food that is required by or under section 801 that is inaccurate or incomplete.

''(yy) The failure to submit information relating to food that is required by or under section 801.''.

(b) DOCUMENTATION FOR IMPORTS.—Section 801 (21 U.S.C. 381), as amended by section 109, is amended by adding at the end the following:

''(r) DOCUMENTATION.—

''(1) SUBMISSION.—The Secretary may require by regulation or guidance the submission of documentation or other information for articles of food that are imported or offered for import into the United States. When developing any regulation or guidance in accordance with this paragraph, to the extent that the collection of documentation or other information involves Customs and Border Protection efforts or resources, the Secretary shall consult with Customs and Border Protection.

''(2) FORMAT.—A regulation or guidance under paragraph (1) may specify the format for submission of the documentation or other information.''.

TITLE II—MISCELLANEOUS

SEC. 201. FOOD SUBSTANCES GENERALLY RECOGNIZED AS SAFE.

Section 409 (21 U.S.C. 348) is amended by adding at the end the following:

''Substances Generally Recognized as Safe

''(k)(1) Not later than 60 days after the date of receipt by the Secretary, after the date of the enactment of this subsection, of a determination that a substance is a GRAS food substance, the Secretary shall post notice of such determination and the supporting scientific justifications on the Food and Drug Administration's public Web site.

''(2) Not later than 60 days after the date of receipt of a request under paragraph (1), the Secretary shall acknowledge receipt of such request by informing the requester in writing of the date on which the request was received.

''(3) In this subsection, the term 'GRAS food substance' means a substance excluded from the definition of the term 'food additive' in section 201(s) because such substance is generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use.''.

SEC. 202. COUNTRY OF ORIGIN LABELING.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), and 114(a), is amended by adding at the end the following:

''(cc) In the case of a processed food, if the labeling of the food fails to identify the country in which the final processing of the food occurs.

''(dd) In the case of nonprocessed food, if the labeling of the food fails to identify the country of origin of the food.''.

(b) REGULATIONS.—

(1) PROMULGATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations to carry out paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) RELATION TO OTHER REQUIREMENTS.—Regulations promulgated under paragraph (1) shall provide that labeling meets the requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), if—

(A) in the case of a processed food, the label of the food informs the consumer of the country where the final processing of the food occurred in accordance with country of origin marking requirements of the United States Customs and Border Protection; or

(B) in the case of a nonprocessed food, the label of the food informs the consumer of the country of origin of the food in accordance with labeling requirements of the Department of Agriculture.

(c) EFFECTIVE DATE.—The requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), take effect on the date that is 2 years after the date of the enactment of this Act.

SEC. 203. EXPORTATION CERTIFICATE PROGRAM.

Section 801(e)(4) (21 U.S.C. 381) is amended—

(1) in the matter preceding clause (i) in subparagraph (A)—

(A) by inserting ''from the United States'' after ''exports''; and

(B) by striking ''a drug, animal drug, or device'' and inserting ''a food (including animal feed), drug, animal drug, or device'';

(2) in subparagraph (A)(i)—

(A) by striking ''in writing''; and

(B) by striking ''exported drug, animal drug, or device'' and inserting ''exported food, drug, animal drug, or device'';

(3) in subparagraph (A)(ii)—

(A) by striking ''in writing'';

(B) by striking ''the drug, animal drug, or device'' and inserting ''the food, drug, animal drug, or device''; and

(C) by striking ''the drug or device'' and inserting ''the food, drug, or device'';

(4) by redesignating subparagraph (B) as subparagraph (C);

(5) by inserting after subparagraph (A) the following:

''(B) For purposes of this paragraph, a certification by the Secretary shall be made on such basis and in such form (such as a publicly available listing) as the Secretary determines appropriate.''; and

(6) by adding at the end the following:

''(D) Notwithstanding subparagraph (C), if the Secretary issues an export certification within the 20 days prescribed by subparagraph (A) with respect to the export of food, a fee for such certification shall not exceed such amount as the Secretary determines is reasonably related to the cost of issuing certificates under subparagraph (A) with respect to the export of food. The Secretary may adjust this fee annually to account for inflation and other cost adjustments. Fees collected for a fiscal year pursuant to this subparagraph shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriations Acts until expended, without fiscal year limitation. Such fees shall be collected in each fiscal year in an amount equal to the amount specified in appropriations Acts for such fiscal year and shall only be collected and available for the costs of the Food and Drug Administration to cover the cost of issuing such certifications. Such sums as necessary may be transferred from such appropriation account for salaries and expenses of the Food and Drug Administration without fiscal year limitation to such appropriation account for salaries and expenses with fiscal year limitation.''.

SEC. 204. REGISTRATION FOR COMMERCIAL IMPORTERS OF FOOD; FEE.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, and 136, is amended by adding at the end the following:

''(zz) The failure to register in accordance with section 801(s).''.

(2) MISBRANDING.—Section 403 (21 U.S.C. 343) as amended by sections 101(a), 109(a), 114(a), and 202, is amended by adding at the end the following:

''(ee) If it is imported or offered for import by an importer not duly registered under section 801(s).''.

(3) REGISTRATION.—Section 801, as amended by sections 109 and 136, is amended by adding at the end the following:

''(s) REGISTRATION OF IMPORTERS.—

''(1) REGISTRATION.—The Secretary shall require an importer of food—

''(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

''(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

''(2) GOOD IMPORTER PRACTICES.—The maintenance of registration under this subsection is conditioned on compliance with good importer practices in accordance with the following:

''(A) The Secretary, in consultation with Customs and Border Protection, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported food is in compliance with the requirements of this Act.

''(B) The measures under subparagraph (A) shall ensure that the importer of a food—

''(i) has adequate information about the food, its hazards, and the requirements of this Act applicable to such food;

''(ii) has adequate information or procedures in place to verify that both the food and each person that produced, manufactured, processed, packed, transported, or held the food, including components of the food, are in compliance with the requirements of this Act; and

''(iii) has adequate procedures in place to take corrective action, such as the ability to appropriately trace, withhold, and recall articles of food, if a food imported by the importer is not in compliance with the requirements of this Act.

''(C) In promulgating good importer practices regulations, the Secretary may, as appropriate—

''(i) incorporate certification of compliance under section 801(q) and participation in the safe and secure food importation program under section 805; and

''(ii) take into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

''(3) SUSPENSION OF REGISTRATION.—

''(A) IN GENERAL.—Registration under this subsection is subject to suspension upon a finding by the Secretary, after notice and an opportunity for an informal hearing, of—

''(i) a violation of this Act; or

''(ii) the knowing or repeated making of an inaccurate or incomplete statement or submission of information relating to the importation of food.

''(B) REQUEST.—The importer whose registration is suspended may request that the Secretary vacate the suspension of registration when such importer has corrected the violation that is the basis for such suspension.

''(C) VACATING OF SUSPENSION.—If the Secretary determines that adequate reasons do not exist to continue the suspension of a registration, the Secretary shall vacate such suspension.

''(4) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the importer of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the importer is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(5) EXEMPTIONS.—The Secretary, by notice published in the Federal Register—

''(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

''(B) may establish other exemptions from the requirements of this subsection.''.

(4) REGULATIONS.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Health and Human Services in consultation with the Commissioner responsible for Customs and Border Protection shall promulgate the regulations required to carry out section 801(s) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (3). In establishing the effective date of a regulation promulgated

under section 801(s), the Secretary shall, in consultation with the Commissioner responsible for Customs and Border Protection, as appropriate, provide a reasonable period of time for importers of food to comply with good importer practices, taking into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) FEE.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) as added and amended by sections 101 and 108, is amended by adding at the end the following:

"PART 7—IMPORTERS OF FOOD

"SEC. 744. IMPORTERS OF FOOD.

''(a) IMPORTERS.—The Secretary shall assess and collect an annual fee for the registration of an importer of food under section 801(s).

''(b) AMOUNT OF FEE.—

''(1) BASE AMOUNTS.—The registration fee under subsection (a) shall be—

''(A) for fiscal year 2010, $500; and

''(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under paragraph (2).

''(2) ADJUSTMENT.—For fiscal year 2011 and subsequent fiscal years, the fees established pursuant to paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

''(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average), for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

''(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

''(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

''(3) COMPOUNDED BASIS.—The adjustment made each fiscal year pursuant this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

''(4) WAIVER FOR IMPORTERS REQUIRED TO PAY REGISTRATION FEE.—In the case of a person who is required to pay both a fee under section 743 for registration of one or more facilities under section 415 and a fee under this section for registration as an importer of food under section 801(s), the Secretary shall waive the fees applicable to such person under section 743 or the fee applicable to such person under this section.

''(c) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to cover the costs associated with registering importers under section 801(s) and with ensuring compliance with good importer practices respecting food.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.''.

(c) INSPECTION.—Section 704 (21 U.S.C. 374), as amended by section 105, is amended by adding at the end the following:

''(i) IMPORTERS.—Every person engaged in the importing of any food shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.''.

SEC. 205. REGISTRATION FOR CUSTOMS BROKERS.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301(zz) (21 U.S.C. 331), as added by section 204, is amended by inserting ''or 801(t)'' after ''801(s)''.

(2) MISBRANDING.—Section 403(ee) (21 U.S.C. 343), as added by section 204, is amended—

(A) by inserting ''or a customs broker'' after ''by an importer''; and

(B) by inserting ''or 801(t)'' after ''801(s)''.

(3) REGISTRATION.—Section 801, as amended by sections 109, 136, and 204, is amended by adding at the end the following:

''(t) REGISTRATION OF CUSTOMS BROKER.—

''(1) REGISTRATION.—The Secretary shall require a customs broker, with respect to the importation of food—

''(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

''(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

''(2) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the customs broker of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the customs broker is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(3) NOTIFICATION.—The Secretary shall notify the Commissioner responsible for Customs and Border Protection whenever the Secretary cancels a registration under this subsection.

''(4) EXEMPTIONS.—In consultation with the Commissioner responsible for Customs and Border Protection, the Secretary, by notice published in the Federal Register—

''(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

''(B) may establish other exemptions from the requirements of this subsection.

''(5) CIVIL PENALTIES.—Notwithstanding any other provision in this Act, a customs broker who violates section 301 because of a violation of section 403(ee), or who violates section 301(xx), 301(yy), or 301(zz), shall not be subject to a civil penalty under section 303(f)(2).''.

(4) REGULATIONS.—Not later than 24 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner responsible for Customs and Border Protection, shall promulgate the regulations required to carry out section 801(t) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2).

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) INSPECTION.—Section 704 (21 U.S.C. 374), as amended by sections 105 and 204, is amended by adding at the end the following:

''(j) BROKERS.—Every customs broker required to be registered with the Secretary shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.''.

SEC. 206. UNIQUE IDENTIFICATION NUMBER FOR FOOD FACILITIES, IMPORTERS, AND CUSTOM BROKERS.

Chapter X (21 U.S.C. 391 et seq) is amended by adding at the end the following:

"SEC. 1011. UNIQUE FACILITY IDENTIFIER.

''(a) REGISTRATION OF FACILITY OR ESTABLISHMENT.—A person required to register a facility pursuant to section 415 shall submit, at the time of registration, a unique facility identifier for the facility or establishment.

''(b) REGISTRATION OF IMPORTERS AND CUSTOM BROKERS.—A person required to register pursuant to section 801(s) or 801(t) shall submit, at the time of registration, a unique facility identifier for the principal place of business for which such person is required to register under section 801(s) or 801(t).

''(c) GUIDANCE.—The Secretary may, by guidance, and, with respect to importers and customs brokers, in consultation with the Commissioner responsible for Customs and Border Protection, specify the unique numerical identifier system to be used to meet the requirements of subsections (a) and (b) and the form, manner, and timing of a submission under such subsections. Development of such guidelines shall take into account the utilization of existing unique identification schemes and compatibility with customs automated systems, such as integration with the Automated Commercial Environment (ACE) and the International Trade Data System (ITDS), and any successor systems.

''(d) IMPORTATION.—An article of food imported or offered for import shall be refused admission unless the appropriate unique facility identifiers, as specified by the Secretary, are provided for such article.''.

SEC. 207. PROHIBITION AGAINST DELAYING, LIMITING, OR REFUSING INSPECTION.

(a) ADULTERATION.—Section 402 (21 U.S.C. 342), as amended by section 102, 103(a), and 104(a), is amended by adding at the end the following:

''(n) If it has been produced, manufactured, processed, packed, or held in any farm, factory, warehouse, or establishment and the owner, operator, or agent of such farm, factory, warehouse, or establishment, or any agent of a governmental authority in the foreign country within which such farm, factory, warehouse, or establishment is located, delays or limits an inspection, or refuses to permit entry or inspection, under section 414 or 704.''.

(b) FOREIGN INSPECTIONS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)), as amended by section 106(c), is amended—

(1) in the first sentence, by inserting '', including any such food factory, warehouse, or establishment whether foreign or domestic,''

after ''factory, warehouse, or establishment''; and

(2) in the third sentence, by inserting '', including any food factory, warehouse, establishment, or consulting laboratory whether foreign or domestic,'' after ''factory, warehouse, establishment, or consulting laboratory''.

SEC. 208. DEDICATED FOREIGN INSPECTORATE.

Section 704 (21 U.S.C. 374), as amended by sections 105, 204, and 205, is amended by adding at the end the following:

''(k) DEDICATED FOREIGN INSPECTORATE.—The Secretary shall establish and maintain a corps of inspectors dedicated to inspections of foreign food facilities. This corps shall be staffed and funded by the Secretary at a level sufficient to enable it to assist the Secretary in achieving the frequency of inspections for food facilities as described in this Act.''.

SEC. 209. PLAN AND REVIEW OF CONTINUED OPERATION OF FIELD LABORATORIES.

(a) SUBMISSION OF PLAN.—Not later than 90 days before the Secretary terminates or consolidates any laboratory, district office, or the functions (including the inspection and compliance functions) of any such laboratory or district office, specified in subsection (b), the Secretary shall submit a reorganization plan to the Comptroller General of the United States, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(b) SPECIFIED LABORATORIES AND OFFICES.—The laboratories and offices specified in this subsection are the following:

(1) Any of the 13 field laboratories responsible for analyzing food that were operated by the Office of Regulatory Affairs of the Food and Drug Administration as of January 1, 2007.

(2) Any of the 20 district offices of the Food and Drug Administration with responsibility for food safety functioning as of January 1, 2007.

(c) CONGRESSIONAL REVIEW.—A reorganization plan described in subsection (a) is deemed to be a major rule (as defined in section 804(2) of title 5, United States Code) for purposes of chapter 8 of such title.

SEC. 210. FALSE OR MISLEADING REPORTING TO FDA.

(a) IN GENERAL.—Section 301(q)(2) (21 U.S.C. 331(q)(2)) is amended by inserting after ''device'' the following: '', food,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to submissions made on or after the date of the enactment of this Act.

SEC. 211. SUBPOENA AUTHORITY.

(a) PROHIBITED ACT.—Section 301(f) is amended by inserting before the period ''or the failure or refusal to obey a subpoena issued pursuant to section 311''.

(b) AMENDMENT.—Chapter III (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

"SEC. 311. EXERCISE OF SUBPOENA AUTHORITY.

''(a) IN GENERAL.—For the purpose of—

''(1) any hearing, investigation, or other proceeding respecting a violation of a provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food; or

''(2) any hearing, investigation, or other proceeding to determine if a person is in violation of a specific provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food,

the Commissioner may issue subpoenas requiring the attendance and testimony of witnesses and the production of records and other things.

''(b) TIMING OF COMPLIANCE.—When the Commissioner deems that immediate compliance with a subpoena issued under this section is necessary to address a threat of serious adverse health consequences or death, the subpoena may require immediate production.

''(c) SERVICE OF SUBPOENA.—

''(1) IN GENERAL.—Subpoenas of the Commissioner shall be served by a person authorized by the Commissioner by delivering a copy thereof to the person named therein or by certified mail addressed to such person at such person's last known dwelling place or principal place of business.

''(2) CORPORATIONS AND OTHER ENTITIES.—Service on a domestic or foreign corporation, partnership, unincorporated association, or other entity that is subject to suit under a common name may be made by delivering the subpoena to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process.

''(3) PERSON OUTSIDE U.S. JURISDICTION.—Service on any person not found within the territorial jurisdiction of any court of the United States may be made in any manner as the Federal Rules of Civil Procedure prescribe for service in a foreign nation.

''(4) PROOF OF SERVICE.—A verified return by the person so serving the subpoena setting forth the manner of service, or, in the case of service by certified mail, the return post office receipt therefor signed by the person so served, shall be proof of service.

''(d) PAYMENT OF WITNESSES.—Witnesses subpoenaed under subsection (a) shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

''(e) ENFORCEMENT.—In the case of a refusal to obey a subpoena duly served upon any person under subsection (a), any district court of the United States for the judicial district in which such person charged with refusal to obey is found, resides, or transacts business, upon application by the Commissioner, shall have jurisdiction to issue an order compelling compliance with the subpoena and requiring such person to appear and give testimony or to appear and produce records and other things, or both. The failure to obey such order of the court may be punished by the court as contempt thereof. If the person charged with failure or refusal to obey is not found within the territorial jurisdiction of the United States, the United States District Court for the District of Columbia shall have the same jurisdiction, consistent with due process, to take any action respecting compliance with the subpoena by such person that such district court would have if such person were personally within the jurisdiction of such district court.

''(f) NONDISCLOSURE.—A United States district court for the district in which the subpoena is or will be served, upon application of the Commissioner, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney to obtain legal advice) the existence of such subpoena for a period of up to 90 days. Such order may be issued on a showing that the records or things being sought may be relevant to the hearing, investigation, proceeding, or other matter and that there is reason to believe that such disclosure may result in—

''(1) furtherance of a potential violation under investigation;

''(2) endangerment to the life or physical safety of any person;

''(3) flight or other action to avoid prosecution or other enforcement remedies;

''(4) destruction of or tampering with evidence; or

''(5) intimidation of potential witnesses.

An order under this subsection may be renewed for additional periods of up to 90 days upon a showing that any of the circumstances described in paragraphs (1) through (5) continue to exist.

''(g) RELATION TO OTHER PROVISIONS.—The subpoena authority vested in the Commissioner and the district courts of the United States by this section is in addition to any such authority vested in the Commissioner or such courts by other provisions of law, or as is otherwise authorized by law.

''(h) NONDELEGATION.—The authority to issue a subpoena under this section is limited to the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.''.

SEC. 212. WHISTLEBLOWER PROTECTIONS.

Chapter X (21 U.S.C. 391 et seq.), as amended by section 206, is amended by adding at the end the following:

"SEC. 1012 PROTECTIONS FOR EMPLOYEES WHO REFUSE TO VIOLATE, OR WHO DISCLOSE VIOLATIONS OF, THIS ACT.

''(a) IN GENERAL.—No person who submits or is required under this Act or the Public Health Service Act to submit any information related to a food, or any officer, employee, contractor, subcontractor, or agent of such person may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee, including within the ordinary course of the job duties of such employee—

''(1) to provide information, cause information to be provided, or otherwise assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of this Act, or any other provision of Federal law relating to the safety of a food, if the information or assistance is provided to, or an investigation stemming from the provided information is conducted by—

''(A) a Federal regulatory or law enforcement agency;

''(B) any Member of Congress or any committee of Congress; or

''(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate the misconduct);

''(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed, or about to be filed (with any knowledge of the employer), in any court or administrative forum relating to any such alleged violation; or

''(3) to refuse to commit or assist in any such violation.

''(b) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—An employee who alleges discharge or other discrimination in violation of subsection (a) may seek relief in accordance with the provisions of subsection (c) by—

''(A) filing a complaint with the Secretary of Labor; or

''(B) if the Secretary of Labor has not issued a final decision within 210 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, or within 90 days after receiving a final decision or order from the Secretary, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which court shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

''(2) PROCEDURE.—

''(A) IN GENERAL.—Any action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

''(B) EXCEPTION.—Notification in an action under paragraph (1) shall be made in accordance with section 42121(b)(1) of title 49, United States Code, except that such notification shall be made to the person named in the complaint, the employer, and the Commissioner of Food and Drugs.

''(C) BURDENS OF PROOF.—An action brought under paragraph (1)(A) or (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

''(D) STATUTE OF LIMITATIONS.—An action under paragraph (1)(A) shall be commenced not later than 180 days after the date on which the violation occurs.

''(c) REMEDIES.—

''(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

''(2) ISSUANCE OF ORDER.—If, in response to a complaint filed under paragraph (b)(1), the Secretary of Labor or the district court, as applicable, determines that a violation of subsection (a) has occurred, the Secretary or the court shall order the person who committed such violation—

''(A) to take affirmative action to abate the violation;

''(B) to—

''(i) reinstate the complainant to his or her former position together with compensation (including back pay); and

''(ii) restore the terms, conditions, and privileges associated with his or her employment; and

''(C) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary or the court, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(d) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.''.

SEC. 213. EXTRATERRITORIAL JURISDICTION.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, 136, and 204, is amended by adding at the end the following:

''(aaa) The production, manufacture, processing, preparation, packing, holding, or distribution of an adulterated or misbranded food with the knowledge or intent that such article will be imported into the United States.''.

(b) JURISDICTION.—Chapter III (21 U.S.C. 331 et seq.), as amended by section 211, is amended by adding at the end the following:

''SEC. 312. EXTRATERRITORIAL JURISDICTION.

''There is extraterritorial Federal jurisdiction over any violation of this Act relating to any article of food if such article was intended for import into the United States or if any act in furtherance of the violation was committed in the United States.''.

SEC. 214. SUPPORT FOR TRAINING INSTITUTES.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall provide financial and other assistance to appropriate entities to establish and maintain one or more university-affiliated food protection training institutes that—

(1) conduct training related to food protection activities for Federal, State, local, territorial, and tribal officials; and

(2) meet standards developed by the Secretary.

SEC. 215. BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS.

(a) NOTICE OF DETERMINATION.—No later than December 31, 2009, the Secretary of Health and Human Services shall notify the Congress whether the available scientific data support a determination that there is a reasonable certainty of no harm, for infants, young children, pregnant women, and adults, for approved uses of polycarbonate plastic and epoxy resin made with bisphenol A in food and beverage containers, including reusable food and beverage containers, under the conditions of use prescribed in current Food and Drug Administration regulations.

(b) NOTICE OF ACTIONS TO BE TAKEN.—If the Secretary concludes that such a determination cannot be made for any approved use, the Secretary shall notify the Congress of the actions the Secretary intends to take under the Secretary's authority to regulate food additives to protect the public health, which may include—

(1) revoking or modifying any of the approved uses of bisphenol A in food and beverage containers, including reusable food and beverage containers; and

(2) ensuring that the public is sufficiently informed of such determination and the steps the public may take in response to such determination.

(c) RULE OF CONSTRUCTION.—Nothing herein is intended or shall be construed to modify existing Food and Drug Administration authority, procedures, or policies for assessing scientific data, making safety determinations, or regulating the safe use of food additives.

SEC. 216. LEAD CONTENT LABELING REQUIREMENT FOR CERAMIC TABLEWARE AND COOKWARE.

(a) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), 114(a), 202, and 204, is amended by adding at the end the following:

''(ff) If it is ceramic tableware or cookware and includes a glaze or decorations containing lead for an intended functional purpose, unless—

''(1) the product and its packaging bear the statement: 'This product is made with lead-based glaze consistent with Food and Drug Administration guidelines for such lead.'; or

''(2) the product is in compliance with the requirements applicable to ornamental and decorative ceramicware in section 109.16 of title 21, Code of Federal Regulations (or any successor regulation).''.

(b) EFFECTIVE DATE.—Section 403(ff) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall apply only to ceramic tableware or cookware that is manufactured on or after the date that is 1 year after the date of the enactment of this Act.

(c) CONSUMER EDUCATION.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, 104, and 111, is amended by adding at the end the following:

''SEC. 421. CONSUMER EDUCATION ON THE CONTENT OF LEAD IN CERAMICWARE AND APPLICABLE LABELING REQUIREMENTS.

''(a) IN GENERAL.—The Secretary shall educate consumers on the safety of ceramicware for food use by posting information on the Web site of the Food and Drug Administration with regard to—

''(1) the content of lead in ceramicware and its glaze;

''(2) existing Federal laws and regulations governing lead in ceramicware;

''(3) as appropriate, existing industry practices and guidelines; and

''(4) the labeling requirements applicable under this Act.

''(b) TOPICS.—The education under this section shall address—

''(1) the broad range of ceramicware types, including traditional pottery, ornamental and decorative ceramicware, cookware, and everyday dinnerware;

''(2) the safety of ceramicware that is aged or damaged;

''(3) the use of ceramicware in microwave ovens;

''(4) the storage of foods in ceramicware;

''(5) the use of home lead test kits by consumers;

''(6) the use of ceramicware by children and women of childbearing age; and

''(7) issues that are especially relevant to subpopulations of consumers who may preferentially use certain types of ceramicware made with lead.''.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. DINGELL) and the gentleman from Illinois (Mr. SHIMKUS) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong support of H.R. 2749, the Food Safety Enhancement Act of 2009.

I remind my colleagues that this bill was up before us yesterday and got 280-something votes in favor of it. It is a good piece of legislation. It is bipartisan. It will fundamentally change the way in which we ensure the safety of our food supply and protect American consumers, farmers and business. I would note it came out of committee in a bipartisan fashion, unanimously, by voice vote.

A series of foodborne disease outbreaks have laid bare unacceptable gaps in our food-safety laws, and this will be the first major change in our food-safety laws with regard to food and drugs since 1938.

In the past 2 years alone, we have witnessed issues of melamine in infant formula and in milk products, and we have seen tainted peppers from Mexico, harmful seafood and shellfish from China, E. coli in spinach, and problems with strawberries and raspberries. Each year, in spite of the fact that we have the most careful and safe food in the world, we find that 76 million people contact a foodborne illness in the United States. According to CDC, some 5,000 die.

This legislation contains significant policy solutions that will address this situation. It is largely based upon legislation I introduced last year along with Energy and Commerce subcommittee Chairmen Pallone and Stupak.

We have worked for months with our Republican colleagues in a bipartisan fashion on the Committee on Energy and Commerce to get this bill right. We have worked with our colleagues on the Agriculture and the Ways and Means Committees to address their concerns, and I believe we have done so.

In the end, we have a bill that strikes an important balance; it does not create unnecessary burdens for farmers and small businesses, but it does allow FDA to retain all its existing authority. It takes no authority from the Department of Agriculture or the Committee on Agriculture, and it gives FDA new authorities that it needs to trace and prevent food-safety problems that may originate on the farm or in other sectors of the food supply chain. And we have carefully protected the farmers against intrusion by the Food and Drug Administration.

I want to talk about key provisions in the bill. Under the legislation, FDA has clear authority to issue and require manufacturers to meet strong, enforceable performance standards to ensure the safety of different types of food.

FDA will establish a food trace-back system so that the public health officials can easily determine the source of foodborne disease outbreaks and protect farmers and producers against unwise and inadequate judgments because of lack of personnel and money.

FDA is going to be required to inspect all food facilities more frequently. And the bill requires FDA to inspect the riskiest ones at least once per year.

FDA will be given new authority to ensure that imported foods are safe, a source of major concern and hazard to our people.

FDA will be given new tools—recalls, record access, penalties to punish bad actors, and the ability to act quickly when presented with a food-safety emergency.

FDA will get a new dedicated source of funding from a $500 million annual registration fee on food facilities to help it conduct its work of keeping America safe. And this provision and the rest of the bill are supported by American food producers.

FDA will not be the only cop on the beat. Our food producers will focus also on prevention and have a well-deserved and shared responsibility between FDA and food manufacturers to keep our food supplies safe.

The bill will require manufacturers to implement preventive systems to stop outbreaks before they occur. All food facilities will be required to conduct hazard analyses, assess potential food-safety risks, and develop plans to keep the food supply safe.

Mr. Speaker, there is nothing in this bill that is overly burdensome for farmers small or big. We have worked hard—and I believe we have succeeded—in protecting farms of the family size from burdens that could harm their business and their way of life. My own district has many small farms and people with whom I work closely on agricultural matters, and I believe that they will be satisfied with this legislation.

It is a fact here—and I want to address the concerns that I have heard—that farmers who sell a majority of their product direct to the consumers are exempt from the fee system in this bill. Farms that sell directly to consumers, restaurants, and grocery stores will also be exempt from the trace-back system.

Some have expressed concern that FDA will have access to confidential farm records and make them available for distribution. This is not so. FDA is already limited in the types of records they can access under the law, and they cannot access financial data, pricing data, personnel data, research data, or sales data other than shipment data regarding sales.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DINGELL. Mr. Chairman, I yield myself 1 additional minute.

I have also heard concern that FDA will have the authority to issue safety standards that will apply to farms and interfere with organic farming practices. I want to make it clear that that is not so. In fact, FDA is prohibited from imposing safety standards unless it determines those standards are ''reasonably necessary to minimize the risk of serious adverse health consequences or death,'' a very, very high standard that they have to meet. This will ensure protection of the concerns of organic farmers and that they are taken into consideration before issuing standards. This is why it has the support of the distinguished chairman of the Agriculture Committee and members of that committee from both sides of the aisle.

Mr. Speaker, this is a product of bipartisan cooperation. It is supported by industry. It was approved unanimously by a voice vote in the Energy and Commerce Committee. It reflects findings of more than 20 hearings on the failure of our food system safety processes conducted by five different committees of the House over 3 years. It addresses weaknesses in the food-safety system at FDA that were identified under the Bush administration and included in concerns under the current administration.

H.R. 2749 it is a well-vetted, mature piece of legislation. I urge my colleagues to support H.R. 2749. It is old enough to vote; it is over 21 years old.

I urge my colleagues to support this legislation. It is a good bill. It will protect the American people, the American consumers, and it will not hurt American industry, which supports this bill.

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

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

I was a member of the Oversight and Investigation Subcommittee in the last Congress, serving 10 or 12 months in that position. And every time we had a hearing on some unsafe food product, another outbreak would occur. So we knew that we really had to get our heads together and try to address food-safety issues, and we think we've done that with this bill.

I want to thank Chairman Emeritus DINGELL and I want to thank Chairman WAXMAN, Chairman PALLONE and Chairman STUPAK for working with Ranking Member BARTON and DEAL and myself to really move the bill forward in a way that we could pass it on a voice vote. I just only wish—and I think we could do this, we could do this on energy and we could do this on health if we really sat down and tried to work out the differences.

This is not an easy bill to pass. And as Chairman Emeritus DINGELL said, 21 years he has been working on this. And this is not an easy thing to do. We did all we could. And I do appreciate the time that we spent on the floor and then with staff to work out the difficult options. And so we come here today with a pretty united bill, one that would have passed had it not been on the suspension calendar, and so we bring it up again today.

We have to have confidence in our food supply, and that's what we're trying to do in this bill. And this bill takes the necessary steps to move us forward.

The changes that we have made not just in the original text of the bill, but in addressing some of the concerns we think are very, very helpful. And I want to pledge to my ag Republican friends—and I'm from an agricultural district, and a lot of these groups that support them are good friends of mine. And we want to ensure that we continue to work forward and move forward as the bill does.

A couple of issues that Chairman Emeritus DINGELL said was, you know, the bill does not require farms to register with FDA, and as a result farms do not have to pay a registration fee. Access to farm records is significantly restricted. Livestock and poultry are exempt from the bill. Grain and related commodities are exempt from produce standards. USDA regulated farms, facilities, and products are not subject to the bill. It allows farms to be exempt from the traceability requirements.

We, as a committee, both in the Oversight and Investigation and then as a full committee, we just couldn't sit on the sidelines anymore as we saw case after case of food-borne illnesses. We had to come together in a way to address this.

□ 1630

I think we have done it. I think it's a good product. Can there be some fixes as it moves forward? Yes, there can. But I would ask all my colleagues to support this bill.

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

Mr. DINGELL. I want to thank the gentleman for his hard work both in the Investigations Subcommittee and on the legislation. He and Mr. DEAL and the ranking Republican member, our good friend Mr. BARTON, have been enormously valuable in the work that has been done to bring us to where we are. I commend him and I thank him.

Mr. Speaker, I yield at this time 2 minutes to the distinguished chairwoman of the Appropriations Subcommittee of jurisdiction on this matter, Ms. DELAURO.

Ms. DELAURO. Mr. Speaker, what is this bill about? What is it about?

Food-borne illness in the United States of America kills 5,000 people every single year.

We went to war in Iraq and Afghanistan when 3,000 people, unbeknownst that when they went to work that day that they weren't coming home, and we went to war in Afghanistan as a result.

We know that 5,000 people every year die of a food-borne illness and an illness, my friends, that can be prevented.

Stand with the mother and the father of a 2-year-old child, the parents who went to the grocery store and brought home spinach or lettuce or sprouts or tomatoes and their child died because of E.coli. Stand with the son and daughter of an elderly person in a nursing home who ate a peanut-based product and wound up dying because of that, having survived illness. That's what this bill is all about.

We can prevent food-borne illness in the United States of America. We can prevent 5,000 deaths every year. That's what this bill is focused on. It is of critical importance. It is about the health and the safety of American families. That health and safety is not only threatened in airports and border checkpoints or harbor containers. It's in fridges, on kitchen tables.

And for too long the cornerstone of our food safety system, the FDA, has only rudimentary, ancient tools and an outdated mandate at its disposal. This bill rectifies that oversight. It gives the FDA the means to deal with the dangers that are posed by our global food system. It enhances the agency's ability to stem microbial illnesses, prevent contamination before it happens.

It looks at risk-based inspection and says, what are the foods that are at highest risk? Let's set up some performance standards to deal with that. Let's put mechanisms in place so that we can trace the contamination and make sure we find it and find it quickly, protect the public health, and, yes, protect industry as well. That was part of this effort as well.

Performance standards are the backbone for monitoring an effective process and a control system. I would urge the FDA to develop testing protocols for each performance standard that it sets. This would include ongoing industry testing programs, supported by periodic sampling by the FDA.

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

Mr. DINGELL. Mr. Speaker, I yield the distinguished gentlewoman an additional 30 seconds.

Ms. DELAURO. Thank you. We have an opportunity. The laws and the statutes at the Food and Drug Administration today are inadequate to protect the food and the safety of the American people and at the very same time they put at risk the industries that deal with these products. The industry has come forward and said, Give us standards. That's what this bill is all about.

We have an obligation today to pass this bill and to make sure that we say to the American people we are doing everything that we can to prevent 5,000 deaths every single year and particularly the most vulnerable, our children and the elderly.

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. UPTON), who is ranking member on the Energy and Air Quality Subcommittee.

Mr. UPTON. Mr. Speaker, let's face it: the recent events have shown us that the current system regarding food safety is not working. And I want to compliment those Members that have been actively involved in this, those from our Committee on Oversight and Investigations that exposed many of the problems, obviously the leadership on both sides, Republicans and Democrats, as we moved this bill through our subcommittee and then full committee by a voice vote.

The Oversight and Investigations Subcommittee found severe problems. We are very aware of those problems because those problems have been exposed nationally. Obviously, we have a number of very bad actors, but they have jeopardized the whole food chain. We remember the peanut butter issue and spinach and tomatoes. We need to be deliberate to tackle the issue and obviously be bipartisan to resolve the issue, and that's what this legislation does.

As Mr. SHIMKUS indicated, farms are not required to register with the FDA. There are no large fees associated with this bill. There is no duplication with the USDA, as I understand it.

My district in southwest Michigan has a whole number of different food sources from fruits and vegetables to giant food processors and great companies like Kellogg's. Industry is united behind this legislation. It needs to happen so that consumers will know for sure that there is a mechanism in place to identify when a product, in fact, is bad, that needs to be recalled. And this bill, as it has moved through committee, has shown that bipartisan support.

I would urge my colleagues on both sides to support it.

Mr. DINGELL. Mr. Speaker, I yield at this time 3 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. I thank the chairman for yielding.

Mr. Speaker, I rise to engage in a colloquy with my friend, the distinguished gentleman from Michigan (Mr. DINGELL).

We are passing an historic food safety measure today, and I truly appreciate the effort that you and committee staff have made to move this legislation to the floor today. As a Member of Congress who represents the Salad Bowl of the World, Salinas Valley, I feel landmark legislation is long overdue and look forward to working with my colleague as the process moves to the Senate and to the conference committee.

Also as a member of the Agriculture Appropriations Committee, I look forward to working with the gentleman to allocate the resources necessary to make the safest food in the world even safer.

I'd be remiss if I didn't mention my concerns with the fee structure in this measure, and I appreciate the effort by the chairman and the committee, and it's my preference to find a more equitable fee that does not inhibit our farm families from taking advantage of new markets. As a member of the Organic Caucus, I have concerns about the interplay between this bill and the National Organic Program.

It is my understanding, Mr. Chairman, that this bill would not establish any requirements for organically produced or processed products which are in conflict with the requirements established in the Organic Foods Production Act of 1990 and USDA's National Organic Program regulations.

Mr. DINGELL. If the gentleman would yield, the answer to that question is, yes.

Mr. FARR. Thank you. And would this bill necessarily require small farms to participate in the expensive and unworkable electronic traceability system that FDA will set up?

Mr. DINGELL. The answer to that question is, no.

Mr. FARR. I yield to Mr. BLUMENAUER from Oregon, who has worked with Ms. KAPTUR and myself to make sure that the organic and small growers and processors' concerns have a voice.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate the leadership of the chairman. And it's great to see food safety receive the full attention that it deserves.

I am especially concerned about the language regarding interaction between wildlife, livestock, and farming practices. Biodiversity is a prerequisite for a healthy farm. We should not penalize farmers for utilizing techniques such as naturescaping, floodplain restoration, and natural hedgerows to encourage crop health, control pests and invasive species, and enhance soil quality.

We should target reform and safety efforts towards practices which have been directly linked to food disease outbreaks rather than limiting approaches that farmers have used for centuries to reduce their dependence on pesticides, herbicides, and other carbon-intensive farming techniques.

I would like the assurance from the chairman that he will work with us as Food and Drug Administration develops these criteria so that they will consider the needs of small farms and the practices of organic farmers.

Mr. DINGELL. The answer to that question is, yes; and I will have a more detailed response.

Mr. BLUMENAUER. Thank you, Mr. Chairman, for your courtesy.

Thank you, Mr. FARR, for permitting me to participate in this colloquy.

Mr. DINGELL. If the gentleman from California would yield, I would like to give a more exhaustive response to my friends.

First, we've been hearing complaints that the bill will put unfair, inappropriate, and unnecessary burdens on farmers, particularly small, diversified, and organic farms. We have worked hard to avoid doing that. I want to tell my good friends we would be extremely concerned if this bill created a conflict between food safety and other farm practices aimed at protecting and sustaining the environment. The bill therefore has a number of important provisions designed to prevent such conflicts.

For example, it requires FDA to take into consideration the impacts of any produced food safety standards on small-scale and diversified farms or on wildlife habitat, on conservation practices, watershed protection efforts, and organic production methods. It prohibits FDA from setting any such standards unless these standards are necessary to minimize the risk of serious adverse health consequences or death.

The bill also requires FDA to work in coordination with the U.S. Department of Agriculture to issue such standards. USDA administers the National Organic Program and will be working with FDA to ensure that the safety standards are compatible with organic standards.

Let me speak now to the question about the traceability system in the bill. The traceability provisions in the bill are a critically important part because they allow FDA to quickly track down the sources of food-borne outbreaks. Before FDA can establish any traceability requirements, the bill requires FDA to go through an extensive information-gathering process with public meetings and a pilot project.

As a part of the process, it requires FDA to consider the costs and the benefits and the feasibility for different sectors of the food industry of any traceability technologies under consideration. And for any regulation that would have an impact on farms, FDA must coordinate with USDA and take into account the nature of the impact on the regulation on farms.

Additionally, FDA will be prohibited from requiring farms selling food directly to consumers, restaurants, or grocery stores to participate in this system.

So I believe we can be confident that whatever traceability system is developed will appropriately take into account the needs and interests of the farmers. And I assure my two good friends that I will work with them to see to it that these commitments are kept.

Mr. FARR. Thank you, Mr. Chairman. I really appreciate that.

Mr. BLUMENAUER. Thank you, sir.

Mr. DINGELL. I thank my two colleagues for their valuable assistance to the committee.

Mr. SHIMKUS. Mr. Speaker, before I yield time to my colleague, I yield myself 15 seconds.

Mr. Speaker, I want to recognize my colleagues Mr. PUTNAM and Mr. COSTA for their bill, the Safe FEAST Act, which I was an original cosponsor on, which got rolled into this bill, and it was of great help when they did that.

Mr. Speaker, I yield such time as he may consume to my colleague from Florida (Mr. PUTNAM).

Mr. PUTNAM. I thank my friend from Illinois for his leadership on this issue and his original cosponsorship of that Safe FEAST Act, which has had a number of its key principles incorporated into the bill that we're debating today.

I rise in support of the bill that we are debating today. It is a bipartisan bill built on a bipartisan effort and a model that could and should be followed for the other big issues facing this Congress. It's unfortunate that the process that was taken did not adequately include our Agriculture Committee, and I would hope that as we move this issue forward that it will continue to improve upon that because it is important that our Agriculture Committee and our Representatives from rural America have input into this, and the bill will benefit from their input.

□ 1645

The scares that have undermined consumer confidence in our food supply over the last several years have as oftentimes been a result of international food products, imported food goods, as they have been domestic. This bill takes an important step forward in setting the same standards on imported food that we place upon domestically produced food as well. That is a major step in the right direction.

One only need look at the controversy over baby formula, at the economic devastation that came from the misleading public statements by the FDA about tomatoes that were grown in America, which turned out to have been food-borne illness resulting from jalapeños imported from Mexico, to learn the lesson that this legislation must apply the same standards to imported foods as it does to domestic.

This legislation implements risk-based assessments, something that is very important as we look at the breadth and depth of the food industry as it has become globalized. As the world has grown smaller, as America's tastes and preferences have changed and they desire produce from Latin America and spices from Asia, these challenges will continue to grow, and this, by placing risk-based science into the bill, will allow us to build up and maintain public confidence in our food supply.

And that is really the crux of the matter between our producers and our consumers, that on this issue of food safety, there is no distinction between the interests of the farmer and the shopper in the grocery store, because the farmer loses out if FDA and USDA cannot rapidly and accurately trace back the source of food-borne illness.

If they paint the industry with a broad brush, economic losses are severe, so the interests of the farmer are that we have a modern, effective regulatory system. The interests of the consumer are that we have a modern, effective regulatory system, so that they have a high level of confidence in the items that they purchase to put on their family's kitchen table. There must be the highest possible standard and the best possible science behind that law.

As this issue moves forward, improvements can be made as it relates to the quarantine, as it relates to traceability, and, most importantly, as it relates to the implementation of this bill for State and local governments, the State Departments of Agriculture and Health, who, by definition, are delegated much of the responsibility by FDA to implement this legislation. They must have the resources and the authority and the full cooperation of FDA. There have been breakdowns in the past where FDA did not share as much as they should. This bill does much to address that, and can do a bit more.

And in an era where organic farming continues to grow in popularity, we must be sensitive to these ever-changing forms and trends in American agriculture.

With that, I am proud to support the legislation, and I appreciate the leadership of my friend from Illinois and my friend from Michigan.

Mr. DINGELL. If the gentleman will yield to me just briefly, I want to commend the gentleman not just for a fine statement, but also for the long and strong support he has given for this kind of legislation and protection for industry and for the consumers.

I would like to observe that the concerns the gentleman has expressed are very valuable and are included in the legislation, particularly in seeing to it that foreigners now have to meet the same requirement that Americans do.

Americans produce and process safe food. Foreigners do not. This will assure our people that they can rely on Food and Drug to protect them not just from American producers and from American processors, but also from the foreigners, who are slipping in dangerous substances.

I want to commend the gentleman and thank him.

Mr. PUTNAM. I thank the chairman emeritus and the dean of the House.

Mr. DINGELL. Mr. Speaker, I am delighted at this time to yield 1 minute to the distinguished gentleman from Georgia (Mr. SCOTT), the chairman of the Subcommittee on Livestock, Dairy and Poultry.

Mr. SCOTT of Georgia. I thank the chairman for yielding.

I just want to state that under the auspices of my subcommittee, food safety is a jurisdiction that we handle. It is very important as we move forward on this to understand that we have got to make our food supply safe. There is no greater thing we can do for the American people and the people of the world than to give absolute assurance that our food supply is safe.

Now, I come from a State, Georgia, where we had an outbreak from salmonella in which we lost eight lives, eight persons that would be alive today if we had this bill in place, because we would have a process of accessing records that we don't have now.

Before this bill is passed, in order to get records from a manufacturer or food processing plant, we can't get it until the food outbreak occurs. But under this bill, when we are inspecting the plant, we will be able to get access to those records. If this was in place, eight Americans would be alive today.

Mr. Speaker, 76 million Americans suffer from food poisoning from our food supply a year; 5,000 are dying.

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

Mr. DINGLE. I yield the gentleman 30 seconds more.

Mr. SCOTT of Georgia. Five thousand are dying. There is no more plain thing we can do.

And I have heard some comments from those who oppose this bill that this bill does nothing, but it does, Mr. Speaker. It provides for us to have inspections at food plants every 6 to 12 months. Do you know how often we are inspecting them now? Once every 10 years. The American people deserve better than that. They deserve for us to have a trace-back system so that we can trace back and get the origins of the outbreak as quickly as possible.

This is a tremendous bill, a tremendous bipartisan effort, and the American people are expecting us to pass it, and pass it overwhelmingly.

Mr. SHIMKUS. Mr. Speaker, I don't have any additional speakers. I reserve my time.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentlewoman from New York (Mrs. MALONEY) for purposes of making a unanimous consent request.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I rise in strong support of this bill.

In recent years, a series of outbreaks of food-borne illnesses have made clear the need to effectively secure our nation's food supply.

From spinach to cookie dough, foods have become contaminated and have threatened the health of the American people, exposing widespread problems with the food safety system in this country. H.R. 2749 will fundamentally change the way we ensure the safety of the foods we eat.

This bipartisan bill will provide the FDA with new powers and the tools it needs to protect the food supply by providing for more frequent inspections of food-processing plants here in the U.S. and by ensuring the safety of foods imported from overseas.

H.R. 2749 will also provide a new focus on the prevention of food-borne illness by putting systems in place that allow us to better track the source of these outbreaks. This legislation is critical to the health and safety of the American people, and I urge my colleagues to support it.

Mr. SHIMKUS. Mr. Speaker, I continue to reserve.

Mr. DINGELL. Mr. Speaker, at this time I yield 2 minutes to my distinguished friend, the gentleman from Utah (Mr. MATHESON), a superb Member of this body and a great friend of mine.

Mr. MATHESON. Mr. Speaker, I thank the gentleman for yielding.

Included in this bill was the manager's amendment addressing an issue that I raised that Mr. DINGELL has worked long and hard on and helped me figure out a way to address concerns about, lead glazing on ceramic plates on which we eat our food.

This issue first came to my attention with reports in my home State of Utah when a child was sick. After they analyzed the child, they determined the child had lead poisoning. They investigated the home where this child was living and couldn't find any sources of lead.

Ultimately it was discovered that the child's mother had been heating food in the microwave oven. The ceramic bowl or plate she was using wasn't properly glazed or wasn't properly sealed, and lead was leaching out of the plate into the food. Then when she would nurse the baby, the baby would get lead poisoning.

I think we all want to take steps to prevent that type of thing from happening. What we determined is most people don't even realize lead glazing is used on these plates. These plates come in with FDA labels, because the Food and Drug Administration has authority over it, so people who see a label from the Federal Government probably assume it safe.

Included in the manager's amendment is a requirement that there is labeling, just so consumers have the right to know, that it contains a lead-glazed product. If it is properly glazed, it is not necessarily dangerous. But people have the right to know that.

I really commend my friend from Michigan, who has been working on this issue and has been aware of it for a long time. He worked with my office extensively to come up with some way to try to at least make some progress on this issue. It is included in this bill. He is a great legislator, and I am glad he helped me figure that out.

I encourage people to support this bill.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, I would appreciate it if the gentleman didn't praise me, and instead let me say good words about him.

He is a valuable member, a valuable member of our committee. He works hard. He is smart and decent and has been great on this issue. We are proud of him.

Mr. SHIMKUS. I continue to reserve, Mr. Speaker.

Mr. DINGELL. Mr. Speaker, at this time it is my privilege to yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), a very distinguished Member of this body, the chairman of the Agriculture Committee in the House and an extremely wise defender of American agriculture and American farmers.

Mr. PETERSON. Mr. Speaker, I thank the gentleman for yielding.

I first want to commend Chairman Emeritus DINGELL for all of his hard work on this issue, not only during this session of Congress but in many sessions past. We are hopeful that we can move this legislation forward and get additional safeguards in place for food safety in this country.

We also want to commend the other members of the Energy and Commerce Committee on our side of the aisle and on the Republican side of the aisle for their work on this on a bipartisan basis. It is good to see some bipartisan effort happening in the House, and there was some good work done.

We did have some concerns in the Agriculture Committee that we engaged in some discussions and negotiations with Mr. DINGELL and others on the staff of the Energy and Commerce Committee on, and we think we have further improved the bill in terms of how it relates to agriculture. We were able to clarify things in terms of livestock and grain farmers that there was some concern about the language, so that we cleared up some things in terms of performance standards and record keeping.

As the bill came out of Energy and Commerce, there were concerns registered by some of the farm groups. Some of them even indicated they might oppose it. But at this point, because of the changes that have been made, we now have groups that in the past had some concerns, they are now either neutral or supporting this bill. The United Fresh Fruit and Vegetable Group, Western Growers, the American Farm Bureau, National Association of Wheat Growers, the Cattlemen Beef Association, Turkey Federation, Chicken Council, Pork Producers, Corn Growers, Soybean Association, Rice Federation, American Food Industry Association, United Egg Producers, the American Sheep Industry, the Wheat Growers and the Barley Growers, are now either supporting the legislation or are neutral on the legislation.

We believe that we have addressed the concerns of agriculture. We believe this is a good bill. I encourage Members to support this bill, and again commend my good friend and colleague

and the chairman emeritus, Mr. DINGELL, for the great work he has done, as well as his staff.

Mr. SHIMKUS. I continue to reserve, Mr. Speaker.

Mr. DINGELL. Mr. Speaker, I am the only speaker remaining on this side, so if my good friend from Illinois would like to proceed, I will follow him in closing.

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume and will just close briefly by saying this is good to see on the floor.

We did take a very difficult issue, one that has been languishing for 21 years, and worked with young Members and new Members, like ADAM PUTNAM, and with the distinguished Chairman Emeritus DINGELL, and got into a room and moved a bill that has the support of almost everybody in the food processing and agriculture community and the marketing of this.

I have sat in numerous hearings, as I said in my opening statement, and every time we would have an oversight investigation hearing there would be an alert of another food-borne illness, and we just knew we couldn't continue down that route.

As my colleague Mr. PUTNAM said, it is going to be helpful to the farmers. It is going to be helpful to the processors when we bring some more security and safety and knowledge that we continue to produce the best food supply in the world. It also will help us with the imported products, and that was a big issue in our debate.

So, with that, this has worked well. We should try this bipartisan method on things like energy and things like health, and maybe we will get there in months to come, I hope, because this is a much better process than us fighting altogether.

With that, again, I thank Chairman Emeritus DINGELL, who really led the way for us to get to where we are today.

I yield back the balance of my time.

□ 1700

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume. First, I want to commend my friend and colleague, Mr. SHIMKUS, and I want to express my gratitude to him. I also want to express my gratitude to Chairman WAXMAN, Chairman STUPAK and Chairman PALLONE, the legislative and appropriation and investigative committee chairmen of the Commerce Committee for the outstanding work they did in preparing this legislation. Also Representative DEGETTE and Representative SUTTON.

My colleagues Mr. BARTON, Mr. DEAL and Mr. SHIMKUS on the minority side have worked very well, carefully, thoughtfully with us, and I owe them a debt of thanks and gratitude. Staff Members like Rachel Sher and Eric Flamm have worked hard on this, as has my friend, Virgil Miller. Chairman PETERSON and JIM COSTA of the Agriculture Committee have been wise advisers and helpers in coming to a bill that could be agreed on by the two committees. Representative LEVIN, Chair of the Subcommittee on Trade of the Ways and Means Committee has been extremely important, as has Representative DELAURO, the Chair of the Appropriations Subcommittee. And Jeanne Ireland, a former staff member of this committee, has been of enormous help in the drafting of the legislation.

We had a long list of supporters. The Obama administration; Grocery Manufacturers Association—the people who sell are going to understand that they're being charged a participation fee; the Wine Institute; Wine America; Distilled Spirits Council of the United States; Center for Science in the Public Interest; Consumers Union; Consumers Federation of America; Center for Foodborne Illness Research & Prevention; Food & Water Watch; Government Accountability Project; National Consumers League; Pew Charitable Trusts; and Safe Tables Our Priority are all active supporters of this legislation.

And these agencies which previously had concerns about the legislation have either lifted their opposition, become neutral or actively support H.R. 2749: United Fresh Fruit and Vegetable; Western Growers; American Farm Bureau Federation; National Association of Wheat Growers; National Cattlemen's Beef Association; National Turkey Federation; National Chicken Council; National Pork Producers Council; National Corn Growers Association; American Soybean Association; U.S. Rice Federation; American Feed Industry Association; United Egg Producers; and the American Sheep Industry.

We have seen that in the long time since legislation was passed to bring food and drug up to national needs back in 1938, that many changes have occurred that have required significant changes, both in the authority of FDA, in its moneys and its abilities to deal, not just with domestic producing problems, but with problems overseas, from which we are receiving lots of dangerous and unsafe food commodities and food products.

This legislation gives food and drug the authority that it needs, the ability to trace, the ability to hold producers abroad accountable, and it sets up a system where foreigners have to participate in the same responsibilities American producers, manufacturers and growers have to, and it enables Food and Drug, for the first time, to have real authorities to enforce the laws of the United States on food safety to protect Americans against unsafe foods coming in from abroad.

And I would remind my colleagues that Food and Drug has neither the resources at the points of entry, nor do they have the personnel at those places to inspect foods coming in. This changes that situation. It is also true that the legislation does something else of importance to our people, and that is, it sees to it that where misbehavior occurs abroad, those same penalties that would be assessed against Americans are assessed against foreigners. This is an important matter of competition to American producers and manufacturers. It sees to it that they are fairly treated, and that there is no more unfair competition by people who could market unsafe commodities to the detriment of American consumers and American growers, producers and processors.

So the legislation is good. A system of assuring responsibility and traceability is available for the first time. And Food and Drug has the authority to terminate the ability of foreigners to sell in this country for the first time in a way which is consistent with American trade laws and the obligations of American people with regard to the safety of food. So, it is a good piece of legislation, and I would urge my colleagues to support it. I would have them know that this is bipartisan, this is a good piece of legislation. It is legislation which protects American people, which sees to it that Americans will no longer be dying of dangerous foods imported into the United States, and it will see to it that American producers are treated fairly in the world marketplace without jeopardy of violation of our law.

It also will see that Food and Drug has the personnel, the resources that it needs to protect the American people, and it is kind to the budget of the American taxpayers.

I yield back the balance of my time.

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

Pursuant to House Resolution 691, the previous question is ordered on the bill, as amended.

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. LUCAS. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. LUCAS. I am opposed to the bill in its current form.

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

The Clerk read as follows:

Mr. Lucas moves to recommit the bill H.R. 2749 to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendments:

Page 21, lines 3 and 4, strike subparagraph (B) and insert the following:

''(B) shall only be collected and available as follows:

''(i) Fifty percent shall be available to defray the costs of additional safety inspection of food in the United States.

''(ii) Fifty percent shall be available for use under section 137 of the Food Safety Enhancement Act of 2009.

Page 23, line 8, strike ''and''.

Page 23, line 11, strike the period and insert ''; and''.

Page 23, after line 11, insert the following:

''(F) preemptive purchase of product from facilities as defined in section 415.''.

At the end of subtitle C of title I add the following (and revise the table of contents in section 2 accordingly):

SEC. 137. PREEMPTIVE PURCHASE.

(a) IN GENERAL.—From the fees collected under section 743 of the Federal Food, Drug, and Cosmetic Act, as added by section 102, the Secretary of Health and Human Services may make a preemptive purchase related to activities by the Government in carrying out any provision of this Act or an amendment made by this Act.

(b) LIMITATION.—Notwithstanding subsection (a), the Secretary shall not make any payment under such subsection in excess of the amount of fees available under section 743(e)(2)(B)(ii) of the Federal Food, Drug, and Cosmetic Act, as added by section 102.

Mr. DINGELL. I reserve a point of order, Mr. Speaker.

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

Pursuant to the rule, the gentleman from Oklahoma is recognized for 5 minutes in support of the motion.

POINT OF ORDER

Mr. DINGELL. Mr. Speaker, I raise a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. DINGELL. Under rule XVI, clause 7, and the language of the rule, it says no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. And I'd point out that that is applicable to the questions before us. I would note that the language of the motion does take and separates the receipts that will be gotten from the registration fees, so that 50 percent are available to defray the costs of additional safety inspection of food; but 50 percent shall be available for use under section 137. But the purpose of that is, rather, for the preemptive purchase of product from facilities as defined in section 415. This allows the broadest kind of purchase of food.

The legislation itself allows certain specific actions, none of which involve purchase of food, particularly under such broad circumstances as the motion allows. The bill only allows expenditure of these registration fees for the following purpose: records access, traceability, recall authority, authority to detain, subpoena authority, prohibition or restriction on the movement of bad food. No further authorities for purchase or expenditure of this money are permitted.

This goes well beyond the fundamental purpose of the legislation and, as such, it constitutes a violation of the rules, going beyond that which is the fundamental purpose of the legislation and so constituting a violation of rule XVI, clause 7 of being not germane.

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

Mr. LUCAS. Mr. Speaker, the nature of this bill contemplates a number of different things that try to address and protect the supply of domestic food in this country, food in general, I should say. The bill, the language offered, the motion, refers to using 50 percent of these fees collected under section 137 of the motion, which is referenced on the second page. This is just an additional item to all of the things already outlined in the bill in its present form.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I would observe that the language of the legislation nowhere authorizes purchase of food. Under the number of the legislation appears the language, to amend the Food, Drug and Cosmetic Act to improve the safety of food in the global market and for other purposes. And then, down there where you follow, following the words, a bill, and it says, to amend the Federal Food, Drug and Cosmetic Act to improve the safety of food in the global market and for other purposes. Nowhere in the legislation, in my reading, have I been able to find the authorization for the purchase of food or the purchase of food to achieve safety.

I would observe that the language of the motion to recommit permits the purchase of the food without restriction, without restraint or limit. It is some of the grandest authority that is given and well beyond any authority which Food and Drug now has or seeks. Food and Drug has no authority in this area whatsoever for the purchase of food. And the purchasing of food is not for the purpose of protecting the American people, of seeing to it that Food and Drug can properly assure the safety of the food or the protection of the American consumers. And the language that is, I think, most particularly descriptive of what the proposal does, it follows line 3 at page 2. It says, the Secretary of Health—and this is, I'm reading at line 6—the Secretary of Health and Human Services may make a preemptive purchase related to activities by the government in carrying out any provisions of this act or amendment made by this act.

□ 1715

That might be good language for the Committee on Agriculture to present to the House, but it is no language that you will find in Food and Drug and none that would be suggested by the commerce committee.

The SPEAKER pro tempore. If no other Member wishes to be heard, the Chair is prepared to rule.

The gentleman from Michigan makes a point of order that the amendment proposed in the motion to recommit offered by the gentleman from Oklahoma is not germane. The test of germaneness in this situation is the relationship of the amendment proposed in the motion to recommit to the provisions of the bill as a whole.

The bill, as perfected, amends the Federal Food, Drug, and Cosmetic Act to improve the safety of food. It grants the Secretary of Health and Human Services authority to issue mandatory performance standards for reducing hazards and requires the Secretary to conduct risk-based inspections. It also expands the Secretary's access to food safety records and increases the Secretary's ability to oversee the safety of imported food, requiring safety-related documentation for potentially unsafe imported food as a condition of import.

In most pertinent part to the question at hand, the bill provides the Secretary with sundry tools to address an outbreak of food-borne illness. These include a system for the rapid tracing of the origin of food, authority to mandate recalls of contaminated food, and authority to quarantine geographic areas of the United States from which the Secretary reasonably believes contaminated food has originated.

The amendment proposed in the motion to recommit contemplates allowing the Secretary to preemptively purchase food as a matter of food safety, as in the context of section 415 of the Act. The amendment also would make a portion of the proceeds of certain fees contemplated by the bill available only for such preemptive purchases.

The Chair finds that the amendment pursues the same fundamental purpose of the bill by a method that dwells within the range of methods employed by the bill. The Chair therefore holds that the amendment is germane.

Accordingly, the point of order is overruled. The motion is in order.

The gentleman from Michigan may be recognized for 5 minutes in opposition.

Mr. DINGELL. Mr. Speaker, we have before us a bad motion to recommit. With all due respect for its author, we know that the FDA has been chronically starved of resources, particularly in the food area and particularly in its ability to protect the American people.

The amendment offered before us would raid that money and would use it for the purpose of purchasing food. The food is not designated as to how or why it might be purchased. I would point out that this breaks an agreement and an understanding that the committee had in this legislation with regard to the support by the food production industry, especially the parts of the industry that will pay the tax.

The bill only authorizes a modest $500 registration fee for food facilities. The motion to recommit asserts the bill does not require the FDA to spend one additional penny on the inspection of food. This is a serious untruth.

On Page 23, the bill directs the FDA to spend its registration fees on food safety activities. The bill explicitly provides that food safety activities include conducting inspections. This money will be diverted from the inspection and the protection of the American people, and it will not be available for the activities of Food and Drug. It might give relief to somebody,

and it might even be somebody who needs relief, but there's no standards whatsoever given as to who will get the money, how it will be spent, on what, and for what purposes.

The bill requires the FDA to adhere to a rigorous mandatory inspection schedule based on risk. This bill does nothing to enhance that, but it takes money away from the protection of the American consumer by having proper inspections at points of entry or inspections in other countries. That is a bad situation and one which is going to seriously hurt the safety of the American public.

The bill is carefully crafted to ensure that the American Food and Drug Administration will protect American consumers and American manufacturers, processors, growers, and the farmers of this Nation. It enables them to focus on where there is danger, and it enables them to provide the kind of protection that all of those entities need, especially the farmers, the processors and the producers, because today the broad authority that Food and Drug has is no longer sufficiently focused to enable the correct and direct focus on the dangers to the American public.

The bill gives Food and Drug modern authorities to safeguard the food supply, but it gives them the money to do the things that they have to do to protect the American industry and the American-consuming public.

This legislation diverts 50 percent of the receipts that we would get under the legislation from the protection both of producers and from the protection of the American-consuming public.

The bill has provisions that ensure that FDA cannot use its ability to stop distribution recall or to detain or to prohibit or to restrict the movement of food. The Food and Drug Administration will have to use modern authorities in a very careful way, in a way which has the support of the consuming public and of the people whose names and whose organizational structures I mentioned earlier.

We have found out what an inadequately funded FDA does. This legislation will ensure that those evils will persist. The amendment reduces funds to FDA. It thereby increases the likelihood of outbreaks and of danger to the health of the American people and of hurt to the American producers, growers, and farmers.

This is a bad amendment. It is an amendment which threatens the support of industry for this legislation by diverting the money into unwise, unnecessary and undue expenditures which threaten the basic purposes of the legislation. It is bad legislation, and it will worsen what is a carefully thought-out bipartisan bill, which has been produced in consultation, not just with the industry but with the Agriculture Committee, with the administration and with both the Department of Agriculture and the Food and Drug Administration.

I urge my colleagues to reject this amendment, which wastes money and which jeopardizes the life, safety and the well being of American consumers and the well being of American farmers, agriculture, and producers. It's a bad, bad motion to recommit.

I urge the House to reject it.

The SPEAKER pro tempore. The Chair was mis-advised that the gentleman from Oklahoma had already explained the motion.

The proponent of the motion is entitled to 5 minutes and is recognized.

Mr. LUCAS. Mr. Speaker, once again, let me express my gratitude to the chairman emeritus and to the ranking member of the Energy and Commerce Committee. They have both put a great deal of effort into developing this very important piece of legislation, and they are to be commended for their attempts to accommodate the concerns raised by members of the minority party of the Agriculture Committee.

During the past few days, I have discussed many of the more objectionable provisions of this legislation. Today, I am hopeful and optimistic, in offering this motion to recommit, that we can at the very least address two of the bill's most glaring omissions.

Specifically, I would like to focus on what I believe to be a lack of accountability on the part of the Food and Drug Administration. The legislation before us provides the agency with numerous punitive authorities as well as a new source of revenue charged to people wishing to be in the food business, but it does not require the FDA to spend one additional penny on the inspection of food.

I am hopeful that my colleagues will agree that this is something that we can and should address in this bill as it leaves the House. Therefore, I propose that FDA spend a portion of the funds collected as registration fees for additional food inspections in the United States of America. Let's face it, if we are going to call this bill the Food Safety Enhancement Act, we should probably have something in here that actually enhances food safety.

Now, another issue that is very troubling and the one we hear repeatedly from farm groups is the issue of indemnification. I would point out that the chairman emeritus and the ranking member explained that concern in a Dear Colleague that was sent out last night. The issue of indemnification can be illustrated with the example of what happened to tomato crops in 2008.

The FDA mistakenly attributed an outbreak of salmonella to tomatoes. It was later discovered that contaminated peppers were the actual source of the illness. However, the discovery came after a large part of the 2008 tomato crop was destroyed, and the industry suffered, perhaps, $100 million in losses as a result.

I appreciate that Mr. DINGELL and Mr. BARTON feel that the passage of this bill will reduce the number and the severity of these mistakes in the future. I truly hope they are right. We must not kid ourselves into believing that the FDA will not make such mistakes in the future. Wrongly implicating agriculture products to foodborne disease outbreaks can cause severe economic losses to farmers and ranchers, who can ill afford them. Unfortunately, this legislation does not address this real concern.

We attempt to address this omission in our motion to recommit. We propose that some of the money coming from the registration fees be set aside for preemptive purchase products from producers. Remember, these purchases only result from direct government action. These changes will not fix everything that we feel to be wrong with the legislation, but they will address some of the more significant problems.

Nothing in this motion adds to the cost of the bill, but it does strengthen FDA accountability, and it guarantees enhanced food safety inspection.

Once again, let's direct that half the money goes to food inspection. Let's make sure the other half of this registration money is available to correct the mistakes that the FDA may make.

I urge all of my colleagues to support this motion. Let's clean up two of the biggest problems, and let's move forward. I urge all of my colleagues to support this motion once again.

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

Mr. DINGELL. Mr. Speaker, I understand that the majority on the committee that handles the bill is entitled to close; is that correct?

The SPEAKER pro tempore. That is ordinarily correct.

Mr. DINGELL. Then I ask unanimous consent that I be permitted to proceed.

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

Mr. LUCAS. I reserve the right to object, Mr. Speaker.

Mr. Speaker, could I note for the record: Has the gentleman not used his 5 minutes?

The SPEAKER pro tempore. Because recognitions to explain and oppose the motion were conferred out of sequence, if there is no objection, the gentleman from Michigan will be recognized for 1 minute to close the debate.

There was no objection.

Mr. DINGELL. Mr. Speaker, I will simply observe as follows: the motion to recommit asserts that the bill does not require FDA to spend one additional penny on the inspection of food. That is totally false.

On page 23 of the bill, it directs FDA to spend its registration fees on food safety activities. On line 18, the bill explicitly provides that food safety activities include conducting inspections. The bill also requires FDA to adhere to a rigorous mandatory inspection schedule based on risk.

I yield now to the distinguished gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, for the remaining seconds, the bill on two points:

It violates the rule, and it will weaken the FDA program. This bill inspects the food processing plants at an increased rate, far more than it is doing now. Again, it violates the rule, and it weakens the FDA's program. On those grounds, we reject this motion to recommit.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 2749, if ordered, and motions to suspend the rules with regard to:

H.R. 1752, if ordered;

H. Res. 535, if ordered;

H. Res. 550, if ordered.

The vote was taken by electronic device, and there were—yeas 186, nays 240, not voting 7, as follows:

[Roll No. 679]

YEAS—186

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
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
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
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
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)

NAYS—240

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
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
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
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
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
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
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Adler (NJ)
Grayson
Linder
McCarthy (NY)
Murtha
Salazar
Sanchez, Loretta

□ 1755

Messrs. MOLLOHAN, CARNEY, YARMUTH, Ms. SCHWARTZ, Messrs. BISHOP of Georgia and OBERSTAR changed their vote from ''yea'' to ''nay.''

Mr. GARY G. MILLER of California 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.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 283, noes 142, not voting 8, as follows:

[Roll No. 680]

AYES—283

Abercrombie
Ackerman
Altmire
Andrews
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maffei
Maloney
Markey (MA)
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon

McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Peters
Peterson
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Terry
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
Wexler
Whitfield
Wilson (OH)
Wolf
Wu
Yarmuth
Young (FL)

NOES—142

Aderholt
Alexander
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Burton (IN)
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Davis (TN)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Graves
Griffith
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hinchey
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
Kingston
Kratovil
Lamborn
Latham
Latta
Lewis (CA)
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Neugebauer
Nunes
Olson
Paul
Pence
Perriello
Petri
Pingree (ME)
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Thompson (PA)
Thornberry
Tiahrt
Wamp
Welch
Westmoreland
Wilson (SC)
Wittman
Woolsey
Young (AK)

NOT VOTING—8

Adler (NJ)
Akin
Grayson
Linder
McCarthy (NY)
Murtha
Salazar
Sanchez, Loretta

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1802

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. AKIN. Mr. Speaker, on rollcall No. 680, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. ADLER of New Jersey. Mr. Speaker, on rollcall Nos. 679 and 680, had I been present, I would have voted "no" on 679 and "yes" on 680.

PERSONAL EXPLANATION

Mr. GRAYSON. Mr. Speaker, on rollcall Nos. 679 and 680, I missed these votes unavoidably because of a meeting with the White House Chief of Staff at the White House, and heavy traffic from the White House to the Capitol. Had I been present, I would have voted "nay" on 679 and "aye" on 680.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Curtis, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 3183. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3183) ''An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DORGAN, Mr. BYRD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. HARKIN, Mr. TESTER, Mr. INOUYE, Mr. BENNETT, Mr. COCHRAN, Mr. MCCONNELL, Mr. BOND, Mrs. HUTCHISON, Mr. SHELBY, Mr. ALEXANDER, and Mr. VOINOVICH, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1391. An act 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.

S. 1392. An act to authorize appropriations for fiscal year 2010 for military construction, and for other purposes.

S. 1393. An act to authorize appropriations for fiscal year 2010 for defense activities of the Department of Energy, and for other purposes.

PROVIDING FOR HOUSE OF REPRESENTATIVES STAFF PAYDAY CHANGES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1752, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 1752, as amended.

The question was taken.

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

Mr. LATHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—ayes 282, noes 144, not voting 7, as follows:

[Roll No. 681]

AYES—282

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
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-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E.B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)

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

NOES—144

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Clyburn
Coble
Coffman (CO)
Conaway
Crenshaw
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jackson (IL)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kingston
Kissell
Kline (MN)
Kratovil
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McClintock
McCotter
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wolf
Woolsey
Young (FL)

NOT VOTING—7

Baird
Berman
Linder
McCarthy (NY)
Murtha
Salazar
Sanchez, Loretta

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1811

Mr. FORTENBERRY changed his vote from ''no'' to ''aye.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

COMMENDING THE CONGRESS OF LEADERS OF WORLD AND TRADITIONAL RELIGIONS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 535, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the resolution, H. Res. 535, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING DAY OF THE AFRICAN CHILD

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 550.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 550.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 848

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 848, the Performance Rights Act.

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

There was no objection.

AMERICANS NEED HEALTH CARE FACTS FROM DEMOCRAT-MEDIA ALLIANCE

(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, poll after poll shows that Americans reject the administration's health care plan, but the national media continue to downplay the results of their own polls.

For example, in its report on the new NBC/Wall Street Journal poll, NBC itself failed to mention that more people disapprove than approve of the way the President is handling health care.

President Obama says his health care plan is deficit neutral, but the nonpartisan Congressional Budget Office says the legislation will substantially increase the deficit.

President Obama says Americans' health care plans will cost less, but the CBO Director says the legislation will cost more, much more.

President Obama says ''if you like your current health care plan, you can keep it,'' but an independent study found that most Americans will lose their current health care plan.

Mr. Speaker, Americans need the facts on health care, not the biased news from the Democrat-media alliance.

□ 1815

PAYGO

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

Mr. PETERS. Mr. Speaker, I rise today as a proud cosponsor of H.R. 2920, the Statutory Pay-As-You-Go Act of 2009. This important legislation will establish mandatory pay-as-you-go budget discipline, rein in deficit spending, and reduce the national debt.

In the 1990s, pay-as-you-go budget discipline was enshrined in law, and it led to record budget surpluses. After PAYGO was originally codified in 1990, total Federal spending as a percentage of GDP decreased each year from 1991 through 2000. After Congress let PAYGO expire in 2002, projected surpluses of $5.6 trillion were transformed into record deficits. Passing the Statutory Pay-As-You-Go Act of 2009 will require Congress to make the tough choices necessary to get unacceptable high budget deficits under control and avoid passing today's costs onto our children, grandchildren, and future generations.

Families make tough budget decisions to live within their means, and the government should be forced to do the same. I urge passage of the Statutory Pay-As-You-Go Act of 2009.

HEALTH CARE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I agree with President Obama when he says there's a need for affordable health care.

Mr. Speaker, a trillion-dollar plan is not affordable, particularly when it leaves millions of Americans without insurance.

The Republican health care plan offers a solution for all Americans for health care access, affordability, quality, and choice. Under the GOP plan, medical decisions will be made by patients and their doctors, not a government bureaucrat such as the Democrat-proposed Health Insurance Commissioner.

The GOP plan provides for guaranteed access regardless of preexisting conditions.

The Republican plan lets Americans who like their coverage keep it.

It expands Community Health Centers that are critical points of access that provide health care services based on an affordable sliding scale.

Mr. Speaker, the Republican plan reins in junk lawsuits and will bring down health care costs. We need health care access, affordability, quality, and choice that Americans deserve. Americans deserve the Republican health care plan.

THE FORECLOSURE CRISIS

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

Ms. TITUS. Mr. Speaker, during the upcoming work session, I will return to southern Nevada, which is ground zero for the foreclosure crisis that triggered our current recession. During my time at home, I will be working with constituents who need help with their mortgages, many in homes that are underwater.

Families throughout my district are struggling to make their mortgage payments, and one out of every 16 homeowners in Nevada has faced a foreclosure filing. Folks in District Three clearly need assistance to stay in their homes and avoid foreclosures.

Tonight in kitchens across the country and in every congressional district, families worry about losing the roof over their heads. I'm sure that every one of my colleagues in Congress will hear from such families during the upcoming district work period. I hope they will bring their stories back to Washington. And when Congress reconvenes in September, let us place a renewed focus on helping families stay in their homes and providing them the assistance they need.

There is much more that Congress can and should do, and I commit to working on this issue when we come back after Labor Day. I hope you will all join me in this effort.

IRAN'S MARTYRS OF FREEDOM

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

Mr. McCOTTER. Mr. Speaker, recently we have seen the end of Islam's 40-day period of mourning for the martyrs of freedom that were killed on June 20, Neda Soltan, Taraneh Mousavi.

And what did the regime do in response? They prevented people from attending their grave sites. They removed people who wanted to lay flowers. And in the end, as reported by msnbc.com, Brigadier General Abdollah Araghi warned against any further gatherings: ''We are not joking. We will confront those who will fight against the clerical establishment.''

Yes, Mr. Speaker, they will fight against rape and murder, martyrs such as Neda and Taraneh. But the world will mourn these martyrs, and soon Iran and all the world will rejoice when these murderers are brought to justice and the Iranian people breathe free.

UTMB EMERGENCY ROOM OPENING

(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, I rise to pay tribute to the folks in Galveston, Texas, who have worked to make the reopening of the University of Texas Medical Branch emergency room possible.

Last September, Hurricane Ike hit Galveston, swamping parts of the island and forcing thousands of residents to evacuate. The emergency room's floor is at one of the highest physical elevations on the island, more than 30 feet above sea level. Yet the power of Ike's damage delayed the reopening of the emergency room until last week. Southeast Texas lost one of three level one trauma centers, putting a strain on the whole region.

But thanks to tremendous community support, the emergency room will begin receiving patients and eventually offer the same level of trauma care it did before. Every minute counts in a life-threatening emergency. And the reopening of this facility will help provide timely emergency medical services to the area residents.

As a member of the House Homeland Security Committee, I am committed to continue to do all I can to ensure complete recovery for the impacted areas of Texas by Ike. This is a tremendous step forward for the recovery of Galveston and the neighboring communities devastated by Hurricane Ike.

I wish UTMB, its doctors, its nurses, and its staff a successful future. Welcome back.

THE 75TH ANNIVERSARY OF CONTINENTAL AIRLINES

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to celebrate the 75th anniversary of my hometown airline, Continental Airlines. I would like to thank all of the employees, past and present and those in the future, who have continued to serve our community and the Nation. We thank them for their original beginnings with great history and great leadership.

I'm reminded of one of their transfer names, Eastern Airlines. I'm reminded, of course, of the uniforms and the admiration that children would give the pilots and flight attendants. We still do that today.

Continental Airlines is in my district, and as well the Bush Intercontinental Airport, which is their hub airport.

Let me thank them for the many economic dollars they provide to the fourth largest city in the Nation, Houston, Texas, and as well let me congratulate them as they move forward in a new structure that will allow more diversity, more competition, but stronger airline services and customer relations.

Thank you to the leadership of Continental Airlines and to their CEO, Larry Kellner, and all of the hardworking employees. You've had 75 years. You should be proud.

THE PUBLIC HEALTH INSURANCE OPTION

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

Mr. LEVIN. Mr. Speaker, the voluntary public health insurance option is an important part of health care reform for a number of reasons.

First, the public plan will provide a competitor for private plans that will help make the entire system more efficient and help drive down prices for everyone. Second, it provides assurance to all Americans that there will be an affordable, comprehensive health insurance plan available to them no matter where they live or work. In many places there are currently only one or two insurers people can choose from.

Third and of vital importance, the public plan will have the ability to test and implement innovative methods of payment that have the potential to make the entire health care system more efficient and patient centered.

The current fee-for-service structure is a fragmented system. No provider will be required to participate in the public plan, but for those who do, it's important for the public plan to be able to implement effective payment reforms for all participating providers. Allowing individual providers to negotiate their own rates and their own methods of payment with the plan will slow the vital process of moving us towards a more efficient, integrated health care system that serves both the patients and the taxpayers.

Now is the time to act on health care reform, including a robust public health insurance option.

HONORING J.D. WILLIAMS

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

Mr. TOWNS. Mr. Speaker, I rise to recognize the loss of J.D. Williams, who expired 3 days ago.

J.D. Williams was a very special person. He worked with the young people, taught so many how to play baseball. And, of course, he was an outstanding athlete himself.

He was always giving of himself to help others. I recall as a youngster how

he would organize and go into his pocket and take money out to be able to assist young people in buying uniforms and being able to move from one location to another to be able to play different teams.

He was just so committed to developing young people. He worked to get them into college, and, of course, he had a relationship with many coaches around the country. And they would respect the fact that if J.D. Williams said that you could play, you would be able to play. And that's the kind of relationship that he had.

Of course, let me say to his family in times like these you can be proud of the accomplishments of J.D. Williams, even though he's no longer with us.

THE NEW BLACK PANTHER PARTY CASE

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

Mr. WOLF. As a strong supporter of the Voting Rights Act, I've been deeply troubled by this Department of Justice's questionable dismissal of an important voter intimidation case in Philadelphia, where I grew up, and my dad was a policeman. My commitment to voting rights is unquestioned. In 1981 I was the only member, Republican or Democrat, of the Virginia delegation in the House to vote for the Voting Rights Act, and was harshly criticized by the editorial page of the Richmond Times Dispatch.

And when I supported its reauthorization in 2006, I was again criticized by editorial pages. I have grave concerns about the Department's dismissal of this case. Congress must use its oversight to maintain the integrity of the voting system. Oversight is needed now more than ever given the disclosure today in the Washington Times that the Department's case against the New Black Panther Party was dismissed over the objections of career attorneys on the trial team as well as the chief of the Department's Appellate Division.

The politicization of the Justice Department by Eric Holder against career employees is absolutely wrong, and the Congress ought to get to the bottom of this.

Mr. Speaker, as a strong supporter of the Voting Rights Act, I have been deeply troubled by this Department of Justice's questionable dismissal of an important voter intimidation case in Philadelphia—where I grew up and my father was a policeman.

My commitment to voting rights is unquestioned. In 1981, I was the only member—Republican or Democrat—of the Virginia delegation in the House to vote for the Voting Rights Act and was harshly criticized by the editorial page of the Richmond Times Dispatch, and when I supported its reauthorization in 2006, I was criticized again by editorial pages.

I have grave concerns about the department's dismissal of this serious case. Above all, Congress must use its oversight to maintain the integrity of our voting system.

All the documents surrounding this case need to be made public and all the questions asked in my July 22 letter to Attorney General Holder should be answered. The American people deserve nothing less than full transparency.

Oversight is needed now more than ever given the disclosures in today's Washington Times that the department's voter intimidation case against the New Black Panther Party was dismissed over the objections of career attorneys on the trial team—as well as the chief of the department's Appellate Division.

The politicization of the Justice Department by Eric Holder against career employees is absolutely wrong and the Congress ought to get to the bottom of this.

Sources within the department stated that Associate Attorney General Thomas Perrelli, a political appointee, overruled career attorneys in dismissing the case.

According to the Appellate Division memos first disclosed in the Times article, Appellate Chief Diana K. Flynn said that "the appropriate action was to pursue the default judgment" and that Justice had made a "reasonable argument in favor of default relief against all defendants."

Flynn's opinion was shared by a second Appellate Division official, Marie K. McElderry, who stated, "The government's predominant interest is preventing intimidation, threats and coercion against voters or persons urging or aiding persons to vote or attempt to vote."

Given these troubling disclosures, I call on the attorney general to re-file this civil suit and allow a ruling from the judge based on the merits of the case—not political expediency.

It is imperative that we protect all Americans' right to vote, which I consider a sacrosanct and inalienable right of any democracy. The career attorneys and Appellate Division within the department sought to demonstrate the federal government's commitment to protecting this right by vigorously prosecuting any individual or group that seeks to undermine this right. I hope that the political leadership will follow their example and allow this case to go forward again.

[From the Richmond Times Dispatch—Editorial, October 15, 1981]

A MORE OFFENSIVE LAW

A recent news story from Washington reported that Tenth District Republican Rep. Frank Wolf "didn't want to talk about" his vote in favor of extending the odious federal Voting Rights Act. No wonder. There is absolutely no way that he can justify his endorsement of a measure that officially brands Virginia a second-class state and denies Virginians some of their most precious political rights. Mr. Wolf was the only Virginia congressman to support the bill when it moved through the House of Representatives last week.

Grossly unfair in its present form, the Voting Rights Act would be made even more offensive by changes the House approved. The despicable pre-clearance provision, which now is subject to periodic reconsideration, would become a permanent feature of the law. Under this provision, covered states and localities must obtain federal approval of any law, action or decision that might affect the voting rights or strength of minorities, especially blacks. The House's new version outlines a procedure by which a state might, theoretically, purify itself and gain exemption from the act, but the process is so cumbersome and vague that it is likely to prove to be worthless. One important aspect of the act that would remain unchanged in the House version is its inequitable selectivity. The law's harsh impact would continue to fall mainly on the South. Efforts to persuade the House to apply the act uniformly throughout the nation were unsuccessful.

Indeed, the House was unwilling to make even the slightest gesture toward fairness. As the bill had emerged from the House Judiciary Committee, it provided that any state or locality seeking to obtain exemption from its coverage would have to get the approval of the United States District Court in Washington. Sixth District Republican Rep. M. Caldwell Butler, one of the principal leaders of the valiant but vain fight against the act offered an eminently sensible amendment that would have permitted states and localities to sue for relief in a local federal district court. The necessity to go to Washington, he argued, would be so costly and cumbersome that many communities would be discouraged from even attempting to qualify for exemption. But the House, unmoved, rejected his proposal.

Not in many years has Virginia followed the kinds of restrictive voting practices that originally inspired the Voting Rights Act. Not in many years has Virginia attempted to abridge the right of its black citizens to vote. Yet if the House bill prevails Virginia, and most of the South, will continue to be treated as wards of the federal government and denied political rights that the rest of the nation freely exercises, and Mr. Wolf will be partly to blame. Fortunately, the House bill faces considerable opposition in the Senate. And Virginia's two representatives in that body—Senators Harry F. Byrd Jr. and John Warner—can be counted on to support, enthusiastically and aggressively, efforts to transform the Voting Rights Act from a selectively punitive measure into a fair and reasonable law.

[From the Washington Times, July 30, 2009]

JUSTICE APPOINTEE OK'D PANTHER REVERSAL—CAREER LAWYERS PUSHED FOR SANCTIONS IN CASE

(By Jerry Seper)

Associate Attorney General Thomas J. Perrelli, the No. 3 official in the Obama Justice Department, was consulted and ultimately approved a decision in May to reverse course and drop a civil complaint accusing three members of the New Black Panther Party of intimidating voters in Philadelphia during November's election, according to interviews.

The department's career lawyers in the Voting Section of the Civil Rights Division who pursued the complaint for five months had recommended that Justice seek sanctions against the party and three of its members after the government had already won a default judgment in federal court against the men.

Front-line lawyers were in the final stages of completing that work when they were unexpectedly told by their superiors in late April to seek a delay after a meeting between political appointees and career supervisors, according to federal records and interviews.

The delay was ordered by then-acting Assistant Attorney General Loretta King after she discussed with Mr. Perrelli concerns about the case during one of their regular review meetings, according to the interviews.

Ms. King, a career senior executive service official, had been named by President Obama in January to temporarily fill the vacant political position of assistant attorney general for civil rights while a permanent choice could be made.

She and other career supervisors ultimately recommended dropping the case

against two of the men and the party and seeking a restraining order against the one man who wielded a nightstick at the Philadelphia polling place. Mr. Perrelli approved that plan, officials said.

Questions about how high inside the department the decision to drop the case went have persisted in Congress and in the media for weeks.

Justice Department spokeswoman Tracy Schmaler told The Washington Times that the department has an ''ongoing obligation'' to be sure the claims it makes are supported by the facts and the law. She said that after a ''thorough review'' of the complaint, top career attorneys in the Civil Rights Division determined the ''facts and the law did not support pursuing the claims against three of the defendants.''

''As a result, the department dismissed those claims,'' she said. ''We are committed, to vigorous enforcement of the laws protecting anyone exercising his or her right to vote.''

While the Obama administration has vowed a new era of openness, department officials have refused to answer questions from Republican members of Congress on why the case was dismissed, claiming the information was ''privileged,'' according to congressional correspondence with the department.

Rep. Frank R Wolf, Virginia Republican and a senior member of the House Appropriations Committee who has raised questions about the case, said he also was prevented from interviewing the front-line lawyers who brought the charges.

''Why am I being prevented from meeting with the trial team on this case?'' Mr. Wolf asked. ''There are many questions that need to be answered. This whole thing just stinks to high heaven.''

Ms. Schmaler said the department has tried to cooperate with Congress, ''The Department responded to an earlier letter from Congressman Wolf in an effort to address his questions. Following that letter, the Department agreed to a meeting with Congressman Wolf and career attorneys, in which they made a good-faith effort to respond to his inquiries about this case. We will continue to try to clear up any confusion Congressman Wolf has about this case.''

Ms. King and a deputy are expected to travel to Capitol Hill on Thursday to meet behind closed doors with House Judiciary Committee Chairman John Conyers Jr., Michigan Democrat, and Rep. Lamar Smith of Texas, the top Republican on the panel, to discuss continuing concerns about the case.

The department also has yet to provide any records sought by The Times under a Freedom of Information Act request filed in May seeking documents detailing the decision process. Department officials also declined to answer whether any outside groups had raised concerns about the case or pressured the department to drop it.

Kristen Clarke, director of political participation at the NAACP Legal Defense Fund in Washington, however, confirmed to The Times that she talked about the case with lawyers at the Justice Department and shared copies of the complaint with several persons. She said, however, her organization was ''not involved in the decision to dismiss the civil complaint.''

She said the National Association for the Advancement of Colored People has consistently argued that the department should bring more voter intimidation cases, adding that it was ''disconcerting'' that it did not do so.

Mr. Perrelli, a prominent private practice attorney, served previously as a counsel to Attorney General Janet Reno in the Clinton administration and was an Obama supporter who raised more than $500,000 for the Democrat candidate in the 2008 elections. He authorized a delay to give department officials more time to decide what to do, said officials familiar with the case but not authorized to discuss it publicly. He eventually approved the decision to drop charges against three of the four defendants, they said.

At issue was what, if any, punishment to seek against the New Black Panther Party for Self-Defense (NBPP) and three of its members accused in a Jan. 7 civil complaint filed in U.S. District Court in Philadelphia.

Two NBPP members, wearing black berets, black combat boots, black dress shirts and black jackets with military-style markings, were charged in a civil complaint with intimidating voters at a Philadelphia polling place, including brandishing a 2-foot-long nightstick and issuing racial threats and racial insults. Authorities said a third NBPP member ''managed, directed and endorsed the behavior.''

None of the NBPP members responded to the charges or made any appearance in court.

''Intimidation outside of a polling place is contrary to the democratic process,'' said Grace Chung Becker, a Bush administration political appointee who was the acting assistant attorney general for civil rights at the time the case was filed. ''The Voting Rights Act of 1965 was passed to protect the fundamental right to vote and the department takes allegations of voter intimidation seriously''

Mrs. Becker, now on a leave of absence from government work, said she personally reviewed the NBPP complaint and approved its filing in federal court. She said the complaint had been the subject of numerous reviews and discussions with the career lawyers, and she agreed with their assessment to file the case.

Mrs. Becker said Ms. King was overseeing other cases at the time and was not involved in the decision to file the original complaint.

A Justice Department memo shows that career lawyers in the case decided as early as Dec. 22 to seek a complaint against the NBPP; its chairman, Malik Zulu Shabazz, a lawyer and D.C. resident; Minister King Samir Shabazz, a resident of Philadelphia and head of the Philadelphia NBPP chapter who was accused of wielding the nightstick; and Jerry Jackson, a resident of Philadelphia and a NBPP member.

''We believe the deployment of uniformed members of a well known group with an extremely hostile racial agenda, combined with the brandishing of a weapon at the entrance to a polling place, constitutes a violation of Section 11(b) of the Voting Rights Act which prohibits types of intimidation, threats and coercion,'' the memo said.

The memo, sent to Mrs. Becker, was signed by Christopher Coates, chief of the Voting Section Robert Popper, deputy chief of the section; J. Christian Adams, trial attorney and lead lawyer in the case; and Spencer, R Fisher, law clerk. None of the four has made themselves available for comment.

Members of Congress continue to ask questions about the case.

''If showing a weapon, making threatening statements and wearing paramilitary uniforms in front of polling station doors does not constitutes voter intimidation, at what threshold of activity would these laws be enforceable?'' Mr. Wolf asked.

Mr. Smith also complained that a July 13 response by Assistant Attorney General Ronald Welch to concerns the congressman had about the Philadelphia incident did not alleviate his concerns.

''The administration still has failed to explain why it did not pursue an obvious case of voter intimidation. Refusal to address these concerns only confirms politicization of the issue and does not reflect well on the Justice Department,'' Mr. Smith said.

Mr. Smith asked the department's Office on Inspector General to investigate the matter, and the request was referred to the department's Office of Professional Responsibility.

Lawmakers aren't alone in the concerns.

The U.S. Commission on Civil Rights said in a June 16 letter to Justice that the decision to drop the case caused it ''great confusion,'' since the NBPP members were ''caught on video blocking access to the polls, and physically threatening and verbally harassing voters during the Nov. 4, 2008, general election.''

''Though it had basically won the case, the [Civil Rights Division] took the unusual move of voluntarily dismissing the charges . . ., ''the letter said. ''The division's public rationale would send the wrong message entirely—that attempts at voter suppression will be tolerated and will not be vigorously prosecuted so long as the groups or individuals who engage in them fail to respond to the charges leveled against them''

The dispute over the case and the reversal of career line attorneys highlights sensitivities that have remained inside the department since Bush administration political appointees ignored or reversed their career counterparts on some issues and some U.S. attorneys were fired for what Congress concluded were political reasons.

Mr. Weich, in his letter to the congressman, sought to dispel any notion that politics was involved. He argued that the department dropped charges against three of the four defendants ''because the facts and the law did not support pursuing'' them. He said the decision was made after a ''careful and through review of the matter'' by Ms. King.

U.S. District Judge Stewart Dalzell in Philadelphia entered default judgments against the NBPP members April 2 after ordering them to plead or otherwise defend themselves. They refused to appear in court or file motions in answer to the government's complaint. Two weeks later, the judge ordered the Justice Department to file its motions for default judgments by May 1—a ruling that showed the government had won its case.

The men also have not returned calls from The Times seeking comment.

On May 1, Justice sought an extension of time and during the tumultuous two weeks that followed the career front-line lawyers tried to persuade their bosses to proceed with the case.

The matter was even referred to the Appellate Division for a second opinion, an unusual event for a case that hadn't even reached the appeals process.

Appellate Chief Diana K. Flynn said in a May 13 memo obtained by The Times that the appropriate action was to pursue the default judgment unless the department had evidence the court ruling was based on unethical conduct by the government.

She said the complaint was, aimed at preventing the ''para-military style intimidation of voters'' at polling places elsewhere and Justice could make a ''reasonable argument in favor of default relief against all defendants and probably should'' She noted that the complaint's purpose was to ''prevent the paramilitary style intimidation of voters'' while leaving open ''ample opportunity for political expression.''

An accompanying memo by Appellate Section lawyer Marie K. McElderry said the charges not only included bringing the weapon to the polling place, but creating an intimidating atmosphere by the uniforms, the military-type stance and the threatening language used. She said the complaint appeared to be ''sufficient to support'' the injunctions sought by the career lawyers.

''The government's predominant interest . . . is preventing intimidation, threats and coercion against voters or persons urging or aiding persons to vote or attempt to vote,'' she said.

The front-line lawyers, however, lost the argument and were ordered to drop the case.

Bartle Bull, a civil rights activist who also was a poll watcher in Philadelphia, said after the complaint was dropped, he called Mr. Adams to find out why. He said he was told the decision ''came as a surprise to all of us'' and that the career lawyers working on the case feared that the failure to enforce the Voting Rights Act ''would embolden other abuses in the future.''

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KISSELL). 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.

HONORING BOB DEININGER

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

Mr. SESTAK. Mr. Speaker, I rise to honor a public servant, leader, son, husband and father of the first order, Mr. Robert Deininger, who on August 1, 2009, will complete 40 years of faithful and dedicated service to the U.S. Food and Drug Administration, the FDA.

Following his 1965 graduation from Upper Darby High School, Bob excelled at Grove City College, Grove City, Pennsylvania, graduating in 1969 with a bachelor of science degree in biology. He was quickly hired by the FDA as an investigator in the Philadelphia district office.

In 1977 Bob was selected to be a supervisor of the New Jersey District in Trenton, New Jersey. He later moved to Camden, New Jersey, where he supervised 10 investigators and covered southern New Jersey.

□ 1830

During 13 years in this position, he and his team were involved in many unique and interesting cases, including those involving food tampering, recalls and compliance actions.

In 1989, Bob was accepted into a government Executive Potential Program. In 1990, he was selected as Director of the Investigations Branch for the Dallas district and moved to Dallas, Texas. In this position, with nearly 100 employees and 13 satellite offices, he was responsible for domestic import inspection activities in Texas, Oklahoma and Arkansas.

Bob's last position was that of District Director, Southwest Import District, SWID, in the FDA Office of Regulatory Affairs, FDA's regulatory field force. As District Director, Bob was responsible for all import operations in the 11-State Southwest Region and along the entire United States-Mexican border, from Brownsville, Texas, to San Diego, California.

Bob's contributions are too numerous to mention, but principal among them are his efforts to improve import coverage uniformity in applying FDA policies and procedures and his work to increase cooperative activities with Customs and Border Protection.

As the Nation has faced serious threats to the safety of its food supply, Bob significantly increased the number of import samples and product exams performed each year and contributed to updating the FDA import training program. Most importantly, Bob focused FDA/SWID outreach and education efforts to work with the Federal and State agencies on border health to improve the health of the population living along the United States and Mexican border.

For all of his accomplishments in life, Bob Deininger's greatest achievement will always be his family. His mother Evelyn and brother Gary are very proud of him, as is his wonderful wife Rosemary. Together, she and Bob have raised two impressive sons, Kristopher and Brian. They are blessed with a lovely daughter-in-law, Katherine, who has given them their pride and joy, grandson Jack.

Mr. Speaker, let us pause and give thanks to Bob Deininger for four decades of tireless, selfless service to the Food and Drug Administration and the American public.

Today, I join the good people of the Seventh Congressional District of Pennsylvania and the thousands of FDA employees Bob has led, mentored and cared for over the course of his brilliant career, and Bob's many friends and colleagues, to wish Rosemary and Bob ''fair winds and following seas'' as they embark on the next, and no doubt even more remarkable, chapter of their lives.

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.)

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

NUMBER OF MARINE SUICIDES INCREASING

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

Mr. JONES. Mr. Speaker, earlier this week I was saddened to read an article in the Marine Corps Times with the heading ''7 July suicides push Corps to record pace.'' I will submit that article for the record.

The article states, ''At least seven Marines are believed to have killed themselves so far in July, putting the Corps on a record pace despite broad-based efforts introduced to reduce suicides.''

The Corps is on a pace for about 56 suicides in 2009, which would shatter a record set last year when the Corps lost 42 Marines to confirmed or suspected suicide. The article further states, ''Marine suicides have increased annually since 2006.''

[From the Marine Corps Times, July 30, 2009]

JULY SUICIDES PUSH CORPS TO RECORD PACE

(By Dan Lamothe, staff writer)

At least seven Marines are believed to have killed themselves so far in July, officials said, putting the Corps on a record pace despite broad-based efforts introduced to reduce suicides.

The deaths come as the service rolls out a new suicide-prevention program this week focused on getting sergeants and corporals to take a more active role in watching for signs that a Marine may be in danger of killing himself. Nine Marines killed themselves in June, and 33 have done so this year, said Maj. Carl Redding, a spokesman at Marine Corps headquarters.

The statistics were discussed Monday at the Sergeants Major Symposium, an annual meeting of the Corps' top enlisted leaders in Washington. The 33 dead Marines put the Corps on pace for about 56 suicides in 2009, shattering a record set last year, when the Corps lost 42 Marines to confirmed or suspect suicides.

''We're looking at all options to get a handle on this,'' said Sgt. Maj. Carlton Kent, the Corps' top enlisted adviser. ''We're trying to pinpoint what we can do, and we're going to stay engaged until we find a fix for it.''

Marine suicides have increased annually since 2006, when 25 Marines killed themselves. Thirty-three Marines are believed to have committed suicide in 2007, Marine officials said.

The recent numbers have alarmed Marine leadership, prompting additional ''all-hands'' prevention training in March that included videos made by commanders, a slideshow outlining recent statistics and an overview of warning signs shown by Marines at risk of killing themselves.

On Monday, senior enlisted leaders discussed a next wave of suicide-prevention training that has been in the works for months. Noncommissioned officers throughout the Corps will be trained to watch for suicide signs more carefully, with ''master trainer'' sergeants who went through 3½ days of training in July at Marine Corps Base Quantico, Va., now fanning out across the service to teach NCOs how they can be a better help to at-risk Marines.

The new training package will include a 30-minute video featuring professional actors portraying Marines, and 11 documentary film clips featuring Marines who considered killing themselves and survivors of Marines who did, the Corps' senior enlisted leaders were told Monday. It will focus in part on eliminating the stigma of reporting a Marine who is considering suicide, officials said.

''Peer groups have to recognize the signs at ankle level, not chest level,'' said Sgt. Maj. Michael Timmerman, the senior enlisted adviser with the Personal and Family Readiness Division at Marine Corps headquarters.

Kent said he wants NCOs to feel empowered to report that a Marine in turmoil may be considering suicide, but he believes senior enlisted leadership and officers also need to be actively involved.

''We still have to provide the guidance, oversight and support,'' he said of senior enlisted leadership. ''We have to give [NCOs] the tools they need'' to prevent suicides.

Unfortunately, the Army has reported a similar increase in suicides. The suicide rate among Army soldiers hit its highest level in three decades in 2008 when there were 128 confirmed suicides.

Yesterday, at a hearing of the Armed Services Subcommittee on Military Personnel, I was impressed with the comments by military leaders from each of the four services who described the steps they are taking to combat psychological stress among servicemembers. I was also pleased to read in the Marine Corps Times that the Corps has taken increased suicide rates seriously by rolling out a new suicide prevention program and implementing additional all-hands prevention training. However, I also believe that the policymakers in Washington have a role to play.

With Marine Corps Base Camp Lejeune and Marine Corps Air Station Cherry Point in my district, I am well aware of the strain that the wars in Iraq and Afghanistan have placed on our Nation's marines and their families. Military officials have speculated that repeat combat deployments and the toll these deployments have taken on servicemembers' marriages and families have contributed to increased suicide rates.

Mr. Speaker, I also believe that continuous war without a clearly defined goal is contributing to anxiety and depression among some of the members of our military.

In recent days, I have come to the House floor to talk about our Nation's military involvement in Afghanistan and the importance of knowing the end point to our war strategy. After nearly 8 years in Afghanistan, President Obama's order for a surge of additional troops will certainly lead to more killed and wounded, more frequent deployments and more stress on our military and their families. That is the price of war.

While American military personnel faithfully conduct their missions abroad, elected officials here in Washington also need to take seriously their responsibility to develop a viable, long-term strategy for these operations.

I have spoken to many in the Army and Marine Corps who say our Nation needs an end point to its war strategy. Many servicemembers have gone to Iraq and Afghanistan more than once, and their desire to serve this Nation is greater than ever, but the stress placed on our all-volunteer forces cannot continue forever.

That is why I will continue to urge the President to work with his military commanders and the Congress to articulate to our men and women in uniform what is to be achieved and to develop the best possible strategy for achieving our goals and wrapping up our military commitment in Afghanistan. I will also continue to work with my colleagues in Congress to ensure adequate funding for mental health programs for servicemembers and veterans.

Before closing, Mr. Speaker, I would like to thank the Department of Defense and our military leaders who are doing everything possible to help servicemembers who suffer from anxiety and depression.

Mr. Speaker, as I do just about every night that I come to the floor of the House, I have to close this way, because I regret that I voted to send our troops to Iraq. I have signed over 8,000 letters to the families and extended families so that I could say to God, forgive me for making that decision.

So my close will be this. God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. God, in Your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq.

And, dear God, because America is in so much trouble, I will close three times by asking, God please, God please, God please continue to bless America.

THE COST OF AFGHANISTAN AND IRAQ SOON TO BE $1 TRILLION

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, I would like to thank Congressman WALTER JONES for his 5-minute speech. That was a perfect lead-in to my remarks tonight.

Mr. Speaker, last week I stood in the House to mark two tragic milestones. I said that July had become the deadliest month for our soldiers in Afghanistan since the conflict began, and I reported that the number of American troops who have died in Afghanistan and Iraq had gone over the 5,000 mark.

Today, I rise to warn the House that a third tragic milestone is coming up. According to a report by the Congressional Research Service, Congress has approved $941 billion in war-related spending since 9/11. If Congress approves the administration's request for the next fiscal year, funding for Afghanistan and Iraq will go over the $1 trillion mark. And that is just for direct military operations, Mr. Speaker. The $1 trillion figure doesn't include the indirect costs, such as health care for our wounded veterans. Many of our veterans will need care for the rest of their lives. Joseph Stiglitz, the Nobel-winning economist, has estimated that when you add it all up, the occupation of Iraq alone will cost us over $3 trillion.

Tragically, all that spending has not made us any safer. Violent extremists have launched more attacks around the world since 9/11 than before 9/11. The war spending hasn't made us any richer either. It has contributed to our economic crisis, exploded the lid off our national debt, and diverted funds from desperately needed domestic priorities.

Besides Iraq and Afghanistan, Congress has also approved spending for a third war called the global war on terror. That war has been a big mistake, too. As the Rand Corporation has pointed out, when you use the word ''terrorist,'' you elevate them. You elevate them to the status of holy warriors and it encourages them to conduct holy war against the United States.

We need to call terrorists what they really are, criminals and violent extremists. To stop them, we need good intelligence and good police work in the communities where they hide, not massive military occupations that don't get the job done and bleed our Treasury dry.

I am glad that President Obama and Secretary of State Clinton have stopped using the phrase ''war on terror.'' That is a good first step. But now we need to take several more steps. We must speed up the withdrawal of our troops and military contractors from Iraq. We must change our mission in Afghanistan to emphasize economic development, humanitarian aid, education, jobs, and better government.

This is the kind of help that the people of Afghanistan want and need from the United States. This is the kind of help that will give the Afghan people real hope for the future and a reason to reject extremism.

And throughout the world, we must replace military power with the tools of smart power, such as diplomacy, multilateral action, and nuclear nonproliferation. I have offered a ''SMART Security Platform for the 21st Century'' which could put these tools to work and make the world a safer place.

Mr. Speaker, America cannot afford to keep using military power as our only option. It is dumb foreign policy, dumb military policy, and dumb fiscal policy. Smart power will save lives and money and build a more peaceful world for our children and their children.

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

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

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

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

RECOGNIZING THE OUTSTANDING WORK OF TAKE STOCK IN CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to recognize the outstanding work of Take Stock in Children, an amazing program throughout

my home State of Florida which provides low-income and at-risk children the scholarships and the guidance that they need to obtain a quality college education.

As a former educator and a former Florida certified teacher, I am personally aware of the importance in providing our children a solid education so that they may be successful, productive, and active members of society in the future.

When students receive the support, the mentoring, and the financial assistance necessary to pursue a college degree, they begin to realize that they can achieve their goals, they are capable of reaching their dreams, and there are people ready to say, ''We are here to help you.''

This is what Take Stock in Children offers to all of these children. It is an opportunity for the kids in our community to take advantage of the education they might not have otherwise been offered.

Take Stock in Children created an ingenious model of operation which provides the structure and the stability that at-risk and low-income students need in order to be guided to be most productive into college and beyond.

With its innovative mentorship, scholarship, case management, and accountability systems, it is no wonder why Take Stock in Children has flourished. The passion and commitment evident in all aspects of the organization is indeed inspiring. Over 94 percent of all funds that they gather go directly to scholarships and services to students. As more funds are made available to Take Stock in Children, they are quickly made available to the students.

Take Stock in Children has been able to expand into a public-private partnership, so that for every $2 raised for scholarship and student services, they receive a $1 match from the Florida Prepaid College Foundation, creating millions of dollars worth of resources for our kids.

As all of our Florida families know, the Florida Prepaid program allows them to invest early for their children's college education. Parents lock in the cost of college when they begin paying into the program, saving them years of college rate increases and allowing them several years to save for their children's educational needs.

One in ten Florida children has a Florida Prepaid plan, and over 206,000 prepaid students have already graduated from college. I am proud to say that I was one of the cocreators of this program when I served in the Florida Senate.

Take Stock in Children is actually the largest single purchaser of Florida Prepaid scholarships, and it is a great coordinated victory in the fight to help children achieve their dreams of success. It has been over 21 years since I helped create the Florida Prepaid program, and I am continually proud of its successes.

With Florida Prepaid and Take Stock in Children working together, an educational powerhouse has been created for Florida students, combining financial aid as well as guidance and counseling for enrolled and eligible children.

Over 520 students in my district today are recipients of scholarships from Take Stock in Children, and without the support, finding college tuition for these students would not have been likely.

□ 1845

Today, almost $109 million have been awarded in scholarships and over 1 million hours logged, with over 11,000 volunteers dedicated to helping these students. It is because of the commitment of dedicated individuals that Take Stock in Children has come to be such a tremendous success. As a Member of Congress and an ardent supporter of giving the best education possible to our youth, it pleases me greatly that organizations like Take Stock in Children exists today. I look forward to hearing about all of the future successes of Take Stock in Children, and I again applaud them for their everyday victories for all of our children.

HONORING THE LIFE OF VERMEL COOK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to salute a woman of success and pay tribute to Vermel Cook, 95 years old, who passed just this last week, born on November 24, 1913, a woman that has a very special place in my heart, and that of the city of Houston. Mr. Speaker, can you imagine a woman born before the conclusion of World War I, in the midst of a segregated South, who became an important surgical nurse who attended to the surgeries of the famed surgeon, Dr. Michael DeBakey, and Dr. Denton Cooley, at the Methodist Hospital.

What an achievement. And she did that for 30 years. In her 30 years I would imagine she saw some of the first heart transplants. She saw the first opportunities to give new life to patients through the genius of Dr. Michael DeBakey, already passed, and Dr. Denton Cooley, who still lives in our community. I'm very proud that this woman raised beautiful children, 6 children. She has 8 grandchildren, 4 great grandchildren.

And one of her wonderful children was a dear friend of mine, the Mitchell family. Her granddaughter, Pam Mitchell, who is saddened by her death, is one of the 8 grandchildren. And her wonderful daughter, surviving daughter, JoAnn Griggs, as well, had the opportunity to live with a great mother and a great father. Her husband, deceased, Leroy Cook, they were married for 50 years and produced great talent for the Mitchell family. Mr. and Mrs. Mitchell and granddaughter Pam and grandson, her young grandson, traveled around the community and provided great music.

She was a woman of religion as well, a member of the Progressive New Hope Church under the Reverend Ennis Brown, and she served at that church for many, many years, a great historic church in the city of Houston. But then as Pastor Brown passed away, she moved to one of the up-and-coming starring churches under the leadership of my dear friend, Pastor Samuel Ratliff, Brentwood Baptist Church. And I am reminded of my visits to that church when Pastor Ratliff and all of the leadership of that church always rallied around Sister Cook. They always were so grateful of her presence there, and, as well, the spark and the laughter and the smile that she brought to the congregation.

I will always remember her, generous in spirit and heart, a nurturer. And now I know why. A surgical nurse in the midst of a segregated America, living through World War I and World War II, standing at the side of the founder of the veterans hospital system of America, Dr. Michael DeBakey. And then his tutee, Dr. Denton Cooley, two giants in the field of medicine. Now their fallen hero goes alongside of Dr. DeBakey, my very dear friend, Sister Vermel Cook.

As she is buried this coming weekend I would ask that we remember her challenges, but also her spirit. I will always be proud to have known her and to have recognized the greatness of her service and how she pioneered for nurses who now have come behind her. She'll be funeralized on Saturday, this coming Saturday, August 1, 2009, at the Brentwood Baptist Church. Though we are saddened by her passing, we know that this will be a commemoration, a celebration of the pioneering spirit and the successes that she had. We pay tribute to Vermel Cook; yes, fallen, but yet successful, a woman that we can be very proud of in this great Nation that gives us opportunity. God bless you, Vermel Cook, and God bless America.

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

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

THE BIG GUNS HAVE LINED UP AGAINST H.R. 1207

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

Mr. PAUL. Mr. Speaker, the big guns have lined up against H.R. 1207, the bill to audit the Federal Reserve. What is it that they are so concerned about? What information are they hiding from

the American people? The screed is: ''Transparency is okay—except for those things they don't want to be transparent.''

Federal Reserve Chairman Ben Bernanke argues that H.R. 1207, the legislation to audit the Federal Reserve, would politicize monetary policy. He claims that monetary policy must remain ''independent,'' that is, secret. He ignores history, because chairmen of the Federal Reserve in the past, especially when up for reappointment, do their best to accommodate the President with politically driven low interest rates and a bubble economy.

Former Federal Reserve Board Chairman Arthur Burns, when asked about all the inflation he brought about in 1971, before Nixon's re-election, said that the Fed has to do what the President wants it to do, or it would ''lose its independence.'' That about tells you everything. Not by accident, Chairman Burns strongly supported Nixon's program of wage and price controls, the same year; but I guess that's not political. Is not making secret deals with the likes of Goldman Sachs, international financial institutions, foreign governments and foreign central banks, politicizing monetary policy? Bernanke argues that the knowledge that their discussions and decisions will one day be scrutinized will compromise the freedom of the Open Market Committee to pursue sound policy. If it is sound and honest, and serves no special interest, what's the problem?

He claims that H.R. 1207 would give power to Congress to affect monetary policy. He dreamt this up to instill fear, an old statist trick to justify government power. H.R. 1207 does nothing of the sort. He suggested that the day after an FOMC meeting, Congress could send in the GAO to demand an audit of everything said and done. This is hardly the case. The FOMC function, under 1207, would not change. The detailed transcripts of the FOMC meetings are released every 5 years, so why would this be so different, and what is it that they don't want the American people to know? Is there something about the transcripts that need to be kept secret, or are the transcripts actually not verbatim?

Fed sychophants argue that an audit would destroy the financial market's faith in the Fed. They say this in the midst of the greatest financial crisis in history, brought on by none other than the Federal Reserve. In fact, Chairman Bernanke stated on November 14, 2007, that ''a considerable amount of evidence indicates that central bank transparency increases the effectiveness of monetary policy and enhances economic and financial performance.''

They also argue that an audit would hurt the value of the U.S. dollar. In fact, the Fed, in less than 100 years of its existence, has reduced the value of the 1914 dollar by 96 percent. They claim H.R. 1207 would raise interest rates. How could it? The Fed sets interest rates and the bill doesn't interfere with monetary policy. Congress would have no say in the matter; and besides, Congress likes low interest rates. It is argued that the Fed wouldn't be free to raise interest rates if they thought it necessary. But Bernanke has already assured the Congress that rates are going to stay low for the foreseeable future, and, again, this bill does nothing to allow Congress to interfere with interest rate setting.

Fed supporters claim that they want to protect the public's interest with their secrecy. But the banks and Wall Street are the opponents of 1207, and the people are for it. Just who best represents the ''public's'' interest? The real question is, why are Wall Street and the Feds so hysterically opposed to 1207? Just what information are they so anxious to keep secret? Only an audit of the Federal Reserve will answer these questions.

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

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

AMERICANS NEED HEALTH CARE NOW

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today because America needs health care, and they need it now. The American people cannot wait. Every day that we wait 14,000 Americans lose their health insurance. 46 years ago, at the March on Washington, I said, ''They tell us to wait. They tell us to be patient.'' We cannot wait, we cannot be patient. People are losing their health, their homes or their very lives because our health system does not work for them. This is not right. It is not just. And we can do better, much better.

It is our moral obligation to lead. The insurance companies do not need our leadership. The drug companies do not need our leadership. They do not need our help. Real, hardworking people need us to lead. We must make sure that in our rush to appease the few, that we do not harm the many. We must adopt a bill that has a strong public health insurance option. We must adopt a bill that makes health premiums affordable to low and middle-income workers. We must not negotiate away our commitment to the working poor and to middle class Americans. This is the kind of leadership Americans need.

Dr. Martin Luther King, Jr. once said, ''Of all the forms of inequality, injustice in health care is the most shocking and inhumane.'' If we do not protect our most vulnerable hardworking Americans and their families, we will perpetuate this injustice. The time is always right to do what is right. We should not be afraid to do what is right. We must answer the call of history and pass health reform that works for all Americans.

□ 1900

HEALTH CARE AND JOSHUA LOYA

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

Mr. OLSON. Mr. Speaker, I am convinced that sharing real stories from people in our communities is the best opportunity to put a human face on the task before us with respect to reforming health care.

We have spoken about costs, tax increases and job losses. We've spoken about access to care and about government-run options. These are all deeply important factors in this equation, and we have a duty to the American people to debate them fully, but there is also a human element that cuts through the debate and the rhetoric and that perfectly crystallizes what is at stake here.

My Republican colleagues and I have tried to impress on the other side the importance of maintaining the doctor-patient decision-making process. I think that Joshua Loya's story says it all.

Brittany Kraft is a constituent of mine from Pearland, Texas. She was 24 weeks pregnant in March of 2002 when her unborn son was diagnosed with hypoplastic left heart syndrome. She was told that he would not be born alive. Her cardiologist consulted with groups of surgeons around the country, but none could offer the help that she needed. Brittany was advised that her child could be put to sleep in utero, and she could go directly to the hospital for a stillbirth. She was unwilling to accept this as her only option, and she decided to fight for her unborn baby.

Brittany made copies of the fetal echocardiograms and sent them to the top five pediatric cardiothoracic surgeons she could find. Only one, Dr. Ed Bove at the University of Michigan's Mott Children's Hospital, said if Brittany came to Michigan, they would do everything they could to save her unborn child.

On June 26, 2002, Joshua Ruben Loya was born. He was immediately intubated and wired. He was in critical condition, and doctors felt that he was not a good candidate for the corrective surgeries available. He was listed for a heart transplant the day after he was born, and after 16 life-threatening days, at 3 in the morning, Brittany got the call that there was a heart for Joshua.

Almost 7 years later, you would never know what Brittany and Joshua went through. He is a happy, growing boy, with medical needs but with no limitations on a good day. He can run,

play, sing, laugh, and dance. Unfortunately, he is immune-suppressed, and will be for the rest of his life. He takes eight medications twice daily, and must adhere to a very strict schedule to control the levels of medication in his system. Too little and he is at risk of rejecting his heart. Too much and the medications trigger kidney failure and disable his immune system, making him even more vulnerable to every germ around.

I tell Joshua's story because, quite frankly, if the health care plans being promoted by the administration and by my Democratic colleagues were to become law, I'm not confident that Josh would be here today. I know that his mother is deeply concerned that, with government-run health care, she might not have had the choice to deliver her baby or to have access to the life-saving medical procedures needed to keep him healthy and alive.

In a massive government-run bureaucracy, Americans may not have the freedom to make the individual decisions that Brittany Kraft made to bring little Joshua into this world. She was in a position to not accept the word of a doctor and was able to search across the Nation for a better chance at life for her unborn son.

While some maintain that Americans like Brittany can stay on their private plans to keep government out of Joshua's health care, they are not considering the far-reaching implications of the government plan. A government-run plan means bureaucrats make the decisions and that private insurers will be forced to follow suit to remain competitive.

There is valid concern that otherwise healthy people will flock to the cheaper government plan and that sick people will try to stay on private plans, putting private insurers out of business.

Joshua's story puts all of this in a crystal-clear context for me, and I urge all of my colleagues to remember Josh Loya as we go back home for the August recess and talk to our constituents about health care reform. Any reform must include freedom for individuals and for their doctors to make their own personal health decisions.

HEALTH CARE

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

Mr. PASCRELL. This is a golden opportunity right after we've heard what we've just heard. We are empathetic, but we want to dispel the misinformation. As to the gentleman who just spoke before me, I don't know what plan he is referring to. So this is what has been propagated from the other side about the health care system envisioned in America's Affordable Health Choices Act. I'm going to address that tonight.

I've heard many of my colleagues across the aisle claim that the Democrats' health care proposal will result in rationing and in the loss of choice. Tonight, let me address that, because, if it did, I would not support it nor would my fellow Democrats. I've heard anecdote after anecdote from the other side about a man here or about a woman there who had to wait for care in Canada or in England, and I do empathize with their stories.

Let's be clear. Our health care plan absolutely does not envision a Canadian-style system. We're Americans. We propose an American system with choice and competition. We are not socializing medicine, and we're not rationing care. This is rhetoric designed to stir fear and to slow down efforts to bring real reform to our system. With that said, I want to share with you a story, not from Canada, not from England, not from Mars, but from right here in the United States—from Montclair, New Jersey, my district.

Jodi, one of my constituents, has been self-employed for 20 years as a dietitian. When she got divorced, she had to pay nearly $500 a month for COBRA coverage. After a year and a half of timely payments, her plan notified her that her insurance was canceled because the automatic withdrawal from her bank account was processed a day late.

I want to be on the side of those who are going to support folks like this. I do not want to be on the side of those who will perpetuate the support of insurance companies, and that's what we're talking about here. Over the next several months, that's what we will continue to talk about.

There was no appeal available, and Jodi was not notified until 6 weeks after she lost coverage, so it was too late for her to be eligible for HIPAA, protections related to preexisting conditions. When she finally found insurance on the individual market, all of her preexisting conditions were excluded for a year.

Read the bill. When she needed blood work because she was having unexplainable weight gain, the insurance company denied coverage for her tests because of a preexisting thyroid condition even though she had never experienced these symptoms before.

Read our bill. When she had pain in her foot, the insurance company denied coverage for a doctor visit because she had been to a dermatologist 9 months prior for a wart.

What is different about this story from the stories brought to us from the other side of the aisle is that we have the numbers that prove that Jodi was not alone when she was denied the care that she needed.

If you want to talk about rationing, then let's talk about these numbers: 53 percent of Americans cut back on their health care in the last year because of costs. Between January of 2000 and this year, 5 million families filed for bankruptcy because of medical bills. About one-third of the uninsured have a chronic disease. They are six times less likely to receive care for a health problem than are the insured.

Read the bill. There are 25 million Americans who are underinsured, which means that at least 25 million Americans face premiums, copays and deductibles that they can hardly afford. For these people, people who have insurance, price stands between them and the care they need and the treatments their doctors prescribe. Another 46 million are uninsured with no protection whatsoever from these costs. As many as 22,000 Americans die each year because they don't have health insurance. Read the bill.

That's rationing my friends. That's rationing.

As costs continue to rise, these numbers will grow and grow, so please don't preach to us about rationing. Plans offered by the other side fail to reduce the number of uninsured; they fail to rein in health care costs; and they erode the employer-provided coverage, the one mode of insurance that has kept us from slipping over the precipice.

Our bill, America's Affordable Health Choices Act, will expand access to health care; it will rein in health care costs; and it will end needless rationing in this country.

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

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

HEALTH CARE REFORM

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

Mr. YARMUTH. Mr. Speaker, we are on the verge of something very significant in this body and in this Congress. I am proud to join my colleagues from the Ways and Means Committee here tonight to talk about the prospects of health care reform in this country.

I heard the other day that it was in 1912 that President Teddy Roosevelt first talked about proposing a national health care system for the United States. Today, we're still the only industrialized nation that doesn't have health care for all of its citizens. We believe it's time, almost 100 years later, to try and get this accomplished for the American people.

Now, a little earlier, my colleague from Texas—my colleague, friend and classmate from college—talked about polls that are out this week that indicate that the American people have somehow turned against the President in his quest to provide health care reform in this country. But what he didn't mention was the other part of that poll, which said, once people understand what H.R. 3200 does, they overwhelmingly support it.

There have been a lot of efforts to mischaracterize what this bill does, what our proposal does. Quite frankly, we're in that sausage-making process now. We have three committees in the House that are working on health care reform. We have two committees in the Senate that are trying to accomplish the same thing, and we have a 1,000-page bill. There are thousands and thousands of pages of legislation that are designed to finally build a kind of health care system that is responsive to the needs of the American citizens and, more importantly, that is responsive to the Nation, its future and its economy.

So I'm not surprised that Americans are a little bit uncertain about what we're doing here, because, again, we're still in that process; but I can assure the people watching tonight, the American public, that the battle lines are about to be drawn. This bill is going to come into focus as the final committee of three in our House reports the legislation out. Over the next month, we will take the argument to the American people. We're very confident that, once the American people understand what we're doing and how we're going to improve their situations, they will overwhelmingly support our proposal.

What the American people want—and what my constituents in Louisville, Kentucky want, what the constituents in New Jersey, in Washington, in New York, and in California all want—is basically the same thing: they want security for life in health care for themselves and for their families. If they're going to lose their jobs, if they're going to lose their coverage, if they want to change jobs, if they want to go back to school or if they want to make those important life decisions, they want the stability of insurance so they don't have to worry about whether a preexisting condition or something in their health histories will prevent them from being covered. They won't have to worry about getting sick and about having their policies rescinded, as we've heard much evidence about. Most importantly, they will be able to go to sleep every night knowing that a disease or an illness will not bankrupt them and will not change their standard of living.

These are the things we're about to do for the American people, for ourselves as well, because we know, as the Republicans know, if we accomplish this major, major goal, we will have the everlasting appreciation of the American public. We know that because the Republicans have said it.

We heard a Senator the other day say, Well, if we can defeat health care reform, it will be President Obama's Waterloo. He will be finished.

We know from a Republican consultant, Frank Luntz, of his memo 3 months ago, which states, We cannot afford to let the Democrats succeed on getting health care reform. We have no answer to that, but we've got to stop it at all costs.

That's what they've been trying to do. They've been talking about things that are nowhere in the bill. They've been talking about comparisons with Canada, which, by the way, is the only country in the world that does health care the way they do it. As I asked a witness at one of our hearings in Ways and Means: Other than hockey, what have we ever copied from Canada?

□ 1915

We can do something very special in this country. We can create a unique American solution that will bring choice and competition—the two things that have characterized American society throughout its history—to our health care environment by using choice and competition, by creating a public option for American citizens to participate in that will compete with private insurance companies. We can make private insurance companies better, and we can make health insurance more affordable for every American.

This is our goal. This is what we know that H.R. 3200 will do, and we look forward, over the next month, in taking this argument to the American people, because the case we have is a winning case. The hand we have is a winning hand, and we know that the American people will embrace what we are attempting to do.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

(Mrs. BACHMANN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WAYS AND MEANS HEALTH REFORM BILL

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

Mr. MCDERMOTT. Mr. Speaker, health care reform may be the single most important issue Members will vote on during their entire legislative career. The issue affects every American. Health care affects our economy at home and our ability to compete internationally.

For the first time in almost 20 years, we have a real opportunity to solve America's health care crisis, and the American people have spoken clearly and overwhelmingly that they want Congress to produce a solution that puts the American people's interests ahead of special interests.

To say there is urgency in what we need to do is an understatement, and for the last several months, the three committees in the House have been working separately and collaboratively on health care legislation. Two of the committees, including the Ways and Means Committee where I serve, reported bills out of committee to the floor. And I want to explain why the Ways and Means Committee's bill is the best bill and is vital to the success of health care reform.

Let's start with Medicare.

For senior citizens, Medicare is health security. The program is so effectively managed that 97 cents of every dollar goes for patient care, and that means it's 97 percent efficient. In many private insurance company programs, 40 cents of every dollar simply goes for overhead, advertising, paper, not delivering health care. So the smart choice is to develop health care legislation based on a proven model, and that's what we did in the Ways and Means Committee.

A new model with a strong public option based on the Medicare model, which has delivered quality health care to seniors and a very comfortable living to doctors and other medical professionals across this country, that's what we need today.

Without a strong public option, health care reform is just a slogan. And without real cost control, health care reform is just another press release. America spends twice as much on health care as any other industrialized nation in the world, and runaway costs are bankrupting average Americans and consuming an even greater part of our gross domestic product than before. The situation is unsustainable.

Now, we talk about the need to address preexisting conditions when it comes to health care, and we should. But runaway costs are a preexisting economic condition we must fix in the new legislation or we're setting ourselves up for failure.

Recent changes to the legislation have scrapped the proven legislative effective and fair model we have in Medicare and substituted negotiated rates making the government negotiate with doctors. On the surface, it may look fair, but looks can be deceiving. The private sector has had decades of opportunities to make health care work, and the economic wreckage of that is everywhere to be seen. Now they want more.

The legislation now would call for negotiations. Let me tell you what that means. So-called negotiated rates do not limit what can be charged or the rate of increase each year. A public option tied to Medicare is the only way to control the costs; otherwise, health care costs will keep going up and Americans will keep getting left out.

While the rich can always take care of themselves—health care at any price—the middle class and the disadvantaged will remain one accident or illness away from financial ruin in the richest country in the world. That sounds like the status quo, right? We don't need any more of that.

Under the chairmanship of CHARLIE RANGEL, the Ways and Means Committee tackled these tough issues and produced health care reform legislation that's fair for providers and affordable for the American people.

You have seen what happens when the private marketplace decides what's best for the American people: Wall Street, housing market. Remember, when they say the market will take care of itself, they mean just exactly that. And we need someone to take care of the American people. That's what the Ways and Means bill is all about.

It comes down to this: Who do you trust? The private health insurance industry companies have had 18 years since Mrs. Clinton and the President tried to change it in 1993 and 1994, and there's nothing that's happened except raising the rates and more people losing their insurance. Or you can trust the people who design Medicare, which has given every citizen in this country, every senior citizen, real health security.

The choice will be made in September. The American people will have a month to think about this, listen to their legislators, ask questions, read the bill. It's online. You can find it. There are plenty of ways to find out what's happening. But you have to tell your legislators, We want this bill from the Ways and Means Committee.

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

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

HONORING PHILIP MARING

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

Mr. SCHAUER. Mr. Speaker, I rise today to honor Philip Maring of Grass Lake, Michigan, for his service in the United States Army. His courage and commitment while serving as an infantryman in Vietnam is truly deserving of our respect and admiration.

Mr. Maring enlisted in the U.S. Army at the age of 17 upon finishing high school. He volunteered to serve in Vietnam and was deployed with the 196th Infantry Brigade in 1972. In July of that year, Mr. Maring was severely wounded by skilled enemy explosives. He remained in the Army despite his injuries and returned home for duty with the 4th Mechanized Infantry Division. Because of his outstanding service in Vietnam, he earned both the Air Medal and the Army Commendation Medal.

Later, Philip Maring was honorably discharged, and he moved to Michigan. He is now retired and enjoys time with his six grandchildren.

Mr. Speaker, hundreds of thousands of Americans still carry the wounds of Vietnam with them. They are deserving of our constant recognition and support, and I am pleased to be able to have shared just one of their stories today.

May the United States Congress and all Americans thank and recognize my constituent, Philip Maring of Grass Lake, Michigan, for his service to our great Nation and for the injuries he sustained while serving as a U.S. Army infantryman in Vietnam.

May God bless Philip Maring and his family.

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

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

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

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

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

(Ms. LINDA T. SÁNCHEZ of California 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 California (Mr. BECERRA) is recognized for 5 minutes.

(Mr. BECERRA 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 section 423(a)(1) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit an adjustment to the budget aggregates and the 302(a) allocation for the Committee on Appropriations for fiscal year 2010. Section 423(a)(1) of S. Con. Res. 13 permits the chairman of the Committee on the Budget to adjust discretionary spending limits for overseas deployments and other activities when these activities are so designated. Such a designation was included in the bill H.R. 3326 (Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes), as passed by the House. Corresponding tables are attached.

This adjustment is filed for the purposes of sections 302 and 311 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.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2009	Fiscal Year 2010	Fiscal Years 2010–2014
Current Aggregates: [1]			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	3,002,563	n.a.
Revenues	1,532,579	1,653,728	10,500,149
Change for Appropriations adjustment:			
Budget Authority	0	0	n.a.
Outlays	0	7	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	3,002,570	n.a.
Revenues	1,532,579	1,653,728	10,500,149

[1] Current aggregates do not include the disaster allowance assumed in the budget resolution, which if needed will be excluded from current level with an emergency designation (section 423(b)).

n.a. = Not applicable because annual appropriations Acts for fiscal years 2011 through 2014 will not be considered until future sessions of Congress.

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	1,219,652	1,377,611
Changes for overseas deployment and other activities designations: H.R. 3326 (Department of Defense Appropriations) floor amendment:		
Fiscal Year 2009	0	0
Fiscal Year 2010	0	7
Revised allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,219,652	1,377,618

HEALTH INSURANCE FOR AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. RANGEL) is recognized for 30 minutes as the designee of the majority leader.

Mr. RANGEL. First, let me thank Congresswoman WOOLSEY and Congressman ELLISON for sharing their hour with us on Ways and Means. We have been blessed in having such dedicated members of our committee coming down here in support of H.R. 3200.

You heard from BILL PASCRELL, JOHN YARMUTH, the dynamic JOHN LEWIS. We had Dr. MCDERMOTT. He spends so much of his life on this very sensitive subject. Soon we will be hearing from Congresswoman SCHWARTZ, and you may have noticed that our discussion has been on a subject that the whole world has wrestled with in the United States, and that is health insurance for Americans.

Tomorrow night, we hope to be able to go back to our congressional districts to discuss this very serious and complex subject, a subject that many Presidents have looked at and hoped that we could provide some decent way to take care of American citizens. But we do believe that this courageous President has not only talked about the problem but brought together the stakeholders—the doctors, the insurers, the nurses, the hospitals, the unions, the private sector, the businesspeople—all coming together to

see how they collectively would be in the position to tackle this problem once and for all. They even went as far as to suggest that we could, over 10 years, save $2 trillion and stop the hemorrhaging of the cost of health insurance by working together, Republicans and Democrats. I say that, notwithstanding the fact that it appears as though the public debate has the Republicans fighting against the Democrats.

The fact is, you can't fight against anybody's ideas if you don't have any of your own. And it's tragic and unfortunate that during the next month, it will appear as though the Republicans are just attacking us because they don't have any way to resolve this serious problem on their own.

Having said that, we intend to move on. The Ways and Means Committee, as you have heard, has passed on a bill that we are so proud to present them. We have two other committees that have jurisdiction: the Education and Labor Committee—they have passed out their bill—and we do hope that tomorrow, we have every reason to believe, that the Energy and Commerce Committee will be passing out their bill.

That means that the House would have completed its work, the three committees would have one bill, and that in September when we come back and blend these bills and merge these bills, we will be able to have a bill that we believe we can go into conference with the Senate as they wrestle with two pieces of legislation over there. And then we hope in September, or certainly soon thereafter, we will be able to present to the President of the United States a bill that tackles this very, very serious problem.

This problem really—everybody listening and everybody in this House of Representatives has had some horror story, some story about what has happened with the insurance that they thought they had, the insurance that they lost, the insurance costs that have just soared, or even people who can't even think about leaving their jobs for fear that they would lose their insurance.

It shouldn't be, in this great country of ours, that people have to worry about education and health care as we try to compete with people throughout the world. It should be in this country that the least thing that you have to worry about if you are sick is how you're going to pay for it. And in a country as industrialized and as wealthy as we are, we shouldn't be included among a handful of countries that don't take care of its people's health.

□ 1930

So in this bill we provide health care for some 50 million people. And believe me, we're providing the insurance that they're getting one way or the other. They're getting health care. It's not the best health care. Sometimes they're afraid to go into the emergency rooms. Sometimes they can't afford to talk to doctors. Sometimes they end up worse off in terms of illness than they would have been if they did have some insurance. But nevertheless, the State governments, city governments and the Federal Government pay for it; and you pay for it too. That's part of the reason why your insurance premiums are going up, because the hospitals are going to charge those that have insurance for it; the insurance companies that are not getting paid, they're going to charge you for it; and ultimately, you're going to find out that this fiscal crisis that our Nation has is just going to be hemorrhaged more by sharp increases in health care. So it's not just a moral problem. It's not just a health problem. It's a national interest problem in terms of the direction in which this great country of ours is going. But just imagine the relief that all of us will have to know that if we do get sick, the insurance company would not be able to come and tell you that you're not covered. Just imagine, if you want to get insurance, no preexisting illness would prevent you from getting insurance. Just imagine, if you want to leave your job, you won't have to look at your insurance policy to see whether or not you are going to lose that and not be able to get another one. So this is really just the beginning.

The month of August is going to be America's month, a month to analyze what these bills mean, what it means to you, how it can save you money, protect your health, and protect our country against illnesses that we hope we never have; but sometimes when we are hit, people have lost their homes, lost their bank accounts and ended up in dire financial need because they couldn't afford it. Tonight we hope to share with you some of our thoughts.

I would like at this moment to yield to one of the dynamic Members from Pennsylvania, a member of our committee, Ms. SCHWARTZ. She has worked so hard in this area before she got to Congress, while she has been in Congress and has made an outstanding contribution to the Ways and Means Committee. At this time I yield her such time as she may consume.

Ms. SCHWARTZ. Well, thank you, Mr. Chairman. I have to say, it has been an honor and a privilege to serve on the Ways and Means Committee. I knew when I sought a position on the Ways and Means Committee that it would be always interesting, and we would always be doing important work, always sort of being in the mix of really the principal work that we do in Congress. I'm not sure I could ever have anticipated the opportunity that we've had over the last 7 months to work on the major issues facing this country. Really, there are few issues as important as the health care of Americans. I think we have seen in the Ways and Means Committee, under your guidance and your leadership, the fact that people bring their own experiences with health care. I think what is unique about talking about health care is that each and every one of us have our own experiences, both good and bad. We bring certainly the experiences of our constituents, the concerns of our constituents, and I think our hopes and our dreams for this country of how great it could be, if under your leadership and under our watch, to participate in finding that uniquely American solution to health care, affordable, meaningful health care for all Americans. It's really both I think an attainable goal and a big goal. It is one that the President has set out when he ran for the presidency. He sent us out, both on the committee and to Congress, to say, Now is the time to do this.

I think each and every one of us can share stories that we hear from our constituents. I will tell just one, if I may. I have some statistics about the number of Pennsylvanians who don't have health insurance, but I think sometimes it's helpful to bring it down to a personal story. I was asked to visit one of the colleges in my district, Penn State, which is obviously well known. Its center campus is not in my district, but we do have a satellite campus in Abington, a wonderful commuter campus. I met with a group of students who wanted to talk about health care. There was a young woman who talked about the fact that she was raised by a single mother, and she was on CHIP. I think all of us are very proud of the Children's Health Insurance Program. She said her mother made $20,000, $25,000 a year. She didn't get health insurance through her work, and there was no way that she was able to afford it on her own. She got CHIP, and she was always grateful that her kids had health insurance.

Well, this young woman was over 21. She no longer had access to CHIP. But she was working full time, was a full-time student; and because of the commuter campus, doesn't either require or offer a way for students to buy health insurance, she looked for it, but it was unaffordable for her. There was no way. She actually tried to find an affordable health policy but couldn't find one. So she took a chance. She had said just a short while before she had gotten sick; and friends of hers felt that she was sick enough that she ought to go to the emergency room; and she went to the emergency room and ended up with a $7,000 bill. I don't know if she was held overnight. We didn't get into the details of what care she received. But she was healthy. She was doing fine. But suddenly she is faced with $7,000 in a bill. She had no idea how she was ever going to pay that $7,000, stay in school and continue on her path. She had a promising future ahead of her. It was going to ruin her credit rating. All of these things. There were consequences; and yet she still said to me, Well, how can we be in this great country and not be able to help her out? I think that's why we're here.

It is for the 50 million Americans without health coverage, certainly for the many, many more millions of Americans who have health coverage who find that if they go to the hospital, something's not covered, that they have a pre-existing condition and are not able to find the coverage, even though they have health insurance. This is why we're here. I had one small business owner tell me, ''I want to be able to provide health insurance, but I can't afford it,'' or ''I provide it, but one of our small group of employees got a serious illness, and we saw a rate increase of 40 percent from one year to the next.''

We talk about double-digit inflation. We know that in the last 8 years, we've seen health premiums double in price; and of course we are concerned about the Federal Government as well. We have a deep concern about absolutely maintaining our commitment to seniors in this country under Medicare. They rely on it. Imagine our seniors not having access to health care. This is something that we did 35 years ago—not you and I, but any of you who were here—to get Medicare coverage for all seniors. But again, we see the unsustainable growth in costs. So what are we going to do about it? We actually have a bill before us. We passed it out of the Ways and Means Committee, it was voted on by the Education and Labor Committee; and of course, as we speak, the Energy and Commerce Committee is going through the bill.

What it does is it addresses just the issues, the concerns and the realities of the families that I talked about. It finds a way to bring down the costs under Medicare by really instilling in our system a goal of quality and the value of our dollars, encouraging primary care.

Part of the bill that I want to, again, thank the chairman, his staff and other Members for including in this bill is for the increased opportunity for loan forgiveness and debt repayment so physicians and nurse practitioners can go into primary care. Increased reimbursements in primary care. A new category of medical homes so that if a primary care physician, nurse practitioner or physician's assistant wants to be able to provide ongoing care between visits, make that phone call to see how somebody, like an early diabetic, is doing, make sure they get the kind of care that they need, make sure that they followed up on their prescriptions and that they're following the instructions, that they understand the diet and the exercise that they have to engage in so that they don't end up on renal dialysis years later, lose sight or any of the number of things that can happen with untreated diabetes, is just one example. We actually encourage payments that are bundled—that is our term—but it really basically says, We're going to look out for what happens to you in the hospital and when you go home. New possibilities of encouraging physicians to get together and provide both primary care and specialty care and to keep people out of the hospital. These are life saving and cost saving for the government.

We have got almost $500 billion in savings that have been already included in the bill that we have before us. And of course we have found ways to help small businesses with tax credits, to be able to provide health coverage for their employees and encourage all employers to cover health care. Then for the group that is already insured, to say, You're never again going to have preexisting condition exclusions; you are never again going to have to worry about the insurance companies finding a reason to deny coverage because of a health condition; that you won't again have to worry about going bankrupt because we will say, You don't have to pay any more than 10 percent or 12 percent of your annual salary. You will never again have to lose your home or go bankrupt over health costs. These are just some of the consumer protections that we are going build for people who already have insurance. And of course if you lose your job or you are between jobs—and many Americans change jobs every 3 or 4 or 5 years—that you will have that continuity of coverage. And last, but by no means unimportant, we are going to find a way to help all those 50 million Americans who don't have access to affordable coverage through a new marketplace called an exchange; and we're going set them in a benefits package; and we are going to provide some subsidies for lower income, working folks. At the end of the day, we're going to do what the President told us he wanted to do, and that is to contain costs for government, for businesses and for families. We're going to make sure that insurance is meaningful, and we're going to make sure that every American has access to health coverage. At the end of the day, it's going to be a great day.

Mr. RANGEL. I would like to recognize Dr. MCDERMOTT because when people have nothing to compete with, I think it's natural just for them to be critical. I hear talk, Dr. MCDERMOTT, that this plan that we're creating for all of America is actually a takeover of all insurance plans by the Federal Government. They say that the Congress and the Federal Government want to get in between a patient and their doctor and to watch out because the government is coming. It bothers me that they would say that because it would appear as though we're only talking about Democrats who are sick and have doctors. We're trying to help all Americans. Could you share with us the public option, what this does for America and what opportunity it gives to people who don't have insurance?

Mr. MCDERMOTT. Well, Mr. Chairman, you raise the issue I think that is probably our biggest and most tough issue to deal with, and that's the question of fear. People continue trying to convince people that they have to be afraid. We had a speaker here just a moment ago who had a beautiful picture of a little child, and the fear was that the government is going to come and take over their health care. Now nothing could be further from the truth in what we've put together.

If you look at America, you have 150 million people in private insurance. Then you've got 50 million people in Medicare; you've got 50 million in Medicaid; and then you've got 50 million who don't have anything. Now these people who have insurance today in their employment, each month when 300,000, 400,000, or 500,000 people lose their jobs, they suddenly are over in the basket with the people who don't have health insurance. So we're not talking about people who aren't trying or people who haven't been paying their taxes or haven't been working. We're talking about us, the middle class, who are in danger in this present system because if your employer stops paying your insurance, you don't have anything, and you're suddenly over here trying to buy it for yourself. It wouldn't matter if you are older, you've got a problem, you've got a problem kid or whatever. You are going to have a very tough time. Now the answer to that is for the government to say, Here is a public option that you can buy into at an affordable price.

The problem with individual insurance, most people by the time they're 30 or 40, you know, something's starting to go wrong, whatever; and the premium for those kinds of insurance programs is $1,000 a month. Many people are paying $12,000 out of pocket trying to buy an individual program. That is unreachable for most of the working class in this country. They can't come up with that kind of money. The only solution is to have a government-subsidized program that they can buy into.

Now people say, Ah, there it is. The government's going to make all the decisions. No. You're going to buy an insurance program that will be paid for by a government mechanism, but the delivery of the health care is going to be by private physicians, private hospitals, private nurses. The whole thing is private.

Mr. RANGEL. How could the government get in between the doctor, the hospital and the patient? What are they talking about?

Mr. MCDERMOTT. It's part of the scare tactics. If you watch television tonight when you go home, you will see commercials on there saying that the government is somehow going to get between—they did it in '93, '94. It was Harry and Louise. Harry and Louise were sitting at the kitchen table, and Harry says to Louise, You know that Mrs. Clinton, she is going to take away our health care. They're doing that same thing again now, making it appear that that's what's going to happen when no such thing is being planned.

□ 1945

There is no question that the government is not going to be between you and your doctor and making a decision what needs to be done.

Mr. RANGEL. Well, why would the private insurance companies be against the public option? I mean, if the Congress is saying—and the President wants—that we have 50 million people out there with no health insurance, another 25 million with low health insurance, and we are now going to give them a subsidy, we are going to give them enough money so that they can walk in and get the type of health plan they want, why would the health insurance companies out there fight against, campaign against, put ads against the public option? Why would they do this?

Mr. MCDERMOTT. Well, because our bill, CHARLIE, has one thing in it; it says to insurance companies you can't cherry-pick the healthy patients you want to take care of and leave the sick ones to somebody else.

What we say is if you're an insurance company, you've got to cover everybody; you've got to open the doors wide and let anybody come in. Insurance companies don't want that. What they want are healthy patients who pay a premium, for whom they have to pay out very little money, then they can give the rest to the stockholders. Now, there's nothing wrong with that, that's the free enterprise system. But they're afraid that if we have a government system that is there for the people's benefit and has a 3 percent overhead, whereas an average insurance company overhead is 14 percent—and they know the people are going to take the lower premium in the government plan, or they're afraid of that—so they say, you've got to put us on a level playing field.

Well, you can't make profit off people's sickness and have a level playing field with a government plan.

Mr. RANGEL. Well, let me ask Congresswoman SCHWARTZ. If, indeed, the private insurance companies are fighting against the public option, does our legislation demand that a person has to join the public option? How does that work in our legislation?

Ms. SCHWARTZ. Right. It's a really good question. Of course not. We are not in any way telling people where they have to get their coverage or where they have to buy their insurance. If in fact people get a subsidy—and, really, understand that everyone is going to have to pay something. We're not giving away too much free here, everyone is going to pay their share. We're going to help people.

But we're saying to the insurance companies, fine, come in and compete. That's great. We're going to create a marketplace where you can offer new products to another 30 million, almost 40 million people, and then each of those individuals or families or very small businesses will be able to choose between private insurance companies and a public option.

I see that the public option is an opportunity to ensure that there really is competition, because I think in many of the markets across the country we have one major insurance provider, that's it; so not a lot of competition. If you believe in the free market system, you need a little competition there. If you only have one product to buy, and it's very expensive, you don't have a lot of choices.

The insurance companies—I'm not here to beat up on insurance companies, but I will say, they have said if everyone's in, they want to be able to have the opportunity to sell a good product to people. That's fine; we're fine with that. We want them to step up to the plate and offer new insurance products to individuals and small groups. And again, as Mr. MCDERMOTT said, make sure it covers certain benefits, it doesn't exclude people, it doesn't cherry-pick, as you say.

There are going to be rules. And we are going to make sure that consumers are protected under these rules. That is very important. But no one is going to be told to go into the public option, no one. They can choose the insurance.

Mr. RANGEL. Well, Dr. MCDERMOTT, I've heard Republicans say on this floor, in this House of Representatives, and others on television, that this public option that's being offered to people to take if they want it is really a Democratic socialistic, communist attempt to knock out the private sector. Where do they get this idea, and what do they mean?

Mr. MCDERMOTT. It's very strange. And people who talk about believing in competition and believe in the marketplace, as Representative SCHWARTZ says, there are places in this country where there is only one option; and if you have nobody to compete with, they control the prices. And for them to get the idea that it's socialistic to put somebody in there to compete is really saying they're afraid to compete.

They know they can't win. They have failed over the last 18 years. They knocked out Mrs. Clinton's efforts in '93. They had an open field. The entire country was open to the private sector, and they cannot figure out how to cover 50 million people. So we come stepping in and say, we have a way. And they say, oh, no, no. If the people ever get wind of what you're doing, they will leave us. They're afraid that people will leave them because they have been in it for the profit and not in it for the benefit of the patients. And that's really why I think they're afraid.

Mr. RANGEL. Well, some of the private insurance companies say we just don't have enough resources to take care of all these poor folks that you're giving subsidies to. Let me ask you, Congresswoman: Is there anything that we're doing to provide the workforce and to provide the environment so that sick people can feel secure in getting health care once they have the subsidy?

Ms. SCHWARTZ. Right. And understand that subsidies are provided. Poor people in this country do get Medicaid, and we're expanding that. These are really people who work—and many poor people do as well—every day and simply don't make enough money to be able to afford the high rates of insurance. That's part of it. We want to bring down the cost of the insurance. Again, we hope that the private insurers step up to the plate and help us do that, but they haven't done a great job of containing costs over the last number of years which is why we're in this situation.

But once people have insurance, we are really working hard to make sure that the delivery system, all those doctors and nurses and—well, you can name all the other health providers—are both available and that we're training enough. We anticipate that if we don't do something about the lack of primary care physicians, in 2025 there will be 46,000 too few primary care doctors. That is pretty astounding. A lot of us are getting older—all of us are getting older, I guess—neither of you are, of course—but we also want to make sure that we have the kind of care for every age.

And we're not getting the quality out of the system that we know we should, and that also is an issue that we have taken up in this legislation. We want to encourage our hospitals and our doctors, through financial carrots—there might be some sticks, but mostly we are really creating incentives for our doctors and our hospitals to improve quality.

One of the examples that many of us are becoming aware of is infections that you get in a hospital, or when you leave the hospital after surgery, that you don't have the right kind of followup once you get home and you end up back in the hospital. That's not only really hurtful for the person who is affected, who's sick, but it's also very expensive for all of us. So if we can, and our hospitals can, if we can encourage our hospitals—and in fact insist upon our hospitals really making sure that they reduce the number of infections and readmissions, we would all be better off. And that's what we're trying to do.

There are many pages of what we call delivery system reforms, ways in which we are encouraging everything from home visits after a baby is born to a family, to, as I talked about, primary care, medical homes, and ways that doctors will be able to organize themselves in a way that is much more efficient in quality.

And we're setting out a real goal of changing some of the ways we pay doctors and hospitals, to encourage them to really look at quality and to save dollars and improve health outcomes. That is one of the most discouraging things; for all the dollars we spend, $2.5 trillion—not all government, half of it's in the private sector—we don't have the kind of healthy Americans

that we should. And that is part of our goal, here, to extend coverage, for the government to be smarter in the way we finance it, and for people to take more personal responsibility in their own health care as well.

Mr. RANGEL. Dr. MCDERMOTT, before you came here you've practiced, you've been out here, you've worked with patients and doctors and hospitals. One of the most frightening thoughts that we have is that you get sick and you don't have enough coverage—or you don't have any coverage—you face bankruptcy, you lose your home, you lose your dignity, and sometimes even lose your family merely because you didn't have the resources to deal with a catastrophic illness. What provisions are in this legislation to protect Americans against that?

Mr. MCDERMOTT. Well, the plan that would be provided for every American who was in a health insurance plan, whether the private one they were in before or the one that they're in in the government option, would give them the protection for the basic things that everybody needs in a health care system.

I have a story you reminded me of. One night I was going out of a hospital in Seattle and a telephone operator stopped me and said they want you up on the coronary care unit. So I went up there, and there was a guy putting on his clothes and said, I'm leaving the hospital. He had had a heart attack the day before. They wanted him to stay in the hospital. He said, Look, I have no health insurance. If I lie in this bed, it costs me $1,000 a day, and I can't afford it. And what if I die? I then leave my family with a big bill. So either way I'm caught. And when we put this program together, we give people the assurance that if you have a heart attack, or whatever, and you need hospitalization, you will being taken care of.

Mr. RANGEL. Well, let me thank the speaker and Mr. ELLISON and Ms. WOOLSEY for giving us an opportunity to share what's in our bill. We will be back tomorrow. And we hope during August all Americans can look forward to the President of the United States signing a bill that will give them confidence that wellness is the top priority for this Congress.

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

THE PROGRESSIVE CAUCUS ON HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 30 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, this is the Special Order hour of the Congressional Progressive Caucus. We come every week to talk with each other and to talk on the House floor about a progressive vision for America, a progressive vision that embraces everybody, where we all do better when we all do better, a progressive vision that says that the greatest moments of American history were when we passed the civil rights bill, when we invested in our infrastructure during the Roosevelt era. The greatest moments in American history were when we passed the 19th Amendment recognizing the right of women to vote. These are the great moments of American history. And this great tradition of a progressive vision for America is what we carry on week in and week out. I want to say that if you want to communicate with us, our Web site is here at the bottom of the page, cpc.grijalva.house.gov.

What I would like to do, Mr. Speaker, is right away turn the microphone over and yield to our caucus cochair, one of the stalwart, big-time fighters who never backs down and always is for the people, who has lived it, who knows it, and who is now representing the people of California in a great struggle to promote a progressive vision, none other than Congresswoman LYNN WOOLSEY—who, by the way, has more 5 minutes against the Iraq war than anybody else in history. I yield to the gentlelady from California.

Ms. WOOLSEY. Thank you very much. And thank you so much, Congressman ELLISON, for doing this every single week for the Progressive Caucus because we do have a progressive message, and by the end of the day, we sometimes think that we are too tired to come down here and talk about our message.

We are in the middle of a health care debate right here in the House of Representatives. And as Congressman RANGEL told us, two of the committees have marked up, written, and are ready to present their health care bills. One of the committees is Ways and Means, the other one is Education and Labor. The Energy and Commerce Committee is working on it right now. And we're going to leave before the end of the week, and we're going to go off while our leadership and the heads of those three committees put the bill together out of these three committees.

One of the committees, what's happening in Energy and Commerce, the progressives disagree with very, very severely. So we have written a letter to our leadership, to the Speaker and the three chairmen of these committees who will be writing this, pulling these bills together, laying out what the progressives in this Congress stand for, once again, regarding health care.

I'm going to read this letter because I think it's very important. We have 57 Members of the House of Representatives who have signed this letter just today.

□ 2000

I'm reading it to make sure it is in the RECORD.

It says: ''Dear Madam Speaker, Chairman Waxman, Chairman Rangel, and Chairman Miller, we write to voice our opposition to the negotiated health care reform agreement under consideration in the Energy and Commerce Committee.

''We regard the agreement reached by Chairman Waxman with several Blue Dog members of the committee as fundamentally unacceptable. This agreement is not a step forward toward a good health care bill but a large step backwards.

''Any bill that does not provide, at a minimum, for a public option with reimbursement rates based on Medicare rates, not negotiated rates, is unacceptable. It would ensure higher costs for the public plan and would do nothing to achieve the goal of keeping insurance companies honest and their rates down.

''To offset the increased costs incurred by adopting the provisions advocated by the Blue Dog members of the committee, the agreement would reduce subsidies to low- and middle-income families, requiring them to pay a larger portion of their income for insurance premiums, and would impose an unfunded mandate on the States to pay for what were to have been Federal costs.

''In short, this agreement will result in the public, both as insurance purchasers and as taxpayers, paying even higher rates to insurance companies. We simply cannot vote for such a proposal.''

Mr. ELLISON. So as the Chair of the Progressive Caucus, along with Congressman GRIJALVA, are the Progressives and others hanging tough and sticking up for a robust public option?

Ms. WOOLSEY. That is what this letter is all about. We just want the Chairs of all three committees, when they moosh the three bills together, to know that the Ways and Means Committee and the Education and Labor Committee have bills that we can support. Do not weaken those bills with what is being proposed in the Energy and Commerce Committee this week. That is our goal. And it was not only Progressive Caucus members. It was also the TriCaucus that signed onto this, which is the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Asian American Caucus.

So this is our letter. This is what we stand for, and this is what we're hoping we will have when we are voting for real health care reform later this fall.

Mr. ELLISON. We thank the gentlewoman for reading that letter into the RECORD.

I want to say that we are joined by Congresswoman EDWARDS of Maryland, who has been a courageous fighter for many issues but has not shrunk from the battle in this fight for real health care reform.

Let me ask the gentlewoman, I think Congressman MCDERMOTT has a quick thing he wants to say. So, if the gentlewoman will allow me to yield to him first, then I will yield to her.

Mr. MCDERMOTT. I appreciate your giving me a chance to say something. I spoke a little earlier. But one thing I wanted to say. In Seattle they announced that on August 1 the premiums on insurance policies are going up 17 percent.

Now, when people talk about fear and they have to fear the government and fear the government option, this is a real fear. This 17 percent increase in Seattle is going to hurt people badly. Some people are not going to be able to afford continuing their insurance, and that's why it's so important that the Progressive Caucus, led by you and by Ms. WOOLSEY, are out here making sure that people understand there is an option to these absolutely unacceptable increases in premiums.

Nothing else has gone up 17 percent. Housing prices have dropped. Gasoline prices have dropped. But health insurance? Up 17 percent. The only way we are going to stop that is with a government option that makes competition.

Thank you for the work that you are doing. And I again say thank you to the gentlewoman for letting me speak.

Mr. ELLISON. Thank you, Dr. MCDERMOTT, for your passionate advocacy.

Now I yield to one of my favorite Members. I love to hear her talk about these issues because she is so articulate. I yield to Congresswoman EDWARDS.

Ms. EDWARDS of Maryland. I thank the gentleman from Minnesota for yielding.

We have been here talking about health care reform, and sometimes out in America when they watch Congress, they might think that this is about Blue Dogs and Progressives and liberals and conservatives and Republicans and Democrats, but health care reform is actually about people.

It's about, for example, a young woman in my congressional district from Hyattsville, Maryland, Ariella, who writes to me that she was 13 years old when her father developed cancer and they were struggling without insurance. And she said no one should be 13 years old and wondering if the insurance company would pay for her father's treatment so that he could see his daughter's next birthday. ''Your support and determination to improve this system means the world to so many of us. On behalf of my family and the American Cancer Society, thank you.''

It's about Ariella, and it's about the millions of people across the country who don't have health care. It's about millions more who are underinsured, and it's about millions who are insured and are paying skyrocketing costs just discussed by our colleague from Washington, skyrocketing costs of premiums and deductibles and copays that are rising three times the rate of wages.

A good friend of mine from New Hampshire, one of our colleagues, put together this chart, and it shows what the alternatives are. And we can either really work for reform together or not.

Some people know that if you don't have any money and you don't have any insurance, you get sick and it's a disaster. If you have a preexisting condition and you don't have health insurance, you get sick and it's a disaster. If you're laid off and you don't have insurance, you get sick and it's a disaster. If your employer drops your coverage, you don't have any insurance, you get sick, it's a disaster. And so, really, the Republican plan for health care reform is just don't get sick. Well, that's not an option for most Americans.

I know that we have a process here, and I think Americans across the country, Mr. Speaker, are really trying to understand that process, but that's kind of internal. It's not about Ariella who doesn't have health insurance. I know that probably so many of our offices here in the Congress have received letters just as I have from people throughout my congressional district who are begging us to reform this health care system.

They are begging us for their 77-year-old mother who has a gap in her health insurance. They're begging us for their cousin who has breast cancer, who's not getting paid to work, is too sick to go to work, but can't afford even to stay home and to get treatment. They're begging us for their children who have preexisting conditions and can't get insured at all. The American public is begging us to do something about health care reform. We can't just have a plan that says just please don't get sick.

I tried that plan. This Member of Congress tried that plan. Seventeen years ago I didn't have health insurance, and I just crossed my fingers every night not to get sick. I ended up getting sick. I was sick in the produce section of the grocery store. I passed out. I was rushed to the hospital emergency room. And I ended up with thousands of dollars in health care costs. It took me years and years to pay it off. I almost lost my home as a result of that. No American should have to make that kind of decision. And you know what it would have been? It would have been a couple of hundred dollars to go visit the doctor and get some antibiotics, and instead it was thousands of dollars, a financial disaster, and almost losing my home in the process. That's what Americans are suffering from right now, and that's why we have to fix this system.

Now, I know, Mr. ELLISON and Mr. Speaker, we have a process, but that process has to involve, I believe, a public health insurance option that says no matter if you get sick, if you don't have insurance now, you're going to be covered, and we are going to bring down the cost for everyone. That's what Americans want. And it doesn't matter whether you're a middle-income family, a working family, a poor family. You shouldn't have to make a life decision about whether you and your children and your family get health care because you can't afford it.

So I'm excited about the prospect for reform. But I know that there are some bad guys in this fight and the bad guys are out there. I want to share with you who some of those bad guys are because the challenge for us is helping the American people understand that in this country there are people who share interests who don't want to reform the system. The big winners in this broken health care system, let's look at who they are:

The CEO of United Health Group, Stephen Hemsley, his annual financial report, United Health made $81.2 billion. Their net income, $2.9 billion. His salary, $3.2 million.

Mr. Speaker, this is what's at stake.

The CEO of WellPoint, Angela Braly, $61.3 billion they made. Their income, $2.5 billion. I mean, Americans can't even count these zeros because we don't understand them. What was her salary? It was $9.8 million.

I mean, this is outrageous. This is the money that that's at stake.

The CEO of CIGNA, Ed Hanway, the annual revenue, $19.1 billion, $292 million in net income. His salary, $12.2 million.

Let's call out these names because I think it's important for Americans to put the names on the faces of those who are reaping billions of dollars of profit, netting millions of dollars in salary, and then taking the American public to the bank without health care reform.

The CEO, Ronald Williams, of Aetna, $30.9 billion in revenue for Aetna; $2.8 billion in net income; and his salary, $24.3 million.

This is outrageous. There's a lot at stake. I understand why these folks are fighting health care reform. I understand, because they stand a lot to lose. And our job here in the United States Congress is to make sure that it's the American public that wins, that it's the taxpayer that wins, that it's the patient that wins, that it's the doctor who has a relationship with their patient, and not these insurance companies standing between you and your health care, between you and your doctor.

Mr. ELLISON. I actually have a few questions, but I am going to yield to the gentleman from Illinois.

Before I do that, I just want to say that if we just took some of these salaries that are out there and put them into providing care for people, maybe we wouldn't have nearly 50 million people without health care and another 25 million without adequate insurance. It's really outrageous. And they're spending about $1.4 million a day to lobby against health care, and that's nothing but pocket change for some of those folks, and I can see why they would do that.

With that, I will yield to the gentleman from Illinois, Congressman DAVIS.

Mr. DAVIS of Illinois. Thank you very much, Representative ELLISON.

Let me, first of all, commend you for the leadership that you continue to display as the message leader for the Progressive Caucus. I see you here every week and oftentimes Representative EDWARDS is here with you. So I'm pleased to join you and her and Representative MCDERMOTT, with whom I serve on the Ways and Means Committee, and I know that Chairman RANGEL was here a few minutes ago and others.

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You know, as I listened to Representative EDWARDS and as she talked about the winners and the losers, it is amazing that individuals in the health care arena are earning these kind of salaries, and that people are able to somehow or another not want to pay, and people somehow or another don't want to add a few extra dollars.

I come from a county with over 5 million people, and unfortunately, many of them are low income. They are poor. Many of them don't have any insurance at all. They don't have any way to access care, any way to be taken care of. Some of them go to emergency rooms of hospitals that are as many as 8 and 10 miles away in an urban area, and they can't get there.

To think that we now have an opportunity to reform, in a real way, health care delivery and to create the kind of health care delivery system that says that all of our citizens have worth, I don't know how those who are opposing a public option, I don't even know how you could begin to talk seriously about reforming our health care delivery system without a public option.

I have sat through the many hearings that we have had in Ways and Means. I have sat through countless hours of discussions with staff and experts. No matter what we come up with, we know that we need a robust, not a minuscule, not a weak, not an anemic public option, but we need a real public option, one that can help build upon the network of community health centers that we have spread across the country, which have proven to be worth their weight in gold, which have proven that they can deliver first-rate health and medical care in a cost-efficient way with individuals who understand the language, the culture, and the lifestyles of the people who come.

I agree with the Progressive Caucus members, as well as others, that there just ought not to be a plan without a serious public option.

Again, I want to commend both of you for the tremendous leadership that you continue to display. I know with the kind of attention and care that you give to these issues, that our Congress and our people are going to be in good shape for many years to come.

So, it has been a pleasure for me to stop by and to join with you and have a few words to say. Of course, you know, I remember a term we used to use a lot back in the sixties and seventies. We used to say ''a luta continua,'' meaning that the struggle must continue and we will conquer, without a doubt. If we dare to struggle, we dare to win.

Thank you so much. It is a pleasure to be here.

Mr. ELLISON. Let me thank you again, Congressman DAVIS. You have been putting it out there for so long. There are 57 Members who insist upon a robust public option. It is wonderful to count you among one of those. I think the American people can rest assured there are people in this Congress who are sticking up for their interests and fighting for them, and your leadership in that regard is inspirational. Thank you, sir.

Mr. DAVIS of Illinois. Thank you very much.

Mr. ELLISON. Let me then yield back to the gentlelady from Maryland, Congresswoman EDWARDS. You have got some pretty good stuff over there. What else do you have?

Ms. EDWARDS of Maryland. I have thought about this a lot, as many of us have, and I know that our leadership, the Democratic leadership in this Congress, is moving toward reform at a pace and for a reason that we know is really important. We also know that our President wants real reform. So I think the importance of the discussion that we are having this evening is about how we define reform, particularly how we define a public option and why it is needed.

I think Congressman DAVIS said it, that the system won't really work without a public option. We won't be able to bring down costs without a public option. We want people to have choice, the choice of their doctor, choice of their providers. We want people to have the choice to look at the various plans stacked up against each other and say, I want this one over that one. We can do that with a robust public option, one that is tied to the Medicare network.

Today is the 44th anniversary of the enactment of Medicare, and it is instructive that we are here on this day, because there are those who like to say government can't do anything, government doesn't know how to do health care. Well, government sure knew how to do Medicare, and for 44 years people in this country have had the benefit of Medicare, have had the benefit of a Medicare provider network.

That is the kind of network we want for a public option, one that has doctors. We need more doctors, and this legislation that we are looking at will provide more doctors and more nurses. It will ensure that people can get primary care and preventive care. It will ensure that people aren't excluded because of preexisting conditions, and we know that is a problem.

So there are a lot of good things that we have to celebrate about where we are today. But we also have to be vigilant, as Congressman DAVIS said. We have to be vigilant to ensure that we have a robust public option tied to the Medicare provider network and that relies on a payment structure that is stable so that we can inject real competition into the system. Not competition upward for premiums and deductibles and copays, but competition downward, so that we can lower costs, provide quality care, and have a choice of doctors.

I have been thinking, Congressman ELLISON and Mr. Speaker, I have been thinking that there are a lot of enemies to reform and there is a lot at stake out there. There is money flowing all over the system. Not just the CEO salaries and the bonuses and the profits. That is bad enough. So the insurance companies have a lot to lose. And, do you know what? We found out that that is why they have decided that they are going to put skin in this game, and the skin that they put in the game to oppose reform is in the form of their money.

All you have to do is follow the money to know why the enemies of reform are galvanizing. We have to be strong and courageous in our fight against them and for the American people for health care reform.

If you follow the money, let's look at CEO compensation, $85.4 million. Lobbying expenditures, what they have been spending to fight reform, $62.5 million. PhRMA alone in the pharmaceutical industry has spent $233.7 million. And look at their profits, $8.4 billion. This is a lot of money that is at stake.

So if you follow that money and then follow it right to campaign contributions, they have been throwing campaign contributions all over the map; $28 million, or $220 million for the 10-year period from 1998 to 2008. And do you know why? Because they don't want reform.

That is why it is up to those of us in the Congress who are looking out for regular people, looking out for people throughout our congressional districts who really are struggling to pay their premiums and their deductibles and who are struggling to pay their copays that are going up.

I look at my own district. We have a lot of people actually who have health insurance, and the reason is because they have it through their employers. But even their employers are really struggling now. It is getting in the way of our competitiveness. It is getting in the way, because people know that they can't afford, anymore, these premiums. The premiums are going up three times the rate of our wages.

But do you know what? The wages of those CEOs have been going up. Some of their wages have gone up 26 percent in just this last year. But have any of us seen our wages go up like that? The American public hasn't, and it means that those deductibles and those premiums and those copays are no longer affordable.

Mr. ELLISON. Reclaiming my time, the reform that we are talking about

includes employer-based health care, where there couldn't be an exclusion for preexisting conditions. There are the existing government programs, Medicare, Medicaid. Part of the money, if we get the version we are looking for, would be to help States cover everybody for Medicaid.

Then the third thing, this would be new and would include a robust public option. The public option would be a program run by an agency in the government that would be not looking to generate a profit. In that case, would the public option that we have been talking about, would they be reaping a portion of those, what is that, $84 billion in profit? Would that be a cost measure within the public option, if we were able to achieve that?

Ms. EDWARDS of Maryland. Well, I think that what would happen is that the public option would be so competitive. Keep in mind that the CEO of the public option, the Secretary of Health and Human Services, doesn't make $9.8 million a year. It is a basic government salary, I don't know, about $175,000 or $185,000 a year to run all of Medicare. Our CEO is a government employee who doesn't make a ton of money, who is not reaping millions and millions of dollars in compensation.

This is only compensation. Maybe next time I will bring the bonus chart. That would require a lot more zeros.

But I think really there is so much overhead in the private insurance, and it is really sending costs up. All we want is a public option, and what the American people want is a public option, because something like 70-some percent of the American public actually support a public option, and what they want is something that competes with the private insurers.

After all, Mr. ELLISON, I am not really sure what the private insurers are afraid of, because if they believe in the free marketplace, put the public option in there, let it compete in the free marketplace, and I will tell you what, the competition will be on and costs will be down.

Mr. ELLISON. That is right. And lobbying expenditures, CEO compensation and profits will not be there.

We will have to yield back and be back the next time. This has been the Progressive Hour.

NOTICE OF CONTINUING EMERGENCY WITH RESPECT TO SOVEREIGNTY OF LEBANON—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–59)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2009.

In the past 6 months, the United States has used dialogue with the Syrian government to address concerns and identify areas of mutual interest, including support for Lebanese sovereignty. Despite some positive developments in the past year, including the establishment of diplomatic relations and an exchange of ambassadors between Lebanon and Syria, the actions of certain persons continue to contribute to political and economic instability in Lebanon and the region and constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.

THE WHITE HOUSE, *July 30, 2009*.

DOCTORS HOUR

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

Mr. CASSIDY. Mr. Speaker, we are pleased to be here. We call this the Doctors Hour because there is a fair number of us on the Republican side who are physicians or in some way health care providers, optometrists, a practicing psychologist, or in some other way connected with the health care field. So we give our own perspective.

Now, my own bio, if you will, aside from being a physician, I have worked with the uninsured in my State of Louisiana for the last 20 years.

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That's almost 90 percent of my practice, working with the uninsured in a public hospital. And so, when I speak of what we need to do to help the uninsured, it is purely flowing out of my life experience. I think that as the others come up I'll give them a chance to speak as to it what they're about. I'll start off with a couple of comments. I've learned in my 20 years of, whether private practice or public practice, that the only thing that lowers costs is if you make things patient-centric. If the government is in charge, or the insurance company or a bureaucracy run by anybody is in charge, it becomes something that doesn't work for the patient. The patient's separated from costs. They have a harder time accessing benefits. It just doesn't work.

On the other hand, if you put the patient in the middle, if you tell that woman, listen, you can go see the physician you wish to see and when you go in there there's minimal administrative hassle. And if you don't like that physician, you can go see another physician. It really works. The patient's satisfied, and typically, the patient/physician relationship is stronger. And key to getting good health care is having a strong patient/physician relationship.

Now, frankly, I think the only thing innovative that we've heard from the other side, although their plan kind of is changing on a day-by-day basis, is in one sense, the only thing about that plan which is radical is that it nationalizes health insurance. I was a little amused by my Democratic colleagues earlier who were saying, Oh, my gosh, Republicans are defending insurance companies. No, actually I think they're defending insurance companies. They like insurance companies so much they want to nationalize it and have a national insurance company.

Now I'm thinking, now we have an insurance company run by the private sector that, if it doesn't work, constituents call Congresswomen, Congressmen, we pass a law that changes that, changes that so that the private insurance company plays by better rules. Now, though, it's going to be both the referee and the player. Now the government will make the rules, but also compete. And as it does that, in some way, we're supposed to expect that the government-run insurance company is going to be kinder and gentler, more cost-effective, higher value product than is the private insurance company.

I think it's the triumph of hope over experience. We hope it will be better. We know Medicaid and Medicare don't work as we wish; in fact, they're going bankrupt, and their bankruptcy is what's driving this plan. And so we're going to believe that the third try is going to be the charm and that this time we get it right. Well, without going further, I'll yield to my fellow physician from Louisiana, JOHN FLEMING.

Mr. FLEMING. Well, I thank my friend and fellow colleague, both a physician and fellow Member of Congress, BILL CASSIDY, and also fellow Louisianan. And of course tonight we're going to be talking about a lot of different things relative to what is really the hottest topic maybe in a decade, health care reform, which both sides of the House are very interested in.

You know, you hear often from this side of the aisle that well, for heavens

sakes, we want health care reform. But you guys, on the other hand, Republicans, you want the status quo. Well, I can tell you personally, that I ran for Congress with the overarching intent of getting up here and participating in reform. What I want to bring forth first, before we get into some more details is, I think there's a litmus test as to how good a government-run system is, that proposed by the President and the Democrats. And so, the question is, a rhetorical question is, if it's so good, then shouldn't Congress be the first ones to sign up for it individually, for them and their families?

And, in fact, to see to that, I set forth House Resolution 615, which is supported by 66 Republicans, including our leadership on down, and all it says is that if a Member of Congress votes for a government-run health plan, a public option, if you will, then he or she is willing to forego the waiver, the carve out, the exception, if you will, that's built into their version, and join it immediately for themselves.

Mr. CASSIDY. Now, Congressman FLEMING, how many Democratic cosponsors do you have?

Mr. FLEMING. I'm sad to say to my friend, and I thank you for yielding back, that so far we have no Democrats, goose egg, zero Democrats.

Mr. CASSIDY. Now, reclaiming my time, because we heard a presentation prior to this that, by golly, this is the best thing since sliced bread; this is the plan that's going to fix everything, and why wouldn't you be on it. So I'm kind of asking you, Dr. FLEMING, why wouldn't they want to be on it.

Mr. FLEMING. Well, I think that is the $100,000, or shall I say, $1.6 trillion question, because apparently they're not so enthralled with it that they would like to be in it themselves. And in fact, I put it to the test by actually putting it on my Web site and asking people if they would like their congressman to support it, that they would actually reach out. We have 150,000 Americans who signed the petitions, and the number is growing drastically every day.

And so I would say that, as we go through this debate, that we simply ask our constituents out there to hold us in Congress accountable by contacting your Congressperson or Senator or even the President and say, Mr. President, Mr. or Ms. Congressperson, Mr. or Ms. Senator, will you go to fleming.house.gov and sign up, cosponsor or whatever, House Resolution 615, that simply says that if you're willing to vote for it you're willing to join it.

Mr. CASSIDY. Now, reclaiming my time, and I appreciate that because, again, what we've heard before is that this plan does not put government between the patient and their physician. And yet, I would have to think, if that weren't the case, why wouldn't anyone agree to your bill? I think your amendment was proposed in our committee, and it was defeated on party line votes. So I think Dr. ROE, from Tennessee, may have some thoughts as to what would come between the patient and the physician. I keep emphasizing that because if something's patient-centered, we know the closer it is to the patient, the more likely it works. So let's ask Dr. ROE, a physician from Tennessee, what might come between the patient and the physician. Dr. ROE.

Mr. ROE of Tennessee. Thank you, Dr. CASSIDY. This evening members of the GOP Doctors Caucus want to talk to you about health care solutions. All of us are physicians who ran for Congress, in part, because we saw challenges in our health care system and wanted to be part of a debate on how to improve it. This is my first term. And when I first arrived I was energized by the opportunity to reform how the health insurance industry works and help make health care more affordable, which are probably the two biggest complaints about today's system.

I quickly realized, however, that the House Democratic majority had a radically different vision of how health care should be delivered. Rather than allowing patients and doctors to make health care decisions, House Democrats' plan is to have Washington bureaucrats decide what is and is not allowed based on its cost effectiveness.

Mr. CASSIDY. Dr. ROE, can I reclaim my time?

Mr. ROE of Tennessee. Yes.

Mr. CASSIDY. Can you show me up there where there is a Washington bureaucrat on that chart? Where might there be a bureaucrat on that chart? Show me where the patient is and show me where a bureaucrat is.

Mr. ROE of Tennessee. Well, the patient, Dr. CASSIDY, is here and here. These are the patients over here. And this person right here, whoever this may be, will be one of the most powerful people in the U.S. This will be a health care commissioner who will decide what is adequate and not adequate insurance coverage. This bureaucrat right here will be very much in those health care decisions.

Mr. CASSIDY. So unlike the Republican plans, which are patient-centric, what you're telling me is this is kind of a top-down, let's figure it out from Washington and lay it on the rest of the country.

Mr. ROE of Tennessee. That's correct. And the solution should come the other way, from the grassroots up. Absolutely. In addition, they, the bureaucrats would create a system so complex that today's system would look like a walk in the park. And then to put the framework in place for government-run health care, the plan called for creation of a government-run insurance company, the so-called public option, which would, over time, bleed out the private insurance industry, because it would be mandated to pay rates less than the cost of care.

In my district, the First District of Tennessee, they call this socialized medicine, and they've sent me here with a very clear message to deliver. Please defeat this bill. People in my district want health care reform. They really, really do. I talk with people all the time who hate insurance companies, and in my time as a doctor, as you all have, I've often spent more time on the phone getting an insurance company to approve a procedure than I did actually doing the procedure. I also talk with people all the time who believe that reform is possible and that results in them getting the same care for less money. And I tell them it's possible, if we focus on rooting out waste in the system.

But even with this desire for reform, people in my district are clear that increasing Washington bureaucrats' roles in health care is not the direction they want our health care system moving in.

Mr. CASSIDY. Dr. ROE, can I reclaim my time?

Mr. ROE of Tennessee. Yes.

Mr. CASSIDY. Of course we don't want this to be a partisan issue. Now frankly, as far as I know, Republicans have not been invited into the discussion. And there are actually some things in that Democratic plan, those thousand pages, that I think are very good. But there's other things, and I think they kind of general concept top-down. But it's not just us.

David Brooks is a columnist for The New York Times. You see him on TV, a very thoughtful man. I have a quote here. The health care system is as big as the entire British economy. There's no way something that big and complex and dynamic can be run out of Washington. We have to set up a dynamic system, not trying to establish a set of rules to be imposed by fiat. Now, I think what you're telling me is that this is a big, complex plan run out of Washington, and not the dynamic system, but rather a set of rules, and whoever that really powerful person is in that purple box, that person will be establishing the rules by fiat. Is that a fair statement?

Mr. ROE of Tennessee. That is correct. And one of the things, Dr. CASSIDY, I think that's very important, that I've heard, and I've got some other comments in a minute. But I think it's very important when you hear about the cost of this health care plan. This plan's somewhere around $1 trillion over 10 years, which doesn't start paying any money out in the plan till 2013. So really, it's $1 trillion over 5½ years. Now, let me just explain why that is an extremely low number.

Mr. CASSIDY. Hang on. Hold that thought. Let me give one more David Brooks quote and call on our colleague, Dr. FLEMING okay? Another David Brooks quote talking about the CBO report, speaking about how much it would cost. This is devastating. The plan was sold as a way to bend the cost curve to reduce the rate of health care cost growth. Instead, the cost of the plan to the Federal budget would rise by 8 percent a year, and there wouldn't be anything close to offsetting revenues to pay for it.

Now, Dr. FLEMING, can you sustain a health care system which has out of control inflation, if you will?

Mr. FLEMING. Well, my answer to the gentleman is that I would look to the experience of other health care systems in other countries. If you look at Medicare and Medicaid, we've not been able to do that. Medicare is running out of money. We don't have a solution to that. The States all across the country are having tremendous difficulty figuring out how they're going to pay for Medicaid budgets, their part of it. And then if you look at the U.K., you look at Canada, countries around the world who have these systems, none of them have been able to claim that they can control costs. They're inflation rates are 10 percent or more.

Mr. CASSIDY. Reclaiming my time, part of this plan is to increase Medicaid eligibility, i.e., put more people on to Medicaid. Yet what we've just heard is that Medicaid is bankrupting States, or causing them to raise taxes.

Mr. FLEMING. Absolutely.

Mr. CASSIDY. So going back to my question, if you cannot control costs, can you sustain a health care system?

Mr. FLEMING. In my opinion, no, because, again, if you can't do it for a smaller system, how can you enlarge the system and somehow make it mysteriously work, particularly when there are no models? Massachusetts, Tennessee, TennCare, and so on and so forth, no one has an example of a government-run system that works.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. CASSIDY. I will yield.

Mr. ROE of Tennessee. Let me just tell you the folks out there, and we're going spend about the last half of this hour talking about the positive solutions and what we do agree on. But when I first came to D.C. and I heard of this public option I said, I've heard this before. And in Tennessee, in the early nineties we had managed care that was going to control the cost. We got a waiver from HHS and formed a program called TennCare, where we had about 8 different managed care organizations competing for your business. Now we have one.

In the 1993–1994 year, the State of Tennessee spent combined Federal, State revenue, $2.5 billion. Eleven years later, 10 to 11 years later, that had gone to over $8.5 billion. It had tripled and took up almost a third of the State's entire budget. We were complaining about 17 percent now. This took up almost a third and almost every new dollar that the State took in.

Mr. CASSIDY. Reclaiming my time, let me just praise the motivations of the people in Tennessee. They clearly cared about the uninsured, as our Democratic colleagues, are. But it was a flawed model and couldn't be sustained, and we know that those patients were now uninsured again, probably worse off than before the experiment.

Mr. ROE of Tennessee. Well, actually, what happened, just to go over that a little bit, over that period of time, in Tennessee, it was a noble goal to cover as many of our people in our State as we could. But over a short period of time, 45 percent of the people who got on TennCare had private health insurance.

□ 2045

Our Governor is a Democrat, Governor Bredesen. As you all know and as everyone in this Hall knows, in a single-payer system, the way costs are controlled is by rationing care. Well, what we did in Tennessee was, about 200,000 people were removed from the rolls, and what did a significant number of those people do? They went back on their private health insurance.

There is another thing that, I think, you have to ask yourself. By tripling the amount of money you spend on health care, what kind of outcomes will there be? Ultimately, that is what you're really interested in.

What we ended up with in Tennessee was the highest per capita prescription drug use in the Nation, and number two, we were 47th in health outcomes.

I yield back.

Mr. CASSIDY. Dr. BOOZMAN, I would like your opinions on this. You're an optometrist from Arkansas.

Mr. BOOZMAN. Well, thank you very much.

You know, it's interesting. I think we bring up a good subject. When I'm home, one of the things that I hear very, very much from the seniors is, we have a Medicare system that's functioning pretty well. Yet, when you look at it in 2017, it has all kinds of fiscal problems. Their question to me is: Why aren't you fixing the government program you have now before you expand it greatly to millions of people? You guys can correct me or can add to this: I've heard anywhere from 10 percent of the Medicare bill that we pay is just waste and fraud. Why aren't we addressing that?

Mr. CASSIDY. Reclaiming my time, 10 percent in Medicare, a generally accepted figure, is in waste and fraud. So we hear from our colleagues across the aisle that Medicare has lower overhead costs. If you include in that the 10 percent, which is a common way to define ''overhead,'' actually, that 3 percent becomes at least 13 percent. A fair statement. I think an economist would say, if your overhead is so meager that you can't watch out for fraud and abuse, then you need to lump the cost of the fraud and abuse into your overhead.

Mr. BOOZMAN. I agree. As a guy from Arkansas, I just know that there's a heck of a lot of fraud and waste in the system. Rather than expand it like we're talking about doing now, why not fix that first? We hear about the pizza parlors that are charging for dialysis and, you know, things like that.

So, again, I would say that we need to get our act together there and reform the Medicare system that we've got.

I know I'm in a situation now. It's not uncommon at all for me to have people my age call and say, My mom has moved to town, and I can't find a Medicare provider because the fees are so low for physicians that people have started either limiting the slots that they use for the Medicare practice or they've simply discontinued the practice in their clinics.

Mr. CASSIDY. Thank you.

Dr. BROUN, you've joined us. May we have your thoughts on this, please?

Mr. BROUN of Georgia. Well, I thank y'all. I appreciate y'all doing this tonight, and I appreciate your yielding me some time. I think the American people need to know several things about this, and y'all have brought up some very good points.

The CBO says that this ObamaCare plan is not going to save money. It says that, in 10 years, we're still going to have almost 20 million people in this country who won't have health insurance. They need to understand that illegal aliens are going to be given free health insurance by the Federal Government.

Now, last night I was watching C–SPAN, and one of our Democratic colleagues was just railing on about how illegal aliens will not get ObamaCare.

The reality is, in the Energy and Commerce Committee, just today, this morning, one of my Georgian colleagues introduced an amendment to the bill that basically said that you have to look at people's citizenships and confirm whether they're U.S. citizens or not. That was defeated almost on a party-line vote. All of the Republicans voted for the amendment. Most all of the Democrats did not. I think there were one or two who voted with my Republican colleague from Georgia. The amendment was to just affirm that somebody was here legally to get free health insurance. We saw that with SCHIP.

When I first came up here during the last Congress, we had numerous debates about SCHIP, and we had fights over giving State Child Health Insurance Programs to illegal aliens. Our Democratic colleagues absolutely fought and won the fight on this issue. People who come are going to be asked a question, Are you an illegal alien? When they say, No, I am not an illegal alien, then they're not going to do anything to check the legality or the truth of that statement. So it's a self-determination by the applicants as to whether they're legal or not. If they say they're not illegal, then they're going to be given free health insurance under this government plan.

The other thing that, I think, is extremely important for the American people to understand is that this plan is going to cost American workers a tremendous salary decrease. Plus, it is going to put a lot of American workers out of work. In fact, it has been projected that over 100 million people are

going to be forced off of their private insurance. Also, as Dr. ROE was just talking about, it happened in the TennCare.

So I've heard a figure of 114 million people who have private insurance today who are going to be forced off their private insurance plans onto this so-called ''public option.'' Well, how does that work?

Well, I have businesses in my own district in northeast Georgia that have told me, businessmen and -women, that they'd rather pay the 8 percent tax, the pay-or-play tax. It would cost them less to pay the extra tax and then put their folks, whose insurance they're paying for today, over on the government plan, the socialized medicine/government plan.

I saw a video today of BARNEY FRANK, who was questioned about the government option. He said in this video, in his own words, that this is the way to get everybody in this country on a single-payer system. So, as to the claim that our Democratic colleagues put forth, which is, if you have private insurance you can keep it but if you don't then we'll give you a public option, is not factual.

They're setting up the game such, as BARNEY FRANK just very blatantly said in this video today—and I think it's on YouTube, and you can go look at it—that this government option is the means to get everybody on one single-payer system provided by the Federal Government, socialized medicine.

Mr. CASSIDY. If I can reclaim my time, let's give credit where credit is due, because the advocates for a public option plan—I'm not an advocate of one, though—will point out that there's a decrease in administrative costs.

So, Dr. ROE, will you look up at that chart once more—or maybe you will, Dr. BOOZMAN—and give us a sense of what will be the administrative costs, do you imagine, with this publicly run health insurance plan.

Mr. ROE of Tennessee. Well, here, Dr. CASSIDY—and then I'll turn it over to JOHN—if you'll look at this—and it's so complicated that it's almost comical—the problem with it is that this is how your health care is going to be administered.

I do want to say for every physician in this room and in this Congress, both Democrat and Republican, and this is truly from the bottom of my heart, it has been a privilege to be a physician and to be able to provide care for people and to administer to them. I believe, and I think every Republican and Democrat believes, that health care decisions should be made between a family, a patient and the doctor.

Now, having said that, if you take a look at having to go through this, you're going to have a Benefits Advisory Committee—and I don't mean this funny, but when the Lord got tired, a committee built a moose, anything that ugly. Basically, this here is going to be deciding what's adequate here as administered by this down here. You'll have the Bureau of Health Information. We'll have comparative effectiveness outcomes.

I want to tell you the other thing. The people who really need to be fearful are senior citizens when you start looking at getting rid of Medicare Advantage and when you start talking about carving as much as $500 billion out. I don't think our seniors right now feel like too much is being spent if you'd talk to them and see what their supplementals cost. Well, do you know what that means when you spend less money? You're going to provide less care, and there's no plan in the world that can provide more and more care for a lot less money.

Mr. BROUN of Georgia. Dr. ROE, would you yield for 1 minute?

While you're talking about the seniors, I think the seniors need to understand, too, about this ObamaCare plan and understand that it mandates that those seniors have counseling, I think it is, every 5 years. They have to go get counseling every 5 years about dying. This is a government bureaucracy. I'm not sure where it is in your chart there because it's so hard to figure out what all this bureaucracy is that's being placed between the patient and the doctor.

Yet one of those bureaucracies is going to every 5 years tell people over 65 years of age, basically, that they have a responsibility to look at how they're going to die and how they're not going to cost the American taxpayer money, is basically what they're going to tell them.

Mr. CASSIDY. I thank you for offering that.

Reclaiming my time, Dr. BOOZMAN, JOHN, when you look at that, some patients aren't as sophisticated as others. Let's face it, some folks don't have the same education. Maybe they've had to struggle a little bit to get through life. Imagine if a patient had a problem with that and didn't have a counselor coming to them, as Dr. BROUN mentions, but, by golly, they just have a doctor they don't like, don't get along with, and they want to complain to someone. Where would they complain?

Mr. BOOZMAN. I think that's a real problem.

As was mentioned, one of the things that we see in this type of plan is rationing for seniors. Are they going to be able to get the knees? the hips? In my case, being very familiar with cataract surgery, is somebody going to allow them to have that as they get older and allow them to ease their pain and lead a quality of life?

You know, we're talking about getting preventative care and all this. Well, you do a great job, and you live, and you get up in years, and then we're going to take away the ability for you to go ahead and continue that quality of life.

Mr. FLEMING. Will the gentleman yield?

May I add that the bill, itself, is scored at over $400 billion to be taken out of the current Medicare program. That's over $400 billion to be taken out of the current Medicare program. So that's actually in their bill itself. So I don't see how they can claim that the elderly will get more care. They're only going to get less care.

Mr. BOOZMAN. I agree with the gentleman. If he would yield?

Mr. FLEMING. Yes.

Mr. BOOZMAN. There are so many questions that are unanswered when you look at this chart. If you get denied, you know, who do you appeal to? Is there any appeal?

Mr. CASSIDY. Reclaiming my time, I know there's supposed to be an ombudsman. In the 1,000-page bill, I've found one page that spoke of an ombudsman whom you would call up if you had a complaint.

I guess the point I'm making about administration—I read an article in the McKinsey Quarterly. They said there are three things you absolutely have to do if you're going to control costs. You've got to decrease administrative costs. I look at that and it just gives me a migraine.

Mr. BOOZMAN. If the gentleman will yield, the first thing you've got to do is have some tort reform, and you guys can, you know, very well spell out how you practice defensive medicine when people come in with headaches and things like that, and there's one thing that's not on that chart. There's nothing about nuisance lawsuits, which are driving up the costs of medicine and which make it such that we have counties in Arkansas, where I'm from, that don't have any OB because the guys can't afford the malpractice insurance.

Mr. CASSIDY. If I can reclaim my time, Dr. BROUN, as far as you know with the bill, how does the bill address tort reform?

Mr. BROUN of Georgia. It does not.

Mr. CASSIDY. I'm sorry?

Mr. BROUN of Georgia. It does not address tort reform.

Mr. CASSIDY. We just heard from our colleague from Arkansas that that's a critical thing to do.

Mr. BROUN of Georgia. Well, I was just fixing to ask Dr. BOOZMAN to yield so I could tell him a story.

Two days ago, I talked to the administrator of one of the major hospitals; it's a regional hospital within my congressional district in northeast Georgia. He was telling me just that day that one of the CAT scan techs, a lady, was up in his office, asking for more help in their CAT scan unit at night.

He asked her, Why do you need so much in the way of help there? She said, Because of all the massive amounts of CAT scans that we're running up here through the night which are ordered through the emergency room.

They did 10 CAT scans in one night on patients who'd come in. The administrator's question was, How many of those CAT scans were positive? Zero. Not the first one.

I've worked full time for part of my career as a director of emergency medicine at Baptist Hospital in Georgia.

I've been involved in emergency medicine throughout my medical career, sometimes part time, sometimes no time, when I was just doing family medicine, and other times full time.

Particularly doctors in the emergency room are having to do CAT scans on people who come in with all sorts of aches and pains when they really don't need to do those, but they're having to do those CAT scans and MRIs just because somebody might come back later on and sue them for missing a diagnosis.

Mr. CASSIDY. Now, Dr. BROUN, if I could reclaim my time, earlier, Dr. ROE had suggested—we spent the first half in kind of a critique of what our folks, our colleagues across the aisle, have put forward; but we've set aside our second half to kind of talk about what works. This is kind of a nice segue because I think, one, we know that lowering administrative costs will help, and we know that malpractice reform can also address some of these issues.

I'll go back to the central theme, which has to be that any effective reform has to put the patient in the middle; and when you put the patient in the middle, you've got to give them transparent costs so they know what they're buying before they go in there, and you need to encourage them to make the lifestyle changes because, ultimately, a patient, she or he, is ultimately responsible for his own health.

□ 2100

I know that, Dr. Fleming, in your business—because you're not only a physician, a congressman, husband, and a father, but you're also a small business man—could you relate your experience with health savings accounts? Perhaps define them for us and say how it worked in your small business.

Mr. FLEMING. Absolutely. I will tell you, approximately 5 years ago, and this is when health savings accounts really——

Mr. CASSIDY. Will you define what that is, please?

Mr. FLEMING. Yes. A health savings account is really very simple, where either the subscriber—the employee—or the employer, as in our case, puts part of the subscription costs into a savings account.

Mr. CASSIDY. Reclaiming my time, you put a portion of that health premium into a bank account of sorts that the patient/employee then controls?

Mr. FLEMING. Not only does he control, but it is nontaxed, and he can use it to buy prescription drugs, to pay the deductible or whatever.

And we were up against a situation where, like many small businesses, our premiums were going up 9, 10 percent, sometimes 15 percent per year, and we were pulling our hair out trying to figure out what else we could do. And this idea of health savings accounts came out, and we said, Well, let's try this. I had some reluctance from my employees, but we increased the deductible, and the extra amount that we would have paid for the increase in subscription costs, we put it into a health savings account for each and every one of them.

The results were dramatic. The costs flatlined. They did not go up. And since then, they've never gone up more than 3 percent a year. It's empowered the employee, the patient, the family, to buy medications at will.

And it was very interesting. I had one employee who was complaining as we implemented. She said, Well, gee, I spend $200 a month for inhalers, and how is this going to help me out because I'm going to be spending a lot of time. I said, Well, let me suggest that you stop smoking, and with the money that you save by not having to use inhalers, you will have plenty of money left over. She took me up on it, and now she doesn't need them.

Mr. CASSIDY. Reclaiming my time, could she have used her HSA to buy the medication to help her get off of cigarettes?

Mr. FLEMING. Absolutely.

Mr. CASSIDY. Now, I like that because it puts the patient, the empowered patient in the middle so that she's making the best decisions not only for her wallet, but also for her health and, by the way, for her job because you are able to keep your costs down and keep her employed.

Fair statement?

Mr. FLEMING. Absolutely.

Mr. CASSIDY. Dr. Roe, I think also you've had experience with putting patients in the middle with these health insurance plans. Can you relate that, please.

Mr. ROE of Tennessee. In our own practice, we had traditional health insurance, as most people did, 80/20 cost. As Dr. Fleming was saying, costs were continuing to go up, and about 3 years ago we introduced this plan for the physicians. There are 11 of us in the group, and all of us decided to go on this plan. And 2 years ago, we have a group that has 294 employees that elected to get their health insurance through our plan at the office: 294, 70 providers, doctors, and extenders. Eighty-four percent of those, of our people, our employees in our office, chose this plan because it put them in control of the dollars.

Let me explain to you how that is. If you believe in wellness and prevention—and the way our plan worked was you had a $5,000 deductible. That scares everybody to death. But our group put $4,200 per person in there.

Mr. CASSIDY. Reclaiming my time, you had a savings account for the patient, $4,200, that you put in there to help pay that high deductible?

Mr. ROE of Tennessee. Yes.

Mr. CASSIDY. But now it's coming out of their pocket if they buy the expensive medicine as opposed to the insurance company.

Mr. ROE of Tennessee. And guess what the empowered person does? At the end of the year, they've been healthy, they've taken care of themselves, they keep that money. But let's say they have an illness or a wreck or something happens to them. Anything above that deductible is paid 100 percent. So you have catastrophic coverage, but you're in control of the first dollars. And by doing that, again, I think as you pointed out in our Education and Labor meeting, that particular type of insurance protection is 30 percent lower than standard.

Mr. CASSIDY. Reclaiming my time, for a similar-size family, similar benefits, with a health savings account costs are 30 percent lower relative to traditional insurance.

Now, we've talked about and quoted David Brooks talking about the Congressional Budget Office comment that the plans being presented to us do not bend the curve; they elevate the cost curve. And yet here is something which has been proven—it's not a hope, but it's experience—to lower costs by 30 percent.

Mr. ROE of Tennessee. That is correct. And when you empower consumers, as I've said, how many of us have driven across four lanes of interstate to buy gas 3 cents a gallon cheaper? Americans are great shoppers, and they will look after it, as opposed to—when they're spending their own money, they are very careful with it, as opposed to the government up here which is not careful with their money.

Mr. CASSIDY. Reclaiming my time, John, if I can ask you, those patients we talked about earlier, and maybe they haven't had the same educational opportunity, the same economic opportunity, but nonetheless, if gas were cheaper 3 cents a gallon on the other side of the interstate, do you think they would go over four lanes to get it?

Mr. BOOZMAN. Very much so. I was looking on the chart, and it's not up there. But other things, the associated health plans, where if you're a florist, a small business man and you've got your little store and you go in and try to negotiate with the insurance company, you don't have a very strong negotiating position. But if we would allow them to go in with others, thousands of florists, then they could negotiate as a group and get a much better rate like a major corporation.

Mr. CASSIDY. May I add, that is part of some of the Republican alternatives that are being proposed. Allow those small business women and men to band together perhaps to purchase one of these empowering HSAs.

Mr. FLEMING. Why is it that they can't do that now?

Mr. BOOZMAN. In doing that, then you have to go across State lines. Also, different States have different mandates as far as what they—you have to offer in particular States.

So we could do that at the Federal level and get rid of all of that stuff and not go across the State line.

Mr. BROUN of Georgia. If you would yield just a moment, I would like to point out something. The commerce

clause of the Constitution—I'm an original constitutionist, as many people in this House know. In fact, I carry a copy in my pocket. I carry it all the time, even when I'm home doing all sorts of things. I don't take it with me when I go in the shower, but almost.

But the commerce clause under its original intent was supposed to do just exactly what you're talking about, Dr. Boozman, is allow interstate commerce across State lines. And what we've done is we've perverted the Constitution in many ways. And this is one way that commerce clause has been perverted tremendously.

The commerce clause was supposed to make sure that there would not be a lockbox of goods and services at the State line. It was supposed to facilitate interstate commerce, not to control interstate commerce but to facilitate it.

And so we have perverted the Constitution markedly. And this is one good point that the Republicans are pointing out today about trying to give patients the ability to buy the insurance directly from an insurance company across State lines or have these pools with their alumni association. I went to the University of Georgia. We could have a University of Georgia Alumni Association pool. I went to the Medical College at Georgia for medical school. We could have an MCG pool. I'm a Rotarian. We could have a Rotary pool. We could have these huge pools that would help stop some of these problems with portability. It would help solve some of the problems that we have.

Mr. CASSIDY. Reclaiming my time, you always give me these nice bridges to segue into. Some of the Republican alternatives—and you're actually addressing all of those very nicely. And if you're a member of Rotary, you can do that. Now, I like that.

So can I call on my good friend, Dr. Fleming, if he can initiate some of the discussion of just what the Republican Study Commission is putting forth, not necessarily what Mr. RYAN has put forth or others, but even this step plan.

Mr. FLEMING. You often hear rhetoric from the Democrat side of the aisle that we are the party of the status quo, the party of no, we don't want reform. That is the main thing I ran on to come to Congress. I want health care reform. But I want commonsense reform, not nonsense reform, and that's what the Democrats are offering us.

The first completed bill—there are different versions of bills on the Republican side, but the first completed bill that's actually been dropped because we've been working behind the scenes for weeks and months to get it perfect, is the Empowering Patients First Act, which I am a proud original cosponsor, and here are some basic parts of it.

No. 1, access to coverage for all Americans. It covers preexisting conditions, and that is the big problem that everybody is talking about here tonight, risk pools.

Mr. CASSIDY. Reclaiming my time, so if you will, what's being said by our colleagues across the aisle to misrepresent our positions, we absolutely favor insurance reform to allow folks with preexisting conditions to get coverage, correct? That's what you just said, correct?

Mr. FLEMING. Yes.

Mr. CASSIDY. So next time someone gets up to the podium and says we don't believe that, that is incorrect; am I correct?

Mr. FLEMING. You are correct.

Mr. CASSIDY. The fact is that is misleading. And that is one thing I like in their plan and I like in our plan.

I yield back.

Mr. FLEMING. It also protects employer-sponsored insurance. But on the other hand, it actually gives ownership of the plans to the individual, and also the individual can buy it outside of their employer.

Mr. CASSIDY. Reclaiming my time, the anecdotes that you gave and Dr. ROE gave regarding the empowered patients by giving them these health savings accounts or something such as that, we empower patients. That's in our plan. It's not the government bureaucracy between our friends up there; rather, it is empowering patients.

Mr. FLEMING. This does not exist. This matrix that you see there with Dr. BOOZMAN, that does not exist in this plan.

Mr. BROUN of Georgia. Dr. CASSIDY if you will yield for a second, to draw a contrast here, too, is this the plan that you were just talking about, Mr. FLEMING. A patient or an employee can choose whether they want to purchase their plan through their employer or not; is that correct?

Mr. FLEMING. That is correct.

Mr. BROUN of Georgia. Well, in the Democratic plan, they're going to be forced to buy the employer-provided health care insurance or they're going to be taxed at a 2 percent increased tax rate over what they're being taxed today. So their taxes are going to go up by 2 percent. They're going to be forced into that employer-provided health care plan that's going to be dictated—if you'll hold just a second, I want to make one very strong point here that people need to understand.

That employer-provided health care plan is going to be dictated by the health care czar panel. It is established on this menagerie of colors and blocks and things.

Mr. FLEMING. Yes.

Mr. BROUN of Georgia. So the employers won't have a choice anymore about the plan that they offer their employees, and the employee won't have a choice either. And both of them are going to pay a penalty if they don't do what the Federal Government mandates or dictates to them; is that correct?

Mr. FLEMING. That is correct. And also, the government will have to actually certify all health plans. It will be a one-size-fits-all.

Mr. ROE of Tennessee. Would you yield?

Mr. FLEMING. Yes.

Mr. ROE of Tennessee. The Empowering Patients First Act that you just talked about does not contain, as Dr. BROUN just described, these mandates, these taxes.

Mr. CASSIDY. So, Dr. ROE, may I interrupt for a second?

A clear contrast between our plan, if you will, or one of our plans and their plan, aside from their increased administrative costs, aside from their top heavy, aside from ours being lower administrative costs and patient-centered, you're saying that one of the plans being presented to us has the mandates but the Republican plan does not.

Mr. ROE of Tennessee. That's correct.

Mr. BROUN of Georgia. That's the point I was trying to bring up, too, doctors, if I could speak directly to the American citizens, as I cannot due to the rules here.

But if the American citizens understand, the Democratic plan is going to dictate their plan to them. It's all going to be run by government dictation or dictum from Washington, D.C., and this health care czar; whereas, the Republican plan gives the patient and the employer the choice of what they want to do. And that's why I wanted to try to draw that contrast as you were talking.

I yield back.

□ 2115

Mr. FLEMING. Let me finish up because there are only a couple more points left. It also reins in out-of-control costs. This goes back to malpractice reform. This has malpractice reform. The government-run plan has not a word about malpractice reform. And finally, this is budget-neutral. That plan over on this side of the aisle is $1 trillion to $1.6 trillion, depending on which year span you are talking about, of course, with the CBO telling us that the costs curve up, not curve down, over time, despite what our President has told us. This one starts out with no cost, no net cost. There are savings built into it.

Mr. CASSIDY. If I may reclaim my time, it's important that the people watching realize that that is not just Republicans saying this. Again, I'm going to quote. The Congressional Budget Office, as we know, has spoken about how costly this bill would be.

From nytimes.com, I, again, quote David Brooks:

''The theory of the Democratic bills seems to be that 98 percent of Americans can party on, with the latest and costliest health care imaginable, no matter how ineffective, and the top 2 percent will pay for it all.'' He goes on to say, ''If you don't control the rate of health care inflation, even the rich won't be able to pay for the cost increases.''

So it's others, not in this Chamber, commenting on the cost of that program and, indeed, commenting on the Congressional Budget Office comments.

Mr. FLEMING. And really, just to get down to the basics, if the patients, if the public, the consumer doesn't have skin in the game, there's no money to be saved in this. If it's all on the providers and all on the government, you will never see costs controlled.

Let me add one other thing before I yield. We were talking a moment ago about the fact that illegal immigrants will be covered under this plan, 10 million or more.

Mr. BROUN of Georgia. Not our plan but the Democratic plan.

Mr. FLEMING. I'm sorry. The Democratic plan provides coverage for illegal immigrants. The Republican plan does not. The Republican plan presumes that we will deal with immigration problems through an immigration reform process. But getting to my final point here is, the other thing that the government-run plan, the Democrat plan, provides for is taxpayer-funded abortions. Not only taxpayer-funded abortions, but an actual mandate, the requirement for convenience. There will have to be convenience centers throughout the country so that young women will not only have access but will have easy access, all at the taxpayers' expense. None of that, of course, is provided for in the Republican plan.

Mr. ROE of Tennessee. If the gentleman will yield, I have a letter that I received from a constituent which was given to me this past week; and I think it's worth passing on. It says:

''Dear Dr. Roe,

''My wife Missy and I are aware of the struggle you face on Capitol Hill over government-run health care. We wish to offer you our personal story of how the current system saved our son, Robby, to use as you see fit to put a human face on our side of this issue. Robby suffers from unbearable pain that began when he had a severe infection he contracted September 2007. It began one Saturday. He went to bed feeling a little off and woke up the next morning with a severe ear ache. Within 5 hours, his eardrum ruptured. In spite of several courses of antibiotics, this infection continued to spread into every cavity of Robby's head, and it began to attack his nervous system and his brain. The pain was torturous. Robby was admitted to the Knoxville Children's Hospital for over a week. The infection finally stopped with I.V. antibiotics, but the damage had been done. Robby lost the ability to walk. He also developed a motor vocal tick associated with constant shooting pain in his head. We researched Robby's symptoms and found doctors at Vanderbilt Children's Hospital in Nashville and Children's Hospital of Philadelphia where Robby was treated by the head of pediatric neurology. We were able to visit these doctors and receive treatment for our son only because our private health insurance gives us the flexibility to do so. In the last 18 months, Robby's been hospitalized six times, including most of this March. Pain medicine, including morphine, PCA, hydrocodone and Demerol gave no relief. He had to be sedated for over a week until the pain subsided. There is still no definitive diagnosis. In spite of this, Robby has had multiple exploratory procedures, MRI, CT, et cetera, and tried nearly 20 medications. We finally found the medicine that helped 4 months ago. This has eased his symptoms significantly. He is doing much better but is still not able to return to school. Throughout this ordeal, the medical system has been helpful, responsive, timely and accessible at all levels. We were always around to be a part of the decision-making process in our son's care from medicines and procedures to which doctors and hospitals treated him. We recently learned of another boy in our area who was about Robby's age that suffered from similar symptoms. He died. We believe competent, fast, flexible care that would be impossible under a government-controlled system saved Robby from this fate. Missy and I lived under a government health care system in the Army. I grew up in an Army family. I remember sitting for hours in the military emergency room with a broken arm.''

He goes on, ''and we had no recourse. You can't sue the government. We are not wealthy people. We make well below the median income and have had to pay thousands of dollars out of our own pocket to get Robby where he is now. It has been a struggle, but we would gladly pay any amount to ensure the timely care and freedom of choice needed to treat our son. It is true that under a government-controlled system we wouldn't have had these medical expenses. We believe they would have been funeral expenses. Please feel free to use our story. We would be glad to testify or do anything else you feel would be beneficial.''

This is Rob and Missy Mathis from Newport, Tennessee.

Mr. CASSIDY. If I may reclaim my time, one, it's a tremendous testament to the faith of that family, their love for their son and to those fine physicians at Vanderbilt. I think all of us share the hope to have high-quality health care affordable, accessible to all Americans. Our concern is that the solutions being brought upon us are going to not only not achieve that but interfere with that relationship, and it's not just folks who are conservatives.

I have an editorial in my local paper by Susan Estrich. You will recall that Susan Estrich was chief of staff for Walter Mondale—I think I have this right—when he ran for President. I don't agree with her, but I respect her thoughts. She's a bright woman. She wrote Don't Risk Your Health Care.

She begins:

The President is ''not familiar'' with the bill. No one can explain how it will work yet, as Senator BEN CARDIN told a contentious town meeting. There are various plans, and negotiations are still in the early stages. But whatever it is, we should be for it.

She goes on to say, ''Am I missing something?''

Then she describes the relationship that she and her family have with their physician. They are not sure. She wants to be reassured and has seen nothing that reassures her yet that that relationship will be preserved. So it isn't just folks in this arena. It's folks across the country.

Dr. BOOZMAN, what are your thoughts?

Mr. BOOZMAN. Well, I would just say that all of us—and in hearing the letter, all of us have seen patients in our practices that we knew as we prescribed the treatment that they couldn't afford, hardworking people that just didn't have the ability to afford that. So we definitely need reform, and we've talked about that. We need portability. We need more competition, things like that. What we don't need, though, is to try to get this thing done in 2 or 3 weeks.

I was on this school board for 7 years. If we were trying to change the curriculum of the high school class, we'd spend more than 2 or 3 weeks doing due diligence. But to try to do that in a period of 2 or 3 weeks makes no sense at all.

The other thing I would say is that we don't need government-run health care. We don't need to go down the path towards Great Britain and Canada. And something I'd like for you guys to comment on—because you have treated them and things—tell us about the results of cancer and things like that in the Canadian and Great Britain systems compared to the United States. I guess my concern is, in an effort to fix our pretty good system—you know, it's working pretty good—that we actually destroy the system to fix the part that's broken.

Mr. CASSIDY. Reclaiming my time, I would say that it works for 85 percent of the people; but we would favor the reforms that would ease the insecurity that if you get sick, you lose your insurance or it's priced out. So we favor the reform that deals with preexisting conditions. At the same time, we don't want to ruin it for the 85 percent.

I yield to my friend.

Mr. BROUN of Georgia. I thank you, Dr. CASSIDY, for yielding. I just wanted to give you a couple of quick stories, one that goes along with Dr. ROE's story. I have a surgical colleague that I was talking to who told me about getting a phone call from a government bureaucrat about a Medicare patient that he had in the hospital. The doctor got the call from the Medicare bureaucrat in Atlanta who said, Doctor, we have reviewed such-and-such a patient that I understand you have in the hospital. Yes. We have reviewed it. She does not meet criteria to be hospitalized, and we want you to discharge her today.

The doctor said, Well, have you seen my patient?

No.

Are you a doctor?

No.

Are you a nurse?

No.

So you're just a government bureaucrat, is that correct?

Well, I work for CMS.

He said, You've not seen my patient at all?

No.

But you have determined that this patient should not be in the hospital, and you want me to discharge her?

That's correct.

He said, This patient is extremely ill; and if I discharge her, she is very likely to die. I'm not going to discharge her.

The government bureaucrat said, Doctor, you don't understand. We've determined that if you don't discharge this patient today, we're going to fine you $2,000 a day.

So the doctor went and talked to the patient's family and the patient. What were they to do? Well, he discharged her. She died that night at home.

Mr. CASSIDY. Reclaiming my time just for a second, CMS is the agency that governs Medicaid and Medicare, the Federal program.

Mr. BROUN of Georgia. This was a Medicare bureaucrat.

That's the kind of care that the Democratic plan is going to not only give us more of, but it's going to take it down to lower age groups besides those 65 years of age and older. It's government intrusion into the health care system that has run up the cost tremendously. CBO has already said that the Democratic plan is going to cost more money. It's not going to bring the costs down.

Y'all were talking about the cost curve going up. What that means to the people who don't understand, that means it's going to be more costly for the health care system under the Democratic plan than what we have today.

Mr. CASSIDY. If I may reclaim my time, we're almost out. I just want to wrap that in with a comment that Dr. FLEMING said about how the best system is one in which the patient is involved. I think you said ''skin in the game.'' The McKinsey Quarterly talks about transparent pricing for value-conscious people. Again, quoting from David Brooks, the New York Times columnist, a very thoughtful man: ''I'd say that there have to be cost-conscious consumers within a closely regulated market. Unless you get proper incentives for both providers and consumers, I doubt you're going to go very far. In the current plans,'' meaning those across the aisle, ''all the emphasis is on the providers.''

Mr. BROUN of Georgia. Dr. CASSIDY, if you don't mind yielding for another moment, let me tell you about something that happened in my medical practice down in rural southwest Georgia. Congress passed CLIA, the Clinical Laboratory Improvement Amendments. I had a fully automated lab in my office where I would do blood sugars, blood counts and things like that. If a patient came in to see me with a red sore throat, running a fever, white patches on the throat, coughing, runny nose, I would do a complete blood count to see if they had a bacterial infection and thus needed antibiotics to treat it. Or if they had a viral infection, they could have the same clinical picture but didn't need the cost or the exposure to the antibiotics. CLIA shut my lab down and every doctor's lab in this country down. Prior to CLIA, I charged $12 for that CBC. It took 5 minutes to do with quality control. After CLIA, I had to send patients across the way to the hospital, it took 2 to 3 hours to get the test and cost $75 for one test. It goes from $12 to $75, and 5 minutes to 3 hours. Now this is how government intrusion into health care markedly drives up the cost.

Mr. CASSIDY. If I may reclaim my time, I think you are involved in what is called as a concierge practice or a patient-centered practice where the patient will prepay you, say, $50 a month; and if you don't satisfy that patient, she goes to see another doctor.

Do I recall that correctly?

Mr. BROUN of Georgia. Well, not exactly. In fact, I have discharged patients at the time I see them. I don't have that concierge practice where I am prepaid. But actually, I charge less. My practice was a full-time house call practice. I was not working in an office.

Mr. CASSIDY. If you would yield back, because I just want to mention that one thing. There are some physicians, a lot of them on the west coast, that have a practice that is so patient-centered, it works beautifully. In that practice, the patient pays $50 to $100 a month and gets all the primary and preventive services cared for. If the patient doesn't like it, they find another doctor the next month. It's like Target or Wal-Mart. If my wife doesn't like the sale at Target, she goes over to Wal-Mart; and if she doesn't like the service at Wal-Mart, she will go back to Target. The fact is, is that the physician, knowing that those folks can go, is going to be more patient-sensitive.

Mr. BROUN of Georgia. And the Republican plan allows patients to do that, where the Democratic plan does not.

Mr. CASSIDY. Thank you all very much.

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ENERGY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. BOCCIERI) is recognized for 60 minutes.

Mr. BOCCIERI. Mr. Speaker, this snuck up on me with respect to the timing. My colleagues on the other side of the aisle finished much earlier; they didn't have as much to say as we are tonight about clean energy.

I am joined by my colleague from New York, Congressman MCMAHON, who I will recognize here very shortly to talk about one of the pillar issues, one of the seminal issues that we're going to address in this Congress, in this body.

We've already taken action with respect to moving an energy policy forward that puts our country first. And truly, this is about making America stronger, making our country stronger by investing in America.

Now, I know some may think that that's a novel idea, but this is not about Democrats or Republicans. This is not about their ideas versus our ideas. This is about Americans and American innovation, and it's something that I feel so passionately about.

Today we're going to talk about this energy bill that passed through the Congress here, through the House of Representatives. We're going to talk about what has made this such an important issue in the coming weeks that we hope that the Senate will take action as soon as possible.

Before I get too deep into my long speech here, I would like to recognize the gentleman from New York to say a few opening remarks with respect to energy and what we have to offer here in the House of Representatives.

Mr. MCMAHON.

Mr. MCMAHON. Thank you, Congressman BOCCIERI. And thank you for your leadership on this issue.

Mr. Chairman and Mr. BOCCIERI, it is a privilege and an honor to stand here in the House of Representatives tonight and talk about this important issue. And I bring to it a perspective I think that is very important in this debate. You see, I come from New York City. I grew up in Staten Island, New York, and I now have the privilege and honor of representing Staten Island and Brooklyn, New York, here in the House of Representatives.

For the last few weeks and months, I've been very disappointed at the rhetoric that I've heard in this Chamber, and beyond, from those on the Republican side of the aisle. They, quite frankly, have had their heads in the sand. They, quite frankly, have been tied up in the rhetoric of partisan politics. And I say that as a New Yorker, as someone who suffered and saw firsthand what happens when this country doesn't deal methodically and honestly with energy policy.

You see, September 11, a date that we all know too, too well, in my opinion—and in the opinion of the people of New York and people around the world—occurred because our country has not dealt honestly and fairly with energy policy. Oh, I know it was the act of terrorists, there's no question; men bent on hate, men bent on Islamic fundamentalism to bring down this Nation. But our country has been caught

up too long with an addiction to oil from the countries from which these men came.

Every time an American goes to the gas pump and puts gas into his or her car, they are sending money back to a Saudi Government that has sent and continues to send money to al Qaeda. And every time you go to the pump and put gas in your car, you're sending money to Iran so Ahmadinejad can send that money to Hezbollah and roundabout to Hamas. We are paying for terrorists to arm and be energized in a war against America and all the things we stand for.

So I know there can be honest debate on things that we disagree about. I know that we can stand on this side of the aisle and that side of the aisle and have a fair and honest debate about those things. But the things that I've heard over these last few weeks, the lies, the mistruths, the prevarications, are all too much for us to take.

Just think about the way that the Republicans have tried to scare the American people by saying that if we pass an energy security bill here in Washington it will mean an increase in home heating and energy prices of $3,100 a year. And when they did that, they cited a study from an MIT professor. Upon hearing that, immediately that professor said, That is not true, you are misquoting my study. I did not say that. That's not what the study says.

Weeks and months after that professor issued that disclaimer, we continue to hear from the other side of the aisle these very same pronouncements. They are untruths, they are misstatements, and they are prevarications, and it's time for it to end. The American people deserve more. The security of our Nation deserves more. The people who lost their lives on 9/11, the families who suffered, the emergency workers who suffered, all those people deserve more. And the men and women who right this moment are in places like Iraq and Afghanistan, they deserve better. They deserve an honest and upfront discussion about energy policy, what it means to our security, and that if we don't get it right now, then more lives could be lost in the future.

Mr. BOCCIERI, I am so glad to be here with you to talk about these important issues. And I know that the people from Ohio to New York out to California will be united in knowing that America is a country—we sent a man to the Moon; we can deal with energy policy as well. And it's something that I look forward to working with you on.

Mr. BOCCIERI. Well, I thank the gentleman from New York. And he is absolutely correct in his assessment of this. This is a matter of our national security.

The American Clean Energy and Security Act that was passed out of this Chamber is about our Nation's national security, moving away from our dependence on foreign oil and, more importantly, creating jobs right here in our country that can't be outsourced.

When we build a brand new nuclear reactor, it cannot be outsourced. When we lay the foundation for new solar panels on tops of buildings or on tops of our homes—or even some day perhaps on tops of our cars, recharging our batteries—those are jobs that can't be outsourced. The maintenance, the delivery, the processing that will go into these jobs are going to create jobs right here in America. And I am so proud that we are leading the edge.

My predecessor, Congressman Regula, started investment in these technologies in our district. And I am glad and proud to be following in his footsteps to make certain that these types of energy investments are and will be making our country stronger in the long run.

Let's revisit some of the things that we've talked about here, Congressman MCMAHON and, Mr. Speaker, the fact that this is about our national security.

First and foremost, this chart right here really is a tell-all with respect to our national energy crisis that we face. 66.4 percent of our oil comes from foreign countries. 66.4 percent of our oil comes from overseas. That means $475 billion has been sent overseas. We are distributing our wealth. We are sending our resources, our hard-earned dollars overseas to buy a commodity that we can produce here, we can refine here, that we can explore here.

In fact, the Senate version of the bill adds exploration and drilling right here in the Gulf of Mexico that will add 3.8 billion barrels of oil, but we know that that's not enough because we don't have enough oil here in America to fill the demand that we have. In fact, it's been reported that we have nearly 3 percent of the world's reserves here in America, in the Northern Hemisphere, but we consume about 24 percent of the world's oil. So you do the math. At 22 million barrels a day, 3 percent of the world's oil here in the Northern Hemisphere, we would exhaust that resource very, very quickly.

The number one user in the United States of oil, the number one consumer of oil in the United States, is the Department of Defense. In fact, we consume so much oil in the Department of Defense that we have grown very, very concerned here on Capitol Hill about our dependence on foreign oil because our Nation's military is so dependent on foreign sources of oil, oil that we import, and the fact that we have so many of our military operations going on overseas, so many of our troops, our men and women, are spread across the world that we have a national security crisis right here on our hands. And that's why, Mr. MCMAHON, that's why, Congressman, we have begun testing synthetic fuels. That's why we have been testing blended fuels in the Department of Defense.

At Wright Patterson Air Force Base, they just started testing these blended fuels, synthetic fuels in our aircraft, because we know that of the Department of Defense, the largest consumer of oil in the Department of Defense is our aviation assets. Seventy percent of it is used with respect to our oil needs, and we have got to find an alternative source. That is why this energy legislation is so important to investing in alternative energies and understanding that our Nation's military is so dependent on this fossil fuel.

Now, in 1944, when the United States bombed the Ploesti Romanian oil fields, we effectively cut off the supply of oil to the Germans, but they quickly transitioned to use synthetic fuel, which is a derivative of coal. Now, we know that we have quite a bit of coal here in the United States; it's abundant, it's a natural resource that is very cheap to us, and we are going to continue using it.

In fact, the EPA has said, with the passage of this bill, coal use in America and the United States is actually going to increase. And with it being so abundant, boy, I would love to see, with the investment that we have charged in this legislation to invest in carbon capture, to invest in coal and synthetic fuel and coal-to-gas liquefication, these new types of technology that can make our country less dependent on foreign oil, is going to make us stronger in the long run. And if we can put that synthetic fuel, that clean-burning fuel, that clean coal technology in our airplanes some day, we are going to be less dependent on our foreign sources of energy.

Now, one last point before I turn it over to my colleague for some remarks. 66.4 percent of the oil comes from overseas. Do you know how much comes from the Middle East, Congressman? Forty percent of our Nation's demand is filled by the Middle East, by OPEC-producing nations. That is way too much. We have two wars going on in the Middle East, we have countless numbers of our troops over there. And it is argued—and has been argued so many times on this floor—that our Nation's interaction overseas and in the Middle East is about our dependence on that natural resource. And it's time we put America first, we put American troops first, and invest in our country and our people. I would much rather rely on the innovation in the Midwest than the oil in the Middle East.

I yield to my friend.

Mr. MCMAHON. Thank you, Congressman.

Congressman BOCCIERI, I think you have really established and hit home about how this is about national security.

You know, there was a time in our Nation's great history—in fact, throughout most of its history—when we would talk about national security, both sides, Republicans and Democrats, would put down the partisan rhetoric, they would put away the myths and half truths and the prevarications and they would just talk to the facts, because what was at stake was not the

gain of one side or the other, it was about the very essence of our country, our security, and the safety of our young men and women in uniform, whether it is the uniform of our armed services or the uniform of our first responders back here at home.

Unfortunately, what we've seen throughout this debate from the Republican side is an onslaught, a deluge of untruths, of myths. I want to talk about a couple of those myths before I turn it back over to you. One is about the notion of the household energy audits.

I have stood on this floor and sat in this Chamber and heard our colleagues from the Republican side of the aisle say, If you pass this bill and if America deals honestly and forthrightly with its national security and energy policy, every homeowner in America is going to have to do an energy audit before they can sell their home. Well, you know, Congressman BOCCIERI, and I know that that's not anywhere in the bill. That language does not exist; it's not in the bill, it was not in the bill that we passed. The Energy Security bill contains no provision requiring that buildings or homes undergo energy retrofits or audits of an existing home's energy efficiency.

The bill does create incentives for builders and homeowners to take steps to reduce the waste in their homes and in their new buildings, and that's to everyone's benefit. The homeowner would save money on their energy bills, and we, as a Nation, would use less energy and, therefore, put ourselves less at risk. And yet we hear over and over again about these imposed requirements on America's homeowners. There is no Federal energy audit requirement. And it leaves the decision to the homeowners and the local governments to deal with that. The bill actually prohibits the EPA from regulating residential and commercial buildings as per the Clean Air Act, and yet we hear the rhetoric over and over again.

But, you know, Congressman, in the debate there clearly have been, I believe, people from the other side of the aisle, Republicans, who have talked fairly and honestly about this issue, and I bet you would be able to tell us about some of them tonight.

Mr. BOCCIERI. Yes, I would, Congressman MCMAHON. And I thank you for those remarks.

This is about our national security. This is not something that Congressman BOCCIERI is saying, it's not something the speaker is saying—because he's been on this floor right with us before talking about our national security needs—it's not something that Congressman MCMAHON is saying. This is something that the Department of Defense is saying and the CIA is saying.

The U.S. Department of Defense, in 2003, concluded that the risk of abrupt climate change should be elevated beyond a scientific debate to a U.S. national security concern. The economic disruptions associated with global climate change are projected by the CIA and other intelligence experts in the United States to place increased pressure on weak nations that may be unable to provide the basic needs and maintain order for their citizens.

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So, you see, a component of this energy legislation is about moving away from our dependence on foreign oil, investing in clean energy and technology right here in our country, jobs that can't be outsourced, producing jobs that can put America back to work. And another component of that is addressing the issue of climate change.

Now, cap-and-trade has gotten all the attention in this energy debate, and it shouldn't get all the attention because it's one segment of this bill that we're working on. But even that, which I know that we focus more on the national security part of it, but even our security experts and our Nation's military are saying it's a matter of our national security. Let me give you some statistics here:

Today over 80 percent of the world's oil reserves are in the hands of governments and their respective national oil companies. Sixteen of the world's largest 20 oil companies are state owned, are owned by some state. And as you know, we import 66 percent of our oil. This is a matter of our national security, and we have got to take action now, and we must move away from our dependence on foreign oil. Cap-and-trade and the climate change legislation and the energy security that we can derive from a substantive and robust energy policy in this country is a matter of our national security.

Now, that's not something that Congressman MCMAHON is saying. That's not something that the Speaker is saying or Congressman BOCCIERI is saying. That's something JOHN MCCAIN is saying, a proud American who put his life on the line for our country, who ran for President. He said that in cap-and-trade there will be incentives for people to reduce greenhouse gas emissions. It's a free-market approach. Let me repeat that again, Congressman MCMAHON: it's a free-market approach. The Europeans are doing it. We did it in the case of addressing acid rain.

In fact, we have 20 years of cap-and-trade policy that's been enacted in the policy of the United States that we have found very big successes from. Look, if we do it, we'll stimulate green technologies. This will be a profit-making business. And it won't cost the American taxpayer. Let me repeat that again: it won't cost the American taxpayer. This is something that we have got to enact now, Mr. Speaker. This is about our national security.

In fact, every Presidential candidate that ran for office last year, Democrats and Republicans alike, said it's a matter of national security. Let me revisit a couple of what our friends have said.

Mr. Romney, an astute businessman, said that there are multiple reasons for us to say we want to be less dependent on foreign oil and develop our own sources. That's the key, of course, additional sources of energy here as well as being a more efficient use of energy that will allow the world to have less oil being drawn down from the various sources it comes from without dropping prices too high a level, and it will keep people, some of whom are unsavory characters, from having an influence on our foreign policy. That was Mr. Romney.

Mr. Huckabee, he has another quote in addition to this one on our chart here. He said, A nation that can't feed itself, a nation that can't fuel itself, a nation that can't produce the weapons to fight for itself is a nation forever enslaved. And with respect to a national energy policy, he said, It's so critical that for our own interest economically and from a point of national security that we commit to becoming energy independent and we commit to doing that within a decade. We have to take responsibility in our own house before we can expect others to do the same in theirs.

It goes back to my basic concept of leadership. Leaders don't ask others to do what they are unwilling to do themselves. Well, we are a leader here in the United States. We're a leader. We sent a man to the Moon in just 10 years, and I vow to you that we can become energy independent. We can have an energy policy that invests in our people, creates jobs here, and moves away from our dependence on foreign oil because we believe in the innovation of America and we don't believe that we need to be dependent on Mid East oil.

I yield to my gentleman friend.

Mr. MCMAHON. You're so right, Congressman BOCCIERI.

Mr. Speaker, again, it's just somehow so infuriating. It really is beyond words to think that the Republicans try to take an issue that is so important, not just to our economy, not just to our environment, not just to the future of the generations of people who want to live in America and share in the American Dream, but to national security, the lives of our children, the young people in uniform right now, those who have been lost and those who will continue to be at risk.

And what do they do? They take an important issue like this, and they come up with some quick catch phrases, you know, like the one that they like to use. You talked about cap-and-trade. They like to call it ''cap-and-tax.'' Why do they do that? There is no tax anywhere involved in this bill. The word ''tax'' is not involved. In fact, in order to tax someone from the national government perspective, you have to invoke the Internal Revenue Code. The Internal Revenue Code is never mentioned in this bill. Instead, this is a proven system, as you said, to bring free-market principles to the system of manufacturing that will allow

for not only a cleaner environment but for a new birth, a new generation, of manufacturing jobs in this country.

We have lost our manufacturing base for a whole host of reasons. But here we are. As you said, when you build a nuclear power plant, you can't do that somewhere and import it. It's got to be done here. When you build a windmill farm, that has to be done here. And instead of addressing this very important issue, the other side comes up with catchy phrases, and certainly the one that they have done to cap-and-trade across America I think is very shameful.

Let's talk about cap-and-trade for a minute because some people will say, well, this is a new concept, Congressman BOCCIERI. And how can it be that we know whether or not this will work? Well, there are a couple of ways to know that. We have already done that in this country.

Many Americans, certainly in the Northeast, where I come from, remember the concept of acid rain caused by sulfur dioxide. And in the 1980s we realized that lakes and rivers were dying across this country because of sulfur dioxide. And we implemented in 1990 a cap-and-trade system when it comes to sulfur dioxide. And what does ''cap-and-trade'' mean? It simply means that you set a standard of how much pollution can be emitted in the country in a given year and that becomes your cap.

And for what we have done now for the greenhouse gases is the year 2005, and the same was done for sulfur dioxide. And then that allowance to be able to pollute is something that has value to it. You create value. And in the first go-around in the system that we're implementing, or that we want to implement now, 75 percent of those allowances will be free. So there will be no immediate cost to anyone, no increase in prices.

But over time, by 2020, hopefully we will get to a point where we reduce our reliance on foreign oil, we cut down our emissions by 17 percent, and we move forward with a good national security energy policy. We did that with sulfur dioxide, and everyone thought it would take 20 years, but it took 6 years. In 6 years' time, without any impact to our economy, we put an end to the overpollution of sulfur dioxide.

Many plants put scrubbers on themselves, on their smokestacks. And guess what? In the year 2009 those lakes in my home State of New York are alive again. The fish are no longer swimming on top of the water, dead from pollution. They're alive again. And they are alive with wildlife and they are alive with a future that our country needs. It's about our water resources. It's about our environment. It's about our jobs. It's about our national security.

So you're right, Congressman BOCCIERI, when you say it's about national security. And you've got examples of people who put partisan politics aside. They did it when they were running for President. I only wish the Republicans in the House of Representatives and in the Senate will put politics aside and put the interests of the American people first and get serious about an energy policy that deals with national security

Mr. BOCCIERI. I couldn't agree with the gentleman more that we have to get serious about our Nation's energy supply.

And this is not about Democrats or Republicans; this is about making America stronger. And Democrats and Republicans alike in the last Presidential election said we need to create jobs here in America. We need to create jobs here. You know, 8,000 manufactured parts go into making one of those wind turbines. Can you imagine some day that Timken Roller Bearing in my district would be making the roller bearings that go into these wind turbines or SARE Plastics could make the moldings for these respective wind turbines and to make the fiberglass components that go into this? These are jobs that can be made and profit right here in America, that can't be outsourced. And we will be killing two birds with one stone: creating jobs here in America and making us less dependent on energy from abroad.

We have to go back to just a few more of these gentlemen who ran for President last year. I just want to finish up with these two:

Rudy Giuliani, a good Italian, said, We need to expand the use of hybrid vehicles. We need to expand the use of hybrid vehicles, clean coal, carbon sequestration. We have more coal reserves in the United States than they have oil reserves in Saudi Arabia. This should be a major national project. This is a matter of our national security.

Rudy Giuliani got it right because you know what? If we put 27 percent of the vehicles on our roads in America, if just 27 percent of the vehicles on our roads in America were gas-electric hybrids, we could end our dependence on oil from the Middle East. We get 40 percent of our Nation's demand for oil from the Middle East, from OPEC-producing nations, and if just 27 percent of the vehicles on the roads of America were gas and electric hybrids, we could end our dependence on oil from the Middle East. That is a vision that we should all strive for.

Let me talk to you about one of our colleagues here, Mr. PAUL. I spoke with him about 2 weeks ago. He's one of our colleagues here in the House. He said, True conservatives and libertarians have no right to pollute their neighbor's property. You have no right to pollute your neighbor's air, water, or anything. And this would all contribute to the protection of all air and water.

Mr. PAUL is somewhat of a visionary because he believes that in America if we make the right investments, we cannot only protect our country, move away from our dependence on foreign oil, but invest in our people, our way of life, and, more importantly, create jobs here in our country.

I want to yield to my good friend from Virginia (Mr. PERRIELLO). Congressman PERRIELLO is joining us.

Welcome.

Mr. PERRIELLO. I thank Mr. BOCCIERI for yielding.

As I said before, the people who have been against this bill, there are two things that bother me about them that I want to mention.

One is these people aren't just climate skeptics; they're America skeptics. I am sick and tired of hearing the word ''can't.'' They are the same ones who said we couldn't possibly take the lead out of gasoline. We couldn't possibly solve the sulfur dioxide problem or clean up our water and streams. We couldn't integrate our troops or go to the Moon. Can't, can't, can't. Well, when I was growing up I had coach after coach in sports say get the word ''can't'' out of your dictionary. That is not an American word. America is all about how are we going to solve the problem.

We know there is nothing we can't do if we put our minds to it, put our innovative spirit to it. And we see that here. People keep saying on the other side of this debate, well, let's just let China do it. That's basically what they're saying. We don't want to go ahead of China. We would rather have China invent all the technologies so we buy it from them? I'm sick and tired of buying everything from China. I want us to be making it right here in America and exporting that technology back to them.

So these people aren't climate skeptics; they are America skeptics. They have given up on the idea that America can do it better than other countries, but I don't believe that. We are still more innovative than any other country. We are better capitalists than any other country. We are going to be the first to crack carbon capture sequestration technology. We are going to be at the cutting edge again of wind and solar and biomass.

The farmers in my district want to be freedom fighters on the front lines in the struggle for energy independence that makes this country safe and makes it competitive again. That's because we are better at this than anyone else. That word ''can't'' that seems to echo across the other side of the aisle does not have any place in this Hall because America is better than that.

And there is a second thing that bothers me about those who seem so angry about this bill in this body of ours, which is the intense partisanship of it. The worst kind of partisanship is when you think an idea is a good idea until the other side agrees with you and then all of a sudden it becomes the worst idea ever.

Cap-and-trade, to their credit, is a Republican idea. The first President Bush was a visionary and a leader on this in solving the acid rain crisis because it was a Republican notion that

we can use the power of the free market to solve these environmental threats.

□ 2200

We saw it again when Senator MCCAIN and then Governor Palin both agreed that some form of cap-and-trade was a good idea. Former Senator from my State, John Warner, a great war hero, a great American, also saw the power of a tradable permit. This was fundamentally a Republican idea. And in our spirit of bipartisanship we say, we think this problem is so big, of energy dependence, it is threatening our security so much we will look anywhere. We don't care if that idea comes from one side of the aisle or the other. We just want to solve the problem.

And as soon as we agreed and said, these are good ideas coming from the Republican side, all of a sudden, the only play they had in the playbook was to suddenly say Oh, it must be a bad idea because you agree with us. We can't even do bipartisanship when you agree with one of our ideas. This is something that is upsetting the American people when the problems run this deep. That's not what this country's about. It's about putting problem-solving ahead of partisanship.

So Mr. BOCCIERI, thank you for doing this hour. It's so important for our national security, for our national competitiveness, but also for the very culture, the very soul of this country. It is all about that infinite horizon of possibility that says there is nothing we cannot do as a Nation, particularly when we unleash the power of the free market and that call to serve the common good that has led generation after generation to leave this country stronger than they found it.

Mr. BOCCIERI. I find you very inspirational, Congressman PERRIELLO. You're exactly right. And it's often been said that fear is not a tool of leadership; fear is a tool of the status quo. And that's exactly what we see from the other side right now; injecting fear, talking about taxes. Listen folks, there are no taxes in this bill. Don't believe me. Believe Senator MCCAIN, who ran for President last year. Senator MCCAIN said this is a free market approach and it won't cost the American taxpayers. We know here in this body that the jobs of tomorrow won't come on their own. We must incubate them and grow them domestically so they can not be outsourced. That's what this bill is about.

We're joined by two of our other colleagues, distinguished colleagues, bright minds here, young bright minds I should say here in the House of Representatives, Congressman KRATOVIL from Maryland, and our good friend from New York, Congressman TONKO. Why don't we start with Congressman TONKO. Welcome.

Mr. TONKO. Thank you, Representative BOCCIERI. I listened intently to our colleague from Virginia, and when Representative PERRIELLO talked about the lack of response from the other side, the anger, perhaps, that is expressed, the politics of fear that are engaged, that those in and of themselves would be enough measure of concern. But the fact that that's coupled with an agenda that back-burnered over the last administration so much of the progress, we're reminded of a huge failure of the delivery system, the energy delivery system, in August of 2003. Here, 6 years later, we're not responding as well as we should. This measure allows us to, with a smart-metering investment, with an upgrading of the grid.

You know, it was brought to our attention in very painful and dark terms, where blackouts gripped not only the Northeast and the Midwest of the U.S., but Southeast Canada, where two nations suffered from failure in the grid system. We have opportunities to embrace technology, technological improvements, advancements in smart metering and investments in the grid, to respond to that sort of failure. That was back-burnered. So were the investments in updating our renewable opportunities, investing in renewables.

This measure will allow us to look seriously at renewable investments across the country. I'm also coupling that exercise with a bill that deals with wind turbine efficiency, where we'll look at materials that will allow for greater response from Mother Nature, where we're able to take the elements of nature and make them work to our energy needs, all through American jobs, to produce America's energy needs. That will enable us to take the advancements that we know are possible.

We look at situations like super-conductive cable, where, in my district, they are now breaking their own records, super power is, by developing even stronger opportunities for us to reinvest and invest in innovative ways in the delivery system, in a way that, again, takes advantage of the intellectual capacity of this Nation.

So this is about entering into a mix that already finds global competitors, but it advances an American agenda in a way that will place us in the role of leader. We cannot continue to sit by idly along the sidelines of this global green energy race and advance the notion that China will build all the solar systems, that Germany will embrace the same sort of renewable or advance manufacturing processes.

We have opportunities here in this Nation to develop battery response through the stimulus package. I've seen what GE is working on, as it enters into this fray, to provide for an array of battery opportunities where it's not just Lithium ion that we develop but perhaps look at sodium chloride mixed with nickel, where we can address not only energy generation needs for batteries, but also the energy storage for intermittent situations, intermittent-type power, and where we can also use it for heavy fleets and lighter fleets for transportation-sector purposes.

So there are tons of applications here. Just that GE battery application would find 300 to 400 jobs in my district that will enable us to provide the linchpin, to open the doors to limitless possibilities. You know, it's that sort of fervor that we saw in the sixties, in the late fifties and sixties where, as a Nation, we went forward with the boldness of definition and the expression of vision where we could be better, where we could move into a space race. And we know that we invested, and we won for that investment. We need to do that here. And clean energy jobs for every State in this Nation is a great theme.

And politics of fear that respond to the efforts of progress that we have embraced just don't have a place in this mix. It is unfair to the American public, as it looks not only for job creation, but for the establishment, for the igniting of an innovation economy. And Representative BOCCIERI, thank you for bringing us together so that people can share thoughts of what's happening today and where we can expand and extrapolate upon that progress in untold terms.

Mr. BOCCIERI. Well, Congressman TONKO, you're so right. And I know you and Congressman KRATOVIL believe like I do and like Teddy Roosevelt said, that the worst that you can do in a moment of decision is nothing. The energy policy that we have right now in the United States is failing us miserably because we have troops overseas right now that are putting their life on the line for a natural resource that we could become independent from if we just invest in our country and our people.

Mr. TONKO. One of the main reasons I ran for this role in Congress was to establish a comprehensive energy policy, where we have a plan, where we act accordingly, where we update and implement that plan, and where it's all-inclusive. We haven't had that. And this is one solid way to grow jobs that are meaningful, where we are going to express and exercise our right to energy security, energy independence, and therefore, national security, which is critically important with the outcome here.

Mr. BOCCIERI. Congressman KRATOVIL, welcome.

Mr. KRATOVIL. Thank you all for being here. And it's so nice hearing my very articulate colleagues talk about this. Mr. BOCCIERI, thank you for bringing us together once again to talk about this. You know, you have mentioned a number of Presidential candidates in the last election that talked about the significance of cap-and-trade and talked about the significance of reducing our dependence on foreign oil. But I think, you know, it's important that we give some additional historical perspective to this debate.

You mentioned that what we are doing now is failing us. But it's been

failing us for 40 years. We have been talking about reducing our dependence on foreign oil for the last 40 years. We've been talking about the significant impact this has on us in terms of our national security. We've been talking about the need to move towards renewable energy and renewable fuel and reducing our dependence on foreign oil, and yet, we haven't done anything really substantial until now.

Every President since Richard Nixon has advocated the need for our energy independence. In 1974, Nixon promised we could achieve it within 6 years. Gerald Ford said we can do it in 10 years. And Jimmy Carter pledged to wage the moral equivalent of war to achieve it.

And yet, once again, as years have gone by, we haven't had the political will to do what needed to be done to reduce our dependence on foreign oil. And getting back to some of the comments that Mr. PERRIELLO made about the political part of it, you know, the bottom line is, at some point we do have to put politics aside and recognize that we are here for a reason. We are here to represent the best interests of the people of this country and not to represent necessarily simply our political parties. And you are right to say that these initiatives came, many of these ideas, cap-and-trade, came from the other side of the aisle. And yet, when we pushed that forward, we got very little support from the other side of the aisle.

□ 2210

Now, we did have some courageous Republicans in the House who voted with us. I think there were probably seven or eight who voted with us, but the bottom line is that we have been talking about this for years, and it was time that we did something about it, and I'm happy to be here with those of you who were willing to do what needed to be done to move us towards a better future for this country.

With that, I'll yield back.

Mr. BOCCIERI. Well, Congressman KRATOVIL, I know you believe in America, that you believe in American innovation and that you believe an energy policy that creates jobs here in America, that moves us away from our dependence on foreign oil and that makes us energy independent within a number of years is the right energy policy and the right economic policy for our country, which is about investing in our people, investing in our ingenuity and in our innovation.

You know, the most that we have at stake in this is the fact that Congressman PERRIELLO, Congressman KRATOVIL, Congressman TONKO, and Congressman MCMAHON—we all have families, and you think about where our moms and dads have come from in terms of what they have seen and the changes they've seen. They've seen us put a man on the Moon. We can do the same in 10 years. Our families have seen a lot, and we can produce the type of innovation with the right policy in this country that will move our Nation forward.

I know, Congressman MCMAHON, you believe in our Nation's national security. I'll yield to you.

Mr. MCMAHON. Thank you, Congressman BOCCIERI.

I know we all do. We all, I think, take serious umbrage at the fact that the Republicans throw out these myths, these lies and these prevarications when it's about national security. Let's look at one.

I mentioned how they talked about what it would cost every homeowner, and they said it would be $3,100 a year. This was a study that was disproved. We mentioned that earlier. Yet the Congressional Budget Office, the independent authority that they rely on so often for their facts, at least whenever it favors their position, has said that, under our clean energy and national security bill, every homeowner in this country on average, between now and 2020, will pay $175 extra because of this bill, not per year but over the whole course of the next 11 years.

In many places, like the Northeast, because of how we get our energy already and because of the infrastructure we have in place, our costs will actually go down $5 a month by 2018. Think about that. Some of us will save money, at most $175. Those rates would go up anyway.

On the other side, when it's about national security, when it's about young men and women who are risking their lives in the uniforms of our country, they're throwing out lies. You know, I just want to tell you one quick story about what happened to me today, and it really struck home. It's about a visit I had in my office.

You know, for 50 years, Staten Island was the site of the municipal garbage dump for the City of New York. Congressman TONKO knows the story well because he was very involved in environmental politics up in Albany when he was an assemblyman. It took us 50 years to get it closed, and it was 2,200 acres of the largest landfill in the history of the world. Today, because of this law that we passed in the House—and hopefully it will get passed in the Senate—a company came to see me because they want to put solar panels on that landfill.

Wouldn't that be a great American story? It would be a great success story for Staten Island, for the people I represent on Staten Island, for the City of New York, and for our country that, in a short period of time, within 10 years, you could go from a disgusting landfill and environmental nightmare to a place that is producing energy through solar panels or windmills as our borough president has suggested. What a great thing. That's America. That's the America we grew up in. That's the America we believe in.

That's the America you've spoken about, Congressman BOCCIERI, Congressman PERRIELLO, Congressman KRATOVIL, and Congressman TONKO. That's the America that we came to Washington to fight for. That's the America that the Republicans have turned their backs on, and that's the America that's worth fighting for.

Mr. BOCCIERI. Well, you're so right, Congressman MCMAHON. We all believe in the hope and promise of America, that with the right investment and with the right guidance with respect to public policy in this country, we can become energy independent and can create jobs here in America.

You know, we hear the raw fear that the other side spews out to try to scare people away from supporting the public policy that, in its essence, was truly a Republican idea in the very beginning. We hear the facts about rates, and we talk about how this is going to, you know, charge up rates and about how these government inspectors are going to show up and check on your light bulbs in your hot tub. I mean, this is utterly ridiculous.

First and foremost, in the State of Ohio, we have a Public Utilities Commission. The electric industry and other industries in the State of Ohio are regulated industries. They can't just arbitrarily walk in and raise rates. There has to be a justification. Our Public Utilities Commission, PUCO, is a function of State government, and we have empowered State governments in this legislation to make sure that these big utility companies are not going to run away as they transition to alternative forms of energy. So rates will be held in line. Despite what our colleagues on the other side will say, there are no taxes in this bill.

JOHN MCCAIN said it's a free-market approach, and it won't cost the American taxpayers. I believe JOHN MCCAIN was right. He introduced a cap-and-trade bill three times with Senator JOE LIEBERMAN. So this is about putting America first.

Congressman PERRIELLO, I know you have a few words.

Mr. PERRIELLO. Well, I just wanted to pick up on what Mr. MCMAHON was talking about as far as turning trash into energy. We're trying to do that in my district in southern Virginia. We're even trying to turn waste into energy. And by that, I mean manure. We've got poultry waste. We've got cattle farmers ready to turn this into power. Talk about a country that was built on the idea of making lemonade out of lemons. With what some of our forefathers were handed, this is it. We're literally making energy out of that.

The U.S. Department of Agriculture has estimated that by 2015 this will deliver over $1 billion to our farmers; and in the decades ahead, it could be up to $15 billion a year extra to our farmers. That's because our farmers are the hardest working people in this country. They're ready to be those freedom fighters.

There's one other thing I wanted to mention. You talked about rates. Not only are there lies out there about what it's going to do to rates and

taxes, but the most important thing, I think, in this bill and the one thing I hear so much about, whether it's from farmers or from business owners or just from people who are trying to keep the lights on in their own homes, is the crazy fluctuation in prices. You know, all of a sudden, you're at $4.60 a gallon last summer. Then you're down to $2. Then you're heading back up to $3 a gallon.

That fluctuation is driven, in part, by these speculators out there who are just gambling on the kitchen table budgets of the American people. For years and years, both parties have known that this huge Enron loophole was out there which was driving the speculation. For once, we finally went after it, and we actually protected consumers in this bill.

The CBO figures, which Mr. MCMAHON mentioned, about there being a $12-a-month increase is the maximum it would be. That's assuming we do nothing to reduce our energy consumption, and it doesn't take into account that we're going after these speculators who have been driving up the price. These people are making billions of dollars at the expense of the average American home. That's part of what we've done here, too, which is to go out and to protect consumers. So it's a smart bill.

You know, one quick thing before I yield back: people sometimes say, Have you read the 1,200 pages in this bill? Then I say, Have you? There's a lot of good stuff in there. There's a lot of good stuff that's going after these speculators and that's protecting consumers. Some of the best things for our farmers are in those 1,200 pages.

There are a lot of serious people here who were looking out for consumers, for farmers and for small business owners. Mr. BOCCIERI fought hard to get more money in this bill for manufacturing areas that have been hit hard with jobs going overseas. There's a lot of good stuff in here.

As Americans, we know that freedom isn't free. Part of that means you step up to the duties of citizenship, that you go out there and that you read the bill. Look at it as an opportunity, as an invitation to be part of this great freedom struggle for our country. We can do this, and this is a great step in that direction.

With that, I yield back.

Mr. BOCCIERI. Well, I thank the Congressman for his passion.

Before we wrap this up this evening, we've got to hear from a young, bright mind from Ohio.

Congressman RYAN, thank you for joining us tonight. Give us some of your words.

Mr. RYAN of Ohio. Thank you, Mr. BOCCIERI.

I was reading an article—and I was telling the Congressman from Virginia this. There was an article in The New York Times today, because a lot of people in our districts are like, Well, you know, China is not going to abide by this, and India is not going to have to deal with this, and we're out on our own here, and we've got to compete against these people.

There are actually provisions in the bill on steel and paper and some other things that do control imports coming from these other countries; but today in The New York Times, there was an article about this town in China where there was a big factory that was poisoning the people who lived within the area of this factory, and these people were going to the hospital. They were sick. They were nauseous. It was a bad scene. It was because of the pollution that was coming out of this factory; 400,000 people a year die in China because of air pollution.

□ 2220

And at some point, based on China's long history, they have these uprisings among the people, the government squelches it and tries to fix the problem. So if you have 400,000 people a year dying in China, at some point those people are going to want clean air. At some point.

I say this. Let China sleep for a couple of years. Let us get ahead of the curve. Let us make these investments and then produce these products, and finally we can export products to China that they're going to want because their people are demanding it.

So I wanted to come down and join this chorus because I think this is an opportunity for places like Youngstown, Ohio; Akron, Ohio; Canton, Ohio; northeast Ohio, where we have a manufacturing base in Virginia or New York or wherever the case may be to finally export things. Eight thousand component parts to a windmill, four hundred tons of steel. Solar panels have all of these complex components. We can do this. This is opportunity. Let's see it like it is.

And I tell folks back in our district, we have a Lordstown plant, a Lordstown General Motors plant, that is going to make this new car, Chevy Cruze. Why are they putting it at Lordstown? Why are they building the Chevy Cruze? Forty miles to the gallon. That's why. It's a green car.

Let's read the tea leaves here. This is where the country is going. This is where we need to be. We can finally be at a point, Mr. BOCCIERI, where we export products to China and we make money and create jobs here. That's what this is about. And we can talk about clean air and climate change, and I believe in all of that and I think it's great, but the bottom line is this means jobs for northeast Ohio.

And I think the more we talk about that, the more we recognize that, the more we plug our businesses in. Mr. BOCCIERI got a $30 billion amendment in to help the auto industry convert over to alternative energy. Those are the things we need to do, and those are the things that are in this bill.

So I yield back, but I think this is opportunity, and if we see it as opportunity, it will work for us.

Mr. BOCCIERI. Thank you, Congressman RYAN. You're exactly right that the pillars of this legislation are about creating jobs in America, moving away from our dependence on foreign oil, and making our Nation more secure. National security is a big issue.

Congressman KRATOVIL.

Mr. KRATOVIL. You're absolutely right. There was a lot of talk in the bill about climate change, and that was certainly a significant part of it. But the bottom line is, what was more important to me in terms of voting for this is exactly what you said, national security and creating American jobs. And the energy bill clearly presents an incredible opportunity to spur innovation and create new jobs in this country, and that was one of the big reasons that I supported it.

Also, I want to go back to something Mr. PERRIELLO said about the fluctuation in prices. Again, the irony in this country is that oftentimes we are faced with a crisis and we deal with whatever that crisis is but we never deal with the underlying issue that causes the crisis.

And you were talking about the gas prices. A year ago, when the gas prices were $4 a gallon, the entire population in America was saying, My gosh. What is going on? What are we going to do about this? It's outrageous that we're paying $4 a gallon. It's outrageous that we're sending money overseas to the people that seek to destroy us. What are we going to do about it?

And then a year later, people in this Chamber have apparently—on the other side of the aisle, apparently forgotten.

Well, my answer to that is we should never forget that if we were paying $4 a gallon for gas last year, we could be paying $4 a gallon tomorrow. That has not changed unless we take responsibility and do what we should have done 40 years ago and started making an effort to have energy independence and reducing our dependence on foreign oil.

We shouldn't get angry. We should get even and do what we need to do as Americans to reduce our dependence on foreign oil.

Mr. RYAN of Ohio. That's exactly the point, that if we do nothing—which is what our friends on the other side of the aisle want us to do is nothing. We know that over the last 8 years, $1,100 increase in energy costs. So keep doing that, you know what you're going to get.

What we're saying is we can't afford to keep doing nothing. We have to do something. And what we're doing is reducing our dependency. Give us control over what we're doing. We have no control in many ways when we're depending on sheiks in the Middle East. So, to your point, we've got to take control of this issue.

We're Americans, for God's sake. And you know what? When have we started in this country to be afraid of doing big things? Let's wrap our arms around this energy issue and take control of it

and take it under the umbrella of the United States of America and stop all of these problems. You're exactly right. If gas is $4 a gallon this summer, we would be getting calls from our constituents, What are you doing? And you know what? If it wasn't for the recession, it probably would be. So next year, there will be $4-a-gallon gas, and hopefully we're moving along to fix this problem.

Mr. BOCCIERI. Mr. TONKO, why don't you take a minute and wrap it up.

Mr. TONKO. Thank you for bringing us together, and it's great to develop this colloquy with our colleagues here in the House, but I can't help but wonder which of us would have the opportunity to serve in this House if we pledged at election time to make certain that we develop jobs in competing nations for developing green energy innovation? Which of us would serve here? Which of us would serve here if we pledged to send dollars to some of the most troubled spots in the world that find us defending freedom-loving nations against some of these forces around the globe? We would be rejected resoundingly by that electorate.

Well, that's what's happening here. The agents of status quo are content to continue this effort to have other nations build the renewable resources out there. They would be content to have the American public send tons of their hard-earned dollars into the economies of the Mideast on which we rely for well over 60 percent of our oil supply. That is unacceptable.

And we can do it cleaner, we can do it greener, we can do it through American resources that develop American jobs to respond to the energy crises around the world. We can become that go-to Nation that will be the exporter of energy intellect, energy innovation, energy ideas. Just like we won the race in the 1960s for the space race.

We need to win this race. We don't have a choice to enter in. I think that choice has been made because there is a competitive edge already that's being developed with other nations out there. We need to go forward with an aggressive investment.

The investment here is to combat a huge deficit that was inherited by this administration, by the Obama administration. It was driven high and it started with a surplus. They spent away that surplus. They drove us into a deficit situation, and now it is necessary for us to invest in an innovation economy that creates jobs.

Mr. BOCCIERI. I thank the gentlemen for joining us tonight. This has been a very intriguing dialogue, and I hope we garner a deeper appreciation for what it means to become energy independent. You all have the right vision. Now we have to find the courage in the Senate. We have to find 60 patriots in the Senate who will stand up and put America first and suggest that this is about producing and creating jobs here in our country, protecting our national security, and moving away from our dependence on foreign oil.

So with that, I will yield to my good friend from New York as we wrap it up.

Mr. MCMAHON. Thank you for convening the Freshmen Power Hour, and thank you also for having such a special guest in Congressman RYAN gracing us with his eloquence here, with his maturity and wisdom from so many years here in Congress.

You guys have said it all here tonight. This is, quite frankly, a no-brainer. Cap-and-trade was a Republican idea. It makes sense. It's market principles. It's about national security. It's about jobs, manufacturing good jobs for electricians and carpenters and plumbers and steamfitters and engineers and scientists. It is about our environment, too.

You know, Congressman RYAN, when you were talking about the people in China saying, Hey, we want clean air, in Staten Island in New York, we have the highest lung cancer rates in America. The people of Staten Island and Brooklyn and New York City, we want clean air, too. So it's about the environment as well.

But this is a bill that allows us to do all of those things in a uniquely American way, the right way. I'm glad we voted for it in the House. I'm disappointed at the Republicans that they keep lying about it, but I hope, as you said, 60 patriots in the Senate will find a way to get this done and we'll send this bill to the President's desk and get it signed.

Mr. BOCCIERI. Mr. Speaker, let's get this done for America.

We yield back.

□ 2230

CULTIVATING AMERICAN ENERGY RESOURCES

The SPEAKER pro tempore (Mr. MINNICK). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker. I do appreciate the time.

As frustrating as these times are, and as difficult as these times are for America, it never ceases to be an honor to serve in this body and to be serving, in my case, the constituents of east Texas. It does mean so much, and the more that you know about history and where we've come from——

Ms. FOXX. Would my colleague from Texas yield for a moment?

Mr. GOHMERT. Yes, I will yield.

PARLIAMENTARY INQUIRY

Ms. FOXX. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. FOXX. One of the gentlemen just speaking in the Special Order said, ''Republicans keep lying about it.'' I thought there might be some concern about the use of that phrase, and I would like to ask the Speaker if that is an acceptable phrase to be used on the floor when speaking about other Members.

The SPEAKER pro tempore. Members are reminded not to engage in personalities.

Ms. FOXX. Thank you, Mr. Speaker. Unfortunately, the folks who said it are not here to hear you say that. But thank you very much.

Mr. GOHMERT. I appreciate the gentlewoman from North Carolina pointing that out. I was in the back, jotting down a few notes. But I have had some concerns about some of the things that I had heard. For example, it is inappropriate under the House rules for someone in this body to call another person in this body a liar. That violates the House rules clearly. It's inappropriate to call names in here and engage in personality destruction. That's not appropriate. I've had constituents wonder why those of us on the floor don't call each other names, like Gordon Brown was called in Parliament in England. I have explained to them, Well, we have rules in the House. We don't do that kind of thing here. It's entirely inappropriate, and you can be called down. You can be censured for inappropriate conduct here on the floor and name calling, engaging, as the Speaker said, in attacks on personality.

But there was a comment I did hear in the discussion amongst my colleagues across the aisle about energy; and what I noted when I wrote down the comment was, ''If we do nothing like those on the other side say,'' and I attribute no ill motive or intent to that comment. But the trouble is, that is not accurate; and obviously, it indicates just an ignorance with regard to what has been proposed on this side.

For example, in the area of energy, we have proposed bill after bill that would provide this country more energy. For example, 80 percent or so of our coast is off-limits to drilling off that coast. You can drill off the coast of Texas, Louisiana, Mississippi. There are some areas where drilling is going on. But we have found in Texas that despite all the naysayers who have said it would kill off fishing, when I was growing up in Texas, they allowed platforms off the coast. We ended up having platforms off the coast of Texas, drilling for oil and gas. Lo and behold, guess what happened—fish proliferated out there. They used the platforms as an artificial reef. So if you go out fishing in the Gulf with a guide, they're likely to take you to an oil and gas platform because the fishing abounds around there. Lo and behold, man and environment can work together for the good of both. Not only would we produce great amounts of energy and avoid this country going back to $4 a gallon gasoline, which we are going to go to because of the policies of the current administration and the current Speaker who want to put more and more—not just want to—they are constantly putting more and more of our natural energy resources off-limits, just constantly.

Some of us have had bills, supported bills that have used the information available to say, If we allow drilling off the Outer Continental Shelf, it will do a number of things. For one thing, it will provide tremendous amounts of money for the Federal Treasury because of the royalties coming from that. Not only that, there are estimates that if we allow Outer Continental Shelf drilling, that it would produce at least 1.1 to 1.3 million jobs. Well, the President originally promised that he would create 3 million jobs, and he backed off of that and said, well, he may save that many, or 4 million, may save them. And obviously you can never document that you saved a job, only if you created them or didn't. So that's why it was important to inject the word ''save'' in there.

But with regard to drilling in the Outer Continental Shelf, there would actually be real jobs created, not just on the platforms—there, of course—but it would create jobs in every single State. Then also if we allowed drilling up in ANWR—and it's not this beautiful mountainesque area up there. It's not. You go up there, and there's nothing there. Nothing lives there. The caribou may go through once a year, but they can't live there. There's nothing to live on. Birds may fly through every now and then, but there's nothing there for them to live on. That's the area that Jimmy Carter designated for drilling because it was an ideal place, and there was plenty of oil there. But if we allowed the oil to be pursued there, it would create a tiny footprint; and compared to the massive size—and it gets smaller constantly with technology—there would be another 1 million jobs created around the country, the United States, more Federal money, more jobs, which actually would create more Federal money. Then also there are some slopes in Alaska where drilling for natural gas has not been allowed, and that's estimated to create another 1.1 to 1.3 million jobs. We could have between 3 million and 4 million jobs without taxing an extra quarter of a penny. It would cost nothing extra if we just used the resources we've got.

Ms. FOXX. Would the gentleman yield?

Mr. GOHMERT. Yes. I yield to my friend from North Carolina.

Ms. FOXX. I appreciate your helping to correct some of the things that they said. But I was very concerned with the fact that they said, We, on this side, want to do nothing. You know, I can challenge the veracity of their comments, particularly on that one. The gentleman, I know, is aware of the fact that Republicans have been trying for 2½ years to do something about the situation with energy. I know that you shared with 130 of us, I think, who came down last summer and spoke all during the month of August. But just for my sake and for anybody who's watching tonight, would you please verify that Republicans have offered several bills to do the very kinds of things that these gentlemen were talking about tonight? The unfortunate thing is that we're in the minority. They're in the majority. So they can talk a lot about it, and they could do something about it when we could not at the time, except bring it to the attention of the American people. But please make a comment about the American Energy Act.

Mr. GOHMERT. Well, sure. We had the American Energy Act. There are so many Republican bills that have been filed, and they encompass virtually everything. We want more solar. We want more wind. All these different sources. Nuclear power. I never thought I would end up indicating we ought to emulate France about anything, but they've done a terrific job in producing nuclear energy.

□ 2240

And so that is another area that we can utilize.

Natural gas from the horizontal drilling, the hydraulic fracking, when it's properly done, it has produced now, in recent years we find out, much more natural gas than we thought. And we have plans that encompass all of these things, every single source of energy.

What also our friends across the aisle have not realized, they made a comment about how their energy, their ''crap and trade'' bill would actually create jobs. And that does indicate to me that they didn't read their own bill. And that's rather unfortunate because there are things that contradict what they said.

But we've had many bills, and we call them ''all of the above.'' And as my friend, Dr. Foxx, recalls, we were pushing an all of the above. We want to utilize all of the gifts with which this country has been blessed. We have more coal—now, coal burned improperly pollutes the atmosphere. We can demand better; coal-to-liquid that doesn't produce all the pollution that just burning coal does. We can require scrubbers, as we have over the years, to help clean up the environment.

We have more coal than any nation in the world. We have vast supplies of natural gas, now over 100 years worth. We've got vast amounts of oil. We had estimates in our Natural Resources Committee—and we've talked about so many of these issues there—in a 500-square-mile area that includes Utah, Wyoming, and part of Colorado, there is a very thick shale there that we would like to see oil produced. And some estimates are 1 trillion to 3 trillion barrels of oil could be produced. Well, we were told that there's only about 1 trillion barrels of oil left in the entire Middle East, and we may have one to three times that much in one 500-square-mile area if we allow the people to go after it. And our plans all include those things.

But one other thing about pursuing that energy ourselves would be, we have a plan. We have bills that would actually take the money from the Outer Continental Shelf revenue, it would take money from ANWR production, it would take money from the gas production in Alaska and would actually use that to do research and find these other sources of energy.

I have a bill myself that they won't let come to the floor, and it's far-reaching. And some might say, well, it's kind of like the Star Wars idea that Reagan pushed—which ended up bringing down the Soviet Union and providing cover for so much of the world these days. But I really believe that someday solar energy will be our best source of energy and we'll be able to utilize it more so than ever. But we don't have a good way to store electricity. We can store energy. Energy can be stored, as it is in a place or two around the country, where during low-usage times they will maximize production of electricity to use it to pump water up into high reservoirs so that in peak times the water can flow down, turn turbines, and produce additional amounts of electricity. Now, that's storing energy, but it's not storing electricity.

So I had a bill that would say, for anyone who comes up with a way to store electricity in megawatt amounts for 30 days without losing more than 10 percent of the power, you get a $300 million cash prize. Now, obviously if somebody comes up with a way to do that, they're going to make a lot of money off the process. Some say there is no way that could ever happen. Some scientists I've talked to said, Man, if we could do that, find a way to hold that electricity, we would never need any other source again. It would revolutionize everything. We might even be able to harness electricity. I mean, the lightning from electricity that would come down, we could just store that.

And so those things, I think they are out there. I don't know of a Democrat bill that addresses that; that's a Republican bill, that's my bill. That's far-reaching; it's not going to happen in the next 2 years. But we believe if you use the energy resources we've got, the carbon-based resources we've got, demand clean air, clean water, and be good stewards of the environment, but then use the proceeds to develop the next generation of energy, then we don't have to have people lose jobs.

Now, our friends across the aisle were talking about they were concerned about jobs going to China and places like that. The fact is, that crap-and-trade bill is going to run jobs to China, India, Brazil. And I don't see how anybody can say they're going to help the environment by closing down manufacturers in this country and driving them to countries who produce four to 10 times more pollution to do the same job that goes into the same atmosphere. That is ridiculous. That doesn't preserve our environment; it makes it worse.

And another thing, too, it's historical fact that when a country's economy is struggling, the country quits

worrying about the environment. They quit being good stewards of the environment. We don't have to do that. We can be good stewards, but you've got to have a vibrant economy to do that.

So why in the world would you want to put extra requirements on your industry in order to drive them to countries that would pollute 4 to 10 times as much? It makes no sense at all.

I yield to my friend, Dr. Foxx.

Ms. FOXX. Well, I think that this is a great segue to talk about the other subject that we wanted to talk about tonight, which is health care, and what is happening with the health care debate.

Mr. GOHMERT. Let me reclaim my time just briefly because that's where we want to get, but I do want to point out one other thing.

When I hear the talk about what this body is doing to create jobs, let me mention this. They didn't read the crap-and-trade bill because it says—and I pulled it out here on the floor, but I didn't have the full bill because there was only one bill in which both the 300-page amendment filed at 3:09 a.m. was being interfaced with the other bill, and that was right up there on the second level. And I finally got up there and found out where the one—and the Speaker ruled, consulting with the Parliamentarian, that even though there was no final bill that was put together with the amendments in the final bill, that that two stacks of documents that was not collated, didn't have all the lines deleted that it was supposed to, that that bill constituted the official copy that was supposed to be here on the floor.

But in that bill there was a climate—I believe it was called a Climate Adjustment Fund, something like that, and it created a fund. And in the face of people saying across the aisle that nobody's going to lose their jobs, we're going to create jobs—and I heard it again tonight—if you just read the bill—obviously these weren't the people that wrote it, but whichever staffers wrote it, they knew that somebody was going to lose their job. Maybe Members didn't know because they hadn't read it, but the staffers that put that bill together knew people were going to lose their jobs because the fund said it was to compensate people who lost their jobs because of the crap-and-trade bill.

And not only that, it created money in there to help people with relocation. But the problem is, it wasn't going to help them relocate to China, India, Brazil and these different places where those jobs were going to actually go. That was in the bill. So the people, whatever staffers drafted that bill, they knew people would lose their jobs, but unfortunately the Members that didn't read the bill didn't know that that was in there.

And not only that, as my friend, Dr. Foxx, knows, in the last month, what have we been doing? According to my friends, some of them across the aisle, Oh, we've been concentrating on jobs, jobs, jobs. Last week, we passed a bill for $770 million for wild horses and burros. I love horses, I grew up riding them, I love them. But the problem created after our friends across the aisle took the majority, they outlawed controlling the herds of these wild horses—even though they have an area bigger than New York State to run wild in.

Well, they have proliferated like crazy. And now, since we couldn't do anything for herd control, now they want to spend $770 million, a big hunk of that, to buy a place bigger than West Virginia for the horses to continue to run around in. There was some money in there that I'm sure would have created a few jobs, that was going to help the wild stallions with their birth control, their contraception. So that was going to be interesting to see somebody apply for that job and do whatever was required to help the stallion with his contraception needs. But anyway, that was $770 million.

Not only that, my friend knows that we just passed—and I know neither one of us voted for it—we passed a bill for $25 million to help the otters. And as I pointed out here, when we passed the bill for $25 million for the cranes—not the whooping cranes, but cranes, most of which are in other countries—and $25 million for rare dogs and cats—none of which are in this country.

I was pointing out to my friends across the aisle, you know, you talk about wanting to save jobs and helping; we've got Americans with habitat problems right here. And you're sending money to China that we have to borrow from China in order to buy land to let these rare dogs and cats live on so somebody can move into that area that's starving and kill those rare dogs and cats. I mean, that's insane when we have Americans having habitat problems.

□ 2250

So when I hear people saying oh, no, we're all about jobs, jobs, jobs, I am very concerned. But I was able to point out to some of my friends that supported the crap-and-trade bill that actually there is good news in there for the people that supported that, like our friends across the aisle that did, that actually when the voters find out what all is in that bill that they didn't read, there's good news for them because they may be eligible for both relocation and that allowance because they'll lose their job as a result of that bill. So they may be able to get proceeds under the fund when they lose their jobs because they voted for that bill. I did want to point those things out.

The sea turtles, don't forget we sent sums because it may be necessary to protect sea turtles, and 80 percent of that is required to go to foreign countries and not stay here. I mean, people here have habitat problems, and we're spending money like it's just growing on trees up here, and we are going to be in trouble.

Now I would like to get into the health care issue because there is money being spent, again, like it's growing on trees. The estimate of the President's plan, $1 trillion to $2 trillion. We had just gotten the data back, I think, in May for 2007 that showed all the spending for Medicare and Medicaid. It didn't even include SCHIP. Medicare and Medicaid. And we want to help people. We are a caring Nation, and that's what a caring Nation does. But you've got to spend your money wisely.

So we got the data, and you divide the number of households in America into the amount of money spent by the government on Medicare and Medicaid, and it's $9,200 per household, for every household in America. The average is every household in America had to come up with $9,200 in order to fund much less than one-third of the population on Medicare, Medicaid, and SCHIP. Well, that's insane. We can do better than that.

That's why I started putting together my own bill that basically would save tremendous amounts of money. And for the first time ever, senior citizens would have complete coverage. They wouldn't have to buy wraparound, supplemental coverage, anything like that. They would have complete coverage with a high deductible insurance, which is normally so much cheaper because you have the high deductible.

Then to cover that deductible, for any household where people were on Medicare, Medicaid, or SCHIP or any combination, we would give them cash money, $3,500, in a health savings account that they access with a debit card, and it is theirs to access for health care. And for anybody that might try to spend it on anything else, it wouldn't work because the bill requires it to be coded in such a way that only health care items, whether it's prescription drugs, over-the-counter drugs, treatment at the doctor's office, all those kinds of things would be covered. And when you ran up $3,500, if you did, then the insurance that we would purchase for you every year would kick in and you'd be covered.

And to provide $3,500 in a household account of everyone on Medicare, Medicaid, and SCHIP, give them that cash money in the health savings account they completely control with that debit card, no gatekeeper insurance company or government telling them they can't if it's truly for real health care needs, and then above that the private insurance we would purchase with Federal money would cover them so well, they wouldn't need any kind of other supplemental.

Now, that is showing care for senior citizens, for those who are in poverty. For all of those who are in poverty, senior citizens, disabled that needed Medicare, Medicaid, or SCHIP, that is the kind of caring that I know Republicans care about; that you can do it

better without some government bureaucrat jumping in between people and their doctor.

Now, I have a health savings account right now and insurance coverage. Some people say Congress has got these gold-plated policies. I've got a $3,000 deductible. I had better insurance when I was in private business. I had better insurance when I was a judge and chief justice than I do right now. I did. But I've a $3,000 deductible policy, and I try to accumulate enough money each month into my health savings account, but it's going away at the end of the year.

Well, in the bill that I'm going to file, and I have about got it finished, it actually lets your health savings account amount roll over if you have excess in there each month. But for our seniors, all those on Medicare, Medicaid, and SCHIP, they would get a new $3,500 in their health savings account every year. They would have new insurance purchased every year. And they couldn't be dropped because of a preexisting condition or anything like that. They'd just be covered and we'd take care of them. That's the kind of thing that shows when you really care about people.

I yield to my friend Dr. Foxx.

Ms. FOXX. I appreciate my friend leading the Special Order here tonight on health care.

I always like to start with setting the stage and getting the facts. I come from a background in education and in business, and I like to put the facts out so that people can see what they are and then make judgments themselves instead of just saying, like some of our colleagues do, what is happening. So I would like to show a chart that I have and I'd like to really talk about what is being talked about and what has driven this emphasis on doing something about health care.

Now, we hear that it's being called ''health care reform,'' although I think some of our colleagues and the President have stopped using that term ''health care reform.'' But I think it's really important that we put into perspective what it is we are talking about.

We hear all the time that there are 47 million Americans who do not have health care. That is not accurate. I have the numbers. I have the sources for them. If anybody wants to get these from me, they're from the Census Bureau. They are from the Congressional Research Service, the National Institutes of Health, the National Institute for Health Care Management, and the National Survey of American Families. So these are not numbers that I have made up or Republicans have made up; these are numbers that come from government sources.

So first of all, we don't have 47 million Americans who do not have health care. I've said it before. I have been criticized for saying it. But it is the truth. All Americans have health care. All they have to do is go to a doctor or go to a hospital. They will get health care. We do not turn people away from health care providers in this country. So they have health care.

But what these people really should be saying is they want to talk about the number of people who do not have insurance. There is a big difference between saying a person doesn't have health care and doesn't have insurance. And even that number needs to be clarified. So the folks who are making a big issue out of 47 million Americans, which is an inaccurate figure, really should be saying there are 45.7 million people in this country who are uninsured. Now, let me break that down.

Of those, 9.5 million are not citizens. So when you hear it's Americans who do not have health insurance, that's not accurate either when you're using the 45.7 million because 9.5 million of them are noncitizens. Many of them are here illegally.

Then we have people who are eligible for public programs: Medicare, Medicaid, SCHIP. That's 12 million people. They have chosen not to participate in those programs.

You know, this is the freest, greatest country in the world. We are allowed in this country to make decisions, lots and lots of decisions. And I find it really interesting that our friends on the other side want to push choice that destroys unborn babies but when it comes to choice for school, when it comes to choice not to participate in a government program, they are not so keen on that. But we do have 12 million people who have chosen not to go into Medicare, not to go into Medicaid or SCHIP.

□ 2300

That's their choice. Then we have 9.1 million who are only temporarily uninsured. That means for maybe a month out of a year, in between jobs, or for other reasons, they might be uninsured. But they are not uninsured all the time. That is just for a brief period of time. So that's another 9.1 million. Then there are 7.3 million who make over $84,000 a year. They are perfectly capable of purchasing health insurance. But most of them are young people who don't feel the need to do it.

I talked to a lady on the phone tonight who used to own a small business, and she said that it was all men, and they were between the ages of 20 and 35. And she said, we had the lowest rates for insurance of anybody because those people don't get sick very often and don't need a lot of insurance, and insurance obviously is calibrated on facts related to the age and the usage. And so she said it was very low rates at that time.

So a lot of people who are in that age range don't see the need to get insurance. So there's 7.3 million. That brings us down to 7.8 million who have lower income and long-term uninsured. These are people who probably would like to have insurance, but they feel they can't afford it. That's the number of people that we need to be serving in this country.

We do not need to turn our culture completely upside down, which is what the proposal from the Democrats is, in terms of health care, give government control of our lives, to take care of 7.8 million people. That would be a relatively inexpensive thing to do when you're talking about trillions of dollars.

Now, I believe, as my colleague has mentioned, that we need to reform Medicare and Medicaid. I believe in that. I think we should be doing better in those areas. We could make those programs better. We could have a higher quality of care, I believe, and again, more choices for our seniors and for those who need those programs. But we simply do not need to redo the entire health care system in this country to take care of 7.8 million people.

We know that American people are hurting. Republicans know that we need reform. And I want to go back to what our colleagues on the other side of the aisle keep saying. But saying it isn't going to make it true. They keep saying, Republicans don't want to do anything. They talk about our being the do-nothing group. That is simply not true. It was Republicans who instituted health savings accounts. And it's one of the things that the Democrats most hate because, again, it gives people choices. It allows people to build wealth. If they put that money into health savings accounts and they don't use it, they keep it. If you put money into insurance and you don't use it, it's gone.

We believe in building wealth and allowing individuals to do that. We believe in continuing the good habits that this country has fostered over the years, again, keeping the government out of our lives, keeping the government from running our lives from cradle to grave, and letting people make their own decisions and continuing to make this country the great country that it is, the only country I know of where people are struggling to get into. And I'd like to yield back to my colleague from Texas, because I know he has some great stories to tell about issues related to health care and some experiences, more experiences to talk about. And so I'd like to yield back.

Mr. GOHMERT. I thank the gentlelady for yielding back. But I thank her even more for her insightful comments and explanations about those who are without insurance and what the real number is that we're talking about, and the real number that we really need to do something to assist. That is so immensely helpful.

But I was struck last week too that, during debate over the health care issue, and some on this side of the aisle were giving story after story, true stories, of just terrible things that had happened, and people died, suffered immensely under health care in England or Canada because of the long waiting list that people get put on to get, either diagnostics to find out if there's a problem, or what the problem is, and

then whatever the therapeutic need is, whether it's surgery, radiation, whatever, how long they waited, and some died while waiting for that.

And we had a friend across the aisle get up and say that, You know, gee, folks here are talking about Canada and England and their health care. No, no, we're not going to be like them. We're America. We always do things better.

And I was so struck by that comment because, for a couple of decades, we've been hearing people on the other side of the aisle talk about we need health care like England. We need health care like Canada. And that's been going on for a number of years, pointing to Canada. Look, we need to be like Canada. We heard that over and over. And then when we start getting into the nitty-gritty and just exactly how people are getting treated in Canada and England, the great examples we've heard for so many years, and we start pointing out these are not good systems that you've been telling us we need to imitate and emulate, then we get the response, Well, we're America. We'll certainly do it better than they did.

Well, the trouble is it doesn't matter what your country is. When you pursue socialism, and the United States government or any other government is trying to take over health care, and run health care, you're headed for trouble. It's socialized medicine. I was an exchange student in the Soviet Union back in 1973 for a summer. We went to hospitals, to medical schools. There were 8 of us allowed in on that program in the Soviet Union that year. And anyway, I don't want socialized medicine. I've seen it.

And now we have friends across the aisle who have admitted this week that, really, you know, the public option they've been pushing for, it's just a way to finally get to the single-payer health care where the government runs everything. And my friends, Mr. Speaker, should know that once the government pays for everybody's health care, then they will have every right to tell you how to live, tell you what you can eat, tell you where you can go, if it's too dangerous. Once they pay the health care, then freedom and liberty that has been known in this country will be so dramatically impeded.

We don't have to go there. And when you use common sense, which I'm told in Washington is not so common, you use common sense, you see that we're already, probably by now, spending $10,000 from every household in America, on average, to just give 90 million people health care. And you realize, good grief, we could do better than that. If we just bought them the best sterling silver, golden health care in the world, gave them that kind of coverage, and there are some things that need to be done so the insurance company doesn't create problems and impede your freedom there, too. And you give them money for their own health savings account that they completely control, and it ends up being cheaper—that's a real solution.

□ 2310

You give senior citizens complete control for the first time since Medicare came into existence, and then you give them complete coverage like they've never had, like they've never had. So that's a rather significant development.

There are a few other things I'd like to point out which are proposed in my bill, because I am sick of people across the aisle saying that we don't want to do anything about health care and that we like the status quo. Folks, we cannot stand to do the status quo. We have got to make some changes or it is going to bankrupt this country. We can do better, and this is one proposal that will.

One of the things we've got to have is complete transparency in health care costs because we sure don't have it now. We're not even close. You know, I've asked myself before: What is this going to cost? Well, it all depends; and it does. Which insurance have you got? If you don't have insurance, then that's another cost; but they may give you a little discount. Even if they give you a little discount, it's not going to be as cheap as you could get if you were an insurance company like Blue Cross.

Well, under my proposal, under this plan, you would have complete transparency because every health care provider would have to disclose to you exactly what the cost is. If they're proposing a cost that's different to you than what they've charged to some insurance company, then they have to tell you that, and they have to tell you how much they charge to these other entities. That's part of the bill. We've got to get away from this insane billing system where a hospital may bill $1,000 to $1,500 for a room for a night, hoping they'll get back $100 to $150.

I was involved in a situation. It wasn't my personal situation, but I was very familiar with it. There was a car wreck. A man ran a stop sign. The hospitalization was 2 days, the testing, all the doctors, the ambulance—everything—came to around $10,000. That was the total of all the bills. As an attorney, you gather together all of those bills, and you provide them to the auto insurance company of whoever is at fault, and often they'll work out a settlement with you.

In that case, a settlement was reached. Money was put in escrow as required under State law, and then State law requires, before any of the proceeds of the settlement can be disbursed, that it has to first refund any money that any health care provider or insurance company has provided on behalf of the injured party. So, in accumulating the documentation, again, it was around $10,000 total.

The documentation came back from all of the providers that everyone had been paid in full by the health insurance company of the injured driver. Everybody has been paid in full under their agreement with the health insurance company, so then you have to get documentation from the health insurance company.

Okay. Show us how much you paid to all of these different health care providers—hospital, ambulance, tests, doctors, all that stuff. Show us how much you paid to satisfy the $10,000 in health care costs, and you'll be cut a check for that amount, and we'll send it right on out to you. The documentation came as to how much the insurance company paid in full satisfaction of $10,000 in health care costs, and it was right at $800 to satisfy $10,000 in medical claims.

So, if you're the party and if you get these claims, you go, Oh, my word. This is $10,000 of health care costs? Thank goodness I have insurance. I sure couldn't afford $10,000. If you knew the real truth, that it was being paid in full with $800, you might realize, gee, you don't need as much insurance as you thought you did. You could buy cheaper insurance; you could have a deductible, and your insurance would be cheaper.

With the proposal for everybody, it would cover everybody on Medicare, Medicaid and SCHIP or any combination. We give them cash in their accounts that they control, and then buy insurance on top of that. It will save this government money, the State's money, and it will give dignity back to seniors who've had to beg the government, who've had to beg their supplemental carriers and who've had to get into arguments. That would have to cease. That would cease and it should. As the Federal Government, we should see to that and not create greater slaves to the Federal Government.

Another thing that this bill would do—and again, it's a Republican bill. There are numerous, wonderful plans that are being proposed on the Republican side of the aisle, but we're not in the majority. The majority can control and can keep every one of these great ideas from coming to the floor. In my proposal, it also addresses and provides great incentives for employers to pay money into individuals' health savings accounts, and that would be money that you, the individual, would have, would control, which would be yours. Again, it's a debit card—it's in the bill—that's coded to cover things that are health care related. Then you would have a high deductible insurance to cover things above the health savings account amount.

Yet since young people hardly cost anything, young people in their 20s and 30s, they would be accumulating vast amounts of money in their health savings accounts so that, by the time they would get to be seniors, the government wouldn't need to pay anything because they would already have so much in their health savings accounts that they could buy their own great insurance. They could pay for whatever they'd need, and they'd have a high deductible insurance.

There have been some statistics that have been put together that have shown that young people could pay for the best assisted living that they could ever need. Special needs would be addressed. That would be the way to get off this road to the $22 trillion that has been estimated we're headed toward with the Medicare system we're on right now.

There are those who have been desensitized by President Bush's requesting $700 billion last fall, by President Obama's asking for $700 billion this year and by the $400 billion land omnibus bill's actually getting, apparently, over $400 billion of the original bailout money for Secretary Geithner to throw around at his friends as he sees fit. So people have kind of been desensitized as to how much $1 trillion is.

So that it can be put in perspective, the total amount estimated to have been received by the U.S. Treasury for tax year 2008 is apparently going to be around $2.5 trillion.

We have Medicare that is running through the roof, which will break this country. At the same time, seniors, relatives of mine whom I love and care about, are having to buy supplemental insurance because it really doesn't take care of what they need. They're fussing with their insurance companies; they're fussing with Medicare. That is ridiculous. You get toward your last days on Earth, and you've got to fuss over that kind of stuff? That's absurd. We don't have to do that.

Another issue, though, with regard to health care is not only the transparency of costs, but it is an issue with regard to migrants, both illegal and legal, getting free health care. We've seen very clearly health care costs will bankrupt this country if we don't do something to save this Nation, and we can. It's doable, but we have got to get back to reality.

It's estimated that there are over 1.5 billion people in the world who would like to immigrate, who would like to come into the United States. Legally or illegally, they would like to come into this country. Well, we've got over 300 million Americans right now. If 1.5 billion people came into this country, it would overwhelm everything, and we would be bankrupt overnight because we would not be able to absorb that kind of thing.

So, at some point, we have got to go back, as our forefathers did, and say: You know what? The rule of law means something. That's why we have such a top economy in the world, and that's why our friends to the south, Mexico, don't. They've got great workers, hard-working people. They've got incredible national resources, but they're not one of the top 10 economies because they've not been a nation of laws where the rule of law has mattered. They've been a country where graft and corruption all too often have been the rule of the day, not the rule of law. You can bribe your way out of things, and that is why they have not advanced.

Well, we don't need to forsake the rule of law. I am all for having all of the visas we need to supply the workers we need. Right now, we don't need a lot of workers, because there are a lot of out-of-work Americans.

So, as to all this talk about jobs Americans won't do, well, we had a hearing in the crime subcommittee in the last couple of weeks, and we found out that, out of just over 200,000 people incarcerated in Federal prison, 53,000 of them are migrants, immigrants in the country. We were told that most of them were illegal immigrants. We didn't get the exact number out of the 53,000.

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But over 25 percent of the people in Federal prison are not American citizens and most of those 53,000 are illegally here. Well, people who are illegally here and are not paying for health care will bankrupt this country if we allow this to go unabated. And some of us care enough about our contribution as the greatest philanthropic country in the world's history and if we'd like to continue to do that, that we need this economy going and going forward in good measure.

And so part of this proposal and part of this bill is that if you are seeking a visa to come into this country, you will have to show proof that you have a health savings account, health insurance to cover your health needs while you're here. There's a provision where employers can set up migrant worker health care costs, or to cover health care costs while they're here and that will satisfy the requirement. You can show proof that the household you're going to be living in will allow you to be part of their household insurance and health savings account. But you're going to have to provide that or you don't get a visa or you don't get one renewed.

Not only that, the Supreme Court in this caring nation says if you present yourself while you're illegally in this country to a hospital, we'll provide your health care needs. That's the law. The Supreme Court says it is; we'll follow the law. But once we've got you well enough to travel, you will be deported and because a bankrupt nation is a matter of national security to avoid, then if you come back after you've been illegally here and required free treatment, free to you but at a huge cost to the American taxpayer, then that will be a crime, that you came in illegally, got free health care and then after deported you came back again, that will be a crime and you would have to be incarcerated. We have got to stop that, so that we continue to be the kind of nation that 1.5 billion people would like to come to and that people around the world can receive the great charity of this nation. Otherwise, a bankrupt nation can't help anybody around the world.

Mr. Speaker, I would like to inquire, how many minutes do I have left?

The SPEAKER pro tempore. The gentleman has 6 minutes remaining.

Mr. GOHMERT. Thank you, Mr. Speaker.

I would also like to point out that under this health care plan, insurance whether purchased by the employer, purchased by the Federal Government, purchased by the individual, it will be totally owned by the individuals that have the insurance which means it's fully portable. There will be provisions that you can't be dropped because of preexisting conditions, things like that, because we have got to get things back on keel and that would be very helpful to do that.

I would just like to encourage, Mr. Speaker, those who are beginning to think, and I was on a telephone town hall conference tonight before I came over. We had thousands of people on that call. We asked the question, how many would like for the government to run health care? And we had right at 98 percent say they absolutely did not want the government running health care. They know too much about it themselves. We asked how many people were satisfied with their own health insurance or their health care situation and the vast majority were. We don't have to redo the entire system. We don't. But we can do better than we are, and my Republican friends I've talked to, especially the last couple of weeks, like this idea. We'll be getting that filed and we'll get it scored. There's an opportunity to show the caring heart of Americans. And in a different way from what my colleague across the aisle was intimating when he said, We're Americans, we can do—what he was talking about—socialized medicine better here than they've done it. Not if it's socialized medicine, but I would submit to you as Americans, we can do better.

I never seek to impose my religious beliefs on anyone else but I think it's important to know history and where we are and I'd just like to conclude, because it may be a word of encouragement to people, that when the Washington Monument was dedicated, there's a four-sided pyramid capstone that was put on there, there's writing on all four sides but on the side facing the Capitol, up here this way, are the Latin words, laus Deo, praise be to God. That's on the top of the Washington Monument. That is the tallest point in Washington, D.C. Those people back then put laus Deo, praise be to God, on the side facing the Capitol for this reason: This is east of the Washington Monument. This is the side from which the sun comes up. They wanted to make sure that when God's first rays of sun hit anything in this Nation's Capitol, it was the words—boom—praise be to God, and that is what I hope Americans will be able to say with our Founders for many centuries to come.

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 Mr. LEWIS of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. TITUS, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SCHAUER, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 838. An act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1513. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Friday, July 31, 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:

2937. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Requirements Applicable to Undefinitized Contract Actions (DFARS Case 2008-D029) (RIN: 0750-AG29) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2938. A letter from the Chief Counsel, FEMA, Department Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1055] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2939. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting draft legislation entitled, ''Defense Production Act Reauthorization of 2009''; to the Committee on Financial Services.

2940. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8081] received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2941. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of July 23, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2942. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-14, proposed Letter(s) of Offer and Acceptance, pursuant to section 36(d)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2943. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

2944. A letter from the Assistant Secretary and the Acting Assistant Secretary for Bureau of Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 046-09, Transmittal No. DDTC 065-09, Transmittal No. DDTC 005-09, Transmittal No. DDTC 070-09, and Transmittal No. DDTC 052-09, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

2945. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

2946. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment (Transmittal No. DDTC 074-09); to the Committee on Foreign Affairs.

2947. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed export defense articles or services (Transmittal No. DDTC 028-09); to the Committee on Foreign Affairs.

2948. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 010-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2949. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 063-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2950. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 057-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2951. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 073-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and defense articles, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2952. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to Germany (Transmittal No. DDTC 051-09); to the Committee on Foreign Affairs.

2953. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 067-09, certification of an application for a license for the export of defense articles of defense services to be sold under contract, pursuant to section 36(c) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2954. A letter from the Auditor, District of Columbia, transmitting the Office's report entitled ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of Fiscal Year 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2955. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 7A for Fiscal Years 2005 through 2008, as of March 31, 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2956. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 6C for Fiscal Years 2005 through 2008, as of March 31, 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2957. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-34; Introduction [Docket FAR: 2009-0001, Sequance 5], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2958. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-022, Contractor Performance Information [FAC 2005-34; FAR Case 2006-022; Item I; Docket 2008-0002; Sequence 2] (RIN: 9000-

AK99) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2959. A letter from the Acting Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2008-028, Role of Interagency Committee on Debarment and Suspension [FAC 2005-34; FAR Case 2008-028; Item III; Docket 2009-0021; Sequence 1] (RIN 9000-AL33) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2960. A letter from the Acting Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-32; Small Entity Compliance Guide [Docket: FAR 2009-0002, Sequence 5] received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2961. A letter from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting the 2008 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2962. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2008 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2963. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the New Haven-Hartford and New London, Connecticut, Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AL83) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2964. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION (RIN: 3206-AL13) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2965. A letter from the President, National Council on Radiation Protection and Measurements, transmitting the 2008 Annual Report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

2966. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Recurring Marine Events in the Fifth Coast Guard District [Docket No.: USCG-2009-0430] (RIN: 1625-AA08) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2967. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Target Fireworks, Detroit River, Detroit, MI [Docket No.: USCG-2009-0483] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2968. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Pamunkey River, West Point, VA [Docket No.: USCG-2008-1175] (RIN: 1625-AA09) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2969. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: F/V PATRIOT, Massachusetts Bay, MA [Docket No. USCG-2009-0512] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2970. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, MD [Docket No.: USCG-2008-1119] (RIN: 1625-AA11) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2971. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Symphony Orchestra; San Diego, California [Docket No.: USCG-2009-0345] (RIN: 1625-AA00) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2972. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Post 9/11 GI Bill [DOD-2009-OS-0021] (RIN: 0790- AI43) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2973. A letter from the Federal Register Liaison Officer, Department of Veternans Affairs, transmitting the Department's final rule — Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA): Preauthorization of Durable Medical Equipment (RIN: 2900-AM9) received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2974. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — EXTENSION OF PORT LIMITS OF DAYTON, OHIO, AND TERMINATION OF THE USER-FREE STATUS OF AIRBORNE AIRPARK IN WILMINGTON, OHIO [USCBP-2005-0091] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2975. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting the Commission's 2008 Annual Report on operations under the War Claims Act of 1948, as amended, pursuant to 50 U.S.C. app. 2008 and 22 U.S.C. 1622a; jointly to the Committees on Foreign Affairs and the Judiciary.

2976. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Connection Slough, Bacon Island, CA [Docket No.: USCG-2008-1141; formerly CGD11-03-005] (RIN: 1625-AA09)receivedJuly 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Veterans' Affairs.

2977. A letter from the Secretary, 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; jointly to the Committees on Science and Technology and Natural Resources.

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. FRANK of Massachusetts: Committee on Financial Services. H.R. 3269. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions; with an amendment (Rept. 111–236). Referred to the Committee of the Whole House on the State of the Union.

Mr. McGOVERN: Committee on Rules. House Resolution 697. Resolution providing for consideration of the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions (Rept. 111–237). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2010 (Rept. 111–238). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS. Committee on Oversight and Government Reform. H.R. 2392. A bill to improve the effectiveness of the Governor's collection, analysis, and dissemination of business information by using modern interactive data technologies; with an amendment (Rept. 111–239). 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. LARSON of Connecticut (for himself and Mr. TIBERI):

H.R. 3399. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. PRICE of Georgia (for himself, Mr. AKIN, Mr. ALEXANDER, Mr. SCALISE, Mrs. BACHMANN, Mr. SOUDER, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. JORDAN of Ohio, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. CASSIDY, Mr. LAMBORN, Mr. FLEMING, Mrs. LUMMIS, Mr. WAMP, Mr. MARCHANT, Mr. ROONEY, Mr. COFFMAN of Colorado, and Ms. FALLIN):

H.R. 3400. A bill to provide for incentives to encourage health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, the Judiciary, Rules, the Budget, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. POE of Texas):

H.R. 3401. A bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself and Mr. COSTA):

H.R. 3402. A bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund; to the Committee on the Judiciary.

By Ms. WOOLSEY (for herself, Mr. ALTMIRE, and Mr. GEORGE MILLER of California):

H.R. 3403. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. STARK, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. JOHNSON of Georgia, Ms. FUDGE, Ms. HIRONO, Mr. NADLER of New York, Ms. BORDALLO, Mr. FARR, Mr. LATOURETTE, Mrs. MILLER of Michigan, Mr. PETERS, Mr. DINGELL, and Mrs. CAPPS):

H.R. 3404. A bill to amend the Assistance for Unemployed Workers and Struggling Families Act and the Supplemental Appropriations Act, 2008 to provide for the temporary extension of certain unemployment benefits and the temporary availability of further additional emergency unemployment compensation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG (for himself and Mr. CASTLE):

H.R. 3405. A bill to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3406. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts reimbursed by an individual's employer for certain dietary supplements and meal replacement products; to the Committee on Ways and Means.

By Mr. BUYER (for himself, Mr. MICHAUD, and Mr. BROWN of South Carolina):

H.R. 3407. A bill to amend title 38, United States Code, to make certain improvements to laws administered by the Secretary of Veterans Affairs relating to benefits for severely injured veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCDERMOTT (for himself, Mr. NEAL of Massachusetts, and Mr. TIERNEY):

H.R. 3408. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Ms. BERKLEY, Mr. SHIMKUS, Mr. COHEN, Mr. SHERMAN, Ms. HERSETH SANDLIN, Mr. OBERSTAR, Mr. CARDOZA, Mr. KIND, Mr. DAVIS of Illinois, Mr. DAVIS of Alabama, Mr. HELLER, and Mr. CROWLEY):

H.R. 3409. A bill to amend the Internal Revenue Code of 1986 to allow an additional credit against income tax for the adoption of an older child; to the Committee on Ways and Means.

By Ms. BEAN (for herself, Mr. OBERSTAR, Mrs. BIGGERT, Mr. ROSKAM, Ms. BERKLEY, Mr. BILBRAY, Mr. BRALEY of Iowa, Ms. DEGETTE, Ms. WASSERMAN SCHULTZ, Mr. FOSTER, Ms. HARMAN, Mr. KIND, Mr. MANZULLO, Mr. THOMPSON of California, Mr. SHIMKUS, Mr. HOLDEN, Mr. VISCLOSKY, and Mrs. HALVORSON):

H.R. 3410. A bill to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOYD:

H.R. 3411. A bill to exempt certain coastal barrier areas in Florida from limitations on Federal expenditures and financial assistance under the Coastal Barriers Resources Act, and limitations on flood insurance coverage under the National Flood Insurance Act of 1968; to the Committee on Natural Resources, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself and Ms. ROS-LEHTINEN):

H.R. 3412. A bill to recognize Jerusalem as the capital of Israel, to relocate to Jerusalem the United States Embassy in Israel, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. CAPITO (for herself and Mr. SPACE):

H.R. 3413. A bill to authorize the National Telecommunications and Information Administration of the Department of Commerce to make grants for the establishment of information technology centers in rural areas; to the Committee on Energy and Commerce.

By Mr. CARSON of Indiana (for himself, Mr. VISCLOSKY, Mr. DONNELLY of Indiana, Mr. SOUDER, Mr. BUYER, Mr. BURTON of Indiana, Mr. PENCE, Mr. ELLSWORTH, and Mr. HILL):

H.R. 3414. A bill to name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the ''Otis Bowen Comfort Home''; to the Committee on Veterans' Affairs.

By Mr. COSTELLO:

H.R. 3415. A bill to suspend flood insurance rate map updates in geographic areas in which certain levees are being repaired; to the Committee on Financial Services.

By Mr. DAVIS of Alabama:

H.R. 3416. A bill to extend to individuals evacuated from their residences as a result of a major disaster the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, to direct the Election Assistance Commission to make grants to States to respond to election administration needs which result from a major disaster, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself, Mr. COFFMAN of Colorado, Mr. POLIS, Ms. MARKEY of Colorado, Mr. SALAZAR, and Mr. PERLMUTTER):

H.R. 3417. A bill to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature &; Science in Denver, Colorado; to the Committee on Natural Resources.

By Mr. ELLSWORTH:

H.R. 3418. A bill to amend part D of title XVIII of the Social Security Act to apply the exceptions process for tiered formulary drugs to specialty tier drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. WEXLER, Mr. COHEN, Mr. KUCINICH, Ms. ROS-LEHTINEN, Ms. NORTON, Mrs. NAPOLITANO, Ms. FUDGE, Mr. MCGOVERN, Ms. ZOE LOFGREN of California, Ms. MOORE of Wisconsin, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, and Ms. WASSERMAN SCHULTZ):

H.R. 3419. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. JONES, Mr. PIERLUISI, Ms. SCHAKOWSKY, Mr. LOEBSACK, Mr. BISHOP of New York, Mr. TONKO, and Mr. GRIJALVA):

H.R. 3420. A bill to improve and enhance substance use disorder programs for members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Ms. KILROY (for herself, Mr. GUTIERREZ, Mr. MINNICK, Mr. PERRIELLO, Ms. SCHAKOWSKY, Mr. BACA, Ms. SPEIER, Mr. HINCHEY, Mr. ELLISON, Ms. MOORE of Wisconsin, Ms. FUDGE, Ms. KAPTUR, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas):

H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes; to the Committee on Financial Services.

By Mr. KING of Iowa (for himself and Mr. LATHAM):

H.R. 3422. A bill to amend title XVIII of the Social Security Act to make temporary improvements to the Medicare inpatient payment adjustment for low-volume hospitals, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMAHON (for himself and Mr. INGLIS):

H.R. 3423. A bill to impose certain sanctions on North Korea as a result of the detonation by that country of a nuclear explosive device on May 25, 2009, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for

consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 3424. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction for excess non-taxed reinsurance premiums with respect to United States risks paid to affiliates; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3425. A bill to authorize the Fair Housing Commemorative Foundation to establish a commemorative work on Federal land in the District of Columbia to commemorate the enactment of the Fair Housing Act in 1968; to the Committee on Natural Resources.

By Ms. PELOSI (for herself, Ms. SLAUGHTER, Mr. MARKEY of Massachusetts, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. DELAURO, Ms. MCCOLLUM, Mr. SERRANO, Mr. GRIJALVA, and Mr. HARE):

H.R. 3426. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Public Health Network; to the Committee on Energy and Commerce.

By Mr. QUIGLEY:

H.R. 3427. A bill to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REICHERT:

H.R. 3428. A bill to amend the Emergency Economic Stabilization Act of 2008 to require a corresponding reduction in the authorization to purchase each time a repayment is made for assistance received under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. RYAN of Wisconsin (for himself, Mr. DAVIS of Alabama, and Mr. CROWLEY):

H.R. 3429. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. LEWIS of Georgia, and Mr. RUSH):

H.R. 3430. A bill to establish a Medicare DSH pilot program under which participants shall establish collaborative care networks to reduce the use of emergency departments, inpatient and other expensive resources of hospitals and other providers and provide more comprehensive and coordinated care to low-income individuals, including those without health insurance coverage, and to establish a Collaborative Care Network Center; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHULER (for himself and Mr. BOREN):

H.R. 3431. A bill to amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles; to the Committee on Energy and Commerce.

By Mr. SPACE (for himself and Mr. PAUL):

H.R. 3432. A bill to amend the Internal Revenue Code of 1986 to allow long-distance rural commuters a deduction during periods when the local price of gasoline exceeds $3 per gallon; to the Committee on Ways and Means.

By Mr. WITTMAN:

H.R. 3433. A bill to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. DONNELLY of Indiana:

H.R. 3434. A bill to amend the Internal Revenue Code of 1986 to modify the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H. Con. Res. 172. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. ALEXANDER:

H. Con. Res. 173. Concurrent resolution expressing the sense of the Congress that the Federal Government should not levy any additional taxes on firearms or firearm ammunition during the current economic hardship; to the Committee on Ways and Means.

By Mrs. LUMMIS:

H. Res. 696. A resolution acknowledging and congratulating Western Wyoming Community College in Southwest Wyoming on the occasion of its 50th anniversary of service to the students and citizens of the State of Wyoming; to the Committee on Education and Labor.

By Mr. JONES:

H. Res. 698. A resolution expressing the sense of the House of Representatives that the fatal crash of an MV-22 aircraft on April 8, 2000, in Marana, Arizona, was not a result of aircrew human factors or pilot error; to the Committee on Armed Services.

By Mr. GRAVES (for himself, Mr. LUETKEMEYER, Mrs. EMERSON, Mr. MOORE of Kansas, Ms. JENKINS, and Mr. CLEAVER):

H. Res. 699. A resolution expressing the appreciation of Congress for the service and sacrifice of the members of the 139th Airlift Wing, Air National Guard; to the Committee on Armed Services.

By Mr. LOEBSACK (for himself and Mr. EHLERS):

H. Res. 700. A resolution expressing support for designation of the week beginning on November 9, 2009, as National School Psychology Week; to the Committee on Education and Labor.

By Mr. MORAN of Virginia:

H. Res. 701. A resolution to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem; to the Committee on Natural Resources.

By Mr. REICHERT:

H. Res. 702. A resolution directing the Comptroller General of the United States to submit reports ensuring the effectiveness of Federal programs and amending the Rules of the House of Representatives to require that certain standing committees of the House hold at least one hearing on each such report that falls within their jurisdiction; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, 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.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

151. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to SENATE RESOLUTION NO. 26 urging the President of the United States and the United States Congress to oppose legislation that is detrimental to the rights of workers and is an offense against democratic principles by opposing the Employee Free Choice Act and any of its components in 2009 and in future years; to the Committee on Education and Labor.

152. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 43 expressing opposition to the federal rule change to eliminate a health care professional's right to refrain from performing morally-objectionable procedures; to the Committee on Energy and Commerce.

153. Also, a memorial of the Legislature of the State of Minnesota, relative to CHAPTER No. 171 memorializing the President and Congress to repeal the federal legislation of 1863 ordering the removal of Dakota people from Minnesota; and urging the Congress of the United States to repeal United States Statutes at Large, volume 12, page 819, chapter 119, and pages 803–804, chapter 103; to the Committee on Natural Resources.

154. Also, a memorial of the Senate of the State of West Virginia, relative to SENATE RESOLUTION NO. 34 requesting the United States Congress to enact the Education Begins at Home Act; jointly to the Committees on Education and Labor and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. HIMES, Mr. WAXMAN, Mr. HONDA, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 108: Mr. SMITH of New Jersey.

H.R. 213: Mr. BACHUS and Mr. BAIRD.

H.R. 275: Mr. SOUDER.

H.R. 303: Mr. PAUL.

H.R. 333: Mr. PAUL.

H.R. 422: Mr. SCOTT of Georgia.

H.R. 430: Mr. LATTA.

H.R. 433: Mr. LATTA.

H.R. 444: Mr. BURTON of Indiana, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. DAHLKEMPER, and Mr. BOREN.

H.R. 503: Mr. DREIER.

H.R. 557: Mr. YOUNG of Florida.

H.R. 571: Mr. SCHOCK and Mr. ENGEL.

H.R. 614: Mr. FORBES.

H.R. 621: Mr. FOSTER, Mr. TONKO, Mr. SCHOCK, and Ms. KILROY.

H.R. 648: Mr. SESTAK.

H.R. 658: Mr. FRANK of Massachusetts.

H.R. 668: Mr. MORAN of Kansas.

H.R. 678: Mr. PLATTS.

H.R. 690: Mr. CROWLEY, Mr. MATHESON, Mr. SIRES, and Mr. LINDER.

H.R. 699: Mr. CHANDLER.

H.R. 734: Ms. KAPTUR, Mr. KISSELL, Mr. AL GREEN of Texas, and Mr. JOHNSON of Georgia.

H.R. 743: Mr. PAUL and Mr. DUNCAN.

H.R. 874: Mr. SESTAK.

H.R. 886: Mr. GUTIERREZ.

H.R. 953: Mr. MANZULLO.

H.R. 977: Mr. RAHALL, Mr. WEXLER, Mr. PASCRELL, Mr. HALL of New York, and Mr. BRIGHT.

H.R. 1017: Mr. HEINRICH.

H.R. 1074: Mr. MARSHALL, Mr. ALTMIRE, and Mr. ROHRABACHER.

H.R. 1079: Mr. SHERMAN.

H.R. 1094: Mr. MICHAUD, Mr. MCNERNEY, Mr. KANJORSKI, Mr. PAUL, and Mr. BOUSTANY.

H.R. 1101: Mr. LARSEN of Washington.

H.R. 1177: Mr. MARSHALL, Mr. LUETKEMEYER, and Mr. MCCOTTER.

H.R. 1206: Mrs. BACHMANN.

H.R. 1207: Mr. JACKSON of Illinois and Mr. PAYNE.

H.R. 1208: Mr. ISSA and Mr. AKIN.
H.R. 1221: Mr. GRAVES.
H.R. 1235: Mr. CAO, Mr. CHAFFETZ, Mr. MCGOVERN, Mr. JOHNSON of Georgia, and Mr. CONYERS.
H.R. 1278: Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. NADLER of New York, Mr. FILNER, Ms. MCCOLLUM, Mr. SKELTON, Mr. CONYERS, and Mr. JOHNSON of Georgia.
H.R. 1283: Mr. THOMPSON of Mississippi and Mr. AL GREEN of Texas.
H.R. 1313: Mr. CANTOR.
H.R. 1327: Mr. SESSIONS.
H.R. 1362: Ms. DELAURO and Mr. BAIRD.
H.R. 1431: Mr. KLINE of Minnesota.
H.R. 1454: Mr. DUNCAN and Mr. WELCH.
H.R. 1547: Mr. GONZALEZ.
H.R. 1552: Mr. QUIGLEY.
H.R. 1557: Mr. QUIGLEY.
H.R. 1578: Mr. GRIJALVA, Mr. FATTAH, Mr. SABLAN, Mr. GRAYSON, Mr. SCOTT of Virginia, and Mr. HINOJOSA.
H.R. 1596: Mr. LYNCH, Mr. SIRES, and Mr. GUTIERREZ.
H.R. 1605: Mr. MORAN of Virginia.
H.R. 1616: Mr. HIMES.
H.R. 1625: Mr. SCHAUER and Mr. CONYERS.
H.R. 1645: Mr. HIMES.
H.R. 1660: Mr. HIGGINS.
H.R. 1682: Mr. AKIN.
H.R. 1716: Mr. ROTHMAN of New Jersey.
H.R. 1718: Mr. TAYLOR.
H.R. 1826: Mr. MICHAUD and Mr. SERRANO.
H.R. 1828: Mr. GRIJALVA.
H.R. 1831: Mr. TEAGUE, Mr. LEWIS of Georgia, and Mr. MCGOVERN.
H. R. 1908: Mr. LATOURETTE.
H.R. 1977: Mr. SIRES.
H.R. 2017: Mr. SMITH of Nebraska.
H.R. 2030: Mr. FILNER.
H.R. 2083: Mr. LATHAM.
H.R. 2122: Mr. ISSA.
H.R. 2139: Mr. PETERS, Mr. INGLIS, and Mr. DENT.
H.R. 2143: Mr. QUIGLEY.
H.R. 2149: Mr. HALL of New York and Mr. ISRAEL.
H.R. 2170: Mrs. MCMORRIS RODGERS.
H.R. 2194: Mr. LEE of New York, Ms. SLAUGHTER, Mr. MICA, Mr. TURNER, Mr. RYAN of Ohio, Mr. SKELTON, Mr. HALL of New York, Mr. LARSEN of Washington, Mr. PASCRELL, Ms. DELAURO, Ms. DEGETTE, Mr. ROHRABACHER, and Mr. CUMMINGS.
H.R. 2198: Mr. FLEMING.
H.R. 2222: Ms. KOSMAS and Mr. ISRAEL.
H.R. 2254: Mr. WELCH, Mr. LARSEN of Washington, Mr. HASTINGS of Florida, Mr. HOLT, Mr. SMITH of New Jersey, Mr. PAUL, and Mr. HONDA.
H.R. 2262: Mr. CARSON of Indiana, Ms. WOOLSEY, Ms. SPEIER, Mr. LEWIS of Georgia, and Mr. SHERMAN.
H.R. 2268: Mr. THOMPSON of California.
H.R. 2296: Mr. PITTS, Mr. MANZULLO, Mr. ALEXANDER, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Mr. ROHRABACHER, Mr. SHIMKUS, Mr. BISHOP of Utah, Mr. HARPER, and Mr. ROE of Tennessee.
H.R. 2305: Mr. MARSHALL, Mr. HERGER, and Mr. GORDON of Tennessee.
H. R. 2329: Mr. SCHOCK.
H.R. 2373: Mr. MCCAUL.
H.R. 2425: Mrs. MCMORRIS RODGERS.
H.R. 2478: Mr. HIMES.
H.R. 2480: Ms. MATSUI and Mr. LANCE.
H.R. 2493: Mr. MARCHANT, Mr. POSEY, and Ms. FALLIN.
H.R. 2497: Ms. LEE of California.
H.R. 2516: Mr. FRELINGHUYSEN.
H.R. 2517: Mr. LEWIS of Georgia.
H.R. 2520: Mr. LATOURETTE.
H.R. 2523: Mr. KENNEDY.
H.R. 2542: Mr. LARSEN of Washington.
H.R. 2567: Mr. DOGGETT.
H.R. 2625: Ms. SPEIER, Mr. LEWIS of Georgia, Mr. PRICE of North Carolina, Mr. NADLER of New York, and Mr. HOLT.
H. R. 2626: Mr. BARTLETT.
H.R. 2681: Ms. CLARKE.
H.R. 2698: Mr. LOBIONDO and Mr. SMITH of Washington.
H. R. 2699: Mr. LOBIONDO and Mr. SMITH of Washington.
H. R. 2730: Mr. HOLT.
H.R. 2766: Mr. GRIJALVA.
H.R. 2808: Mrs. MCMORRIS RODGERS.
H.R. 2866: Ms. LEE of California and Mr. BERMAN.
H.R. 2897: Mr. QUIGLEY, Ms. WASSERMAN SCHULTZ, Ms. SPEIER, Mr. CARNEY, and Ms. SCHAKOWSKY.
H.R. 2909: Mr. FRANK of Massachusetts.
H.R. 2935: Ms. DELAURO, Mr. NADLER of New York, Ms. RICHARDSON, and Ms. TSONGAS.
H.R. 2936: Mr. SPACE.
H.R. 2941: Mr. LARSEN of Washington, Mr. MEEK of Florida, Mrs. MCMORRIS RODGERS, Ms. DEGETTE, Mr. PAYNE, and Mr. UPTON.
H. R. 2969: Mr. GRIJALVA.
H.R. 3003: Mr. MCDERMOTT.
H.R. 3006: Ms. WATERS.
H.R. 3035: Mr. PAUL and Ms. BERKLEY.
H.R. 3039: Mr. DREIER.
H.R. 3042: Mrs. CHRISTENSEN and Mr. COURTNEY.
H.R. 3043: Mr. BISHOP of New York and Mr. FRANK of Massachusetts.
H.R. 3044: Mr. MILLER of Florida, Ms. ZOE LOFGREN of California, Mr. KLEIN of Florida, Mr. OLSON, Mr. DENT, Mr. GRAVES, and Mr. MCCAUL.
H.R. 3070: Ms. CHU, Mr. FALEOMAVAEGA, Ms. HIRONO, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Mr. HONDA, Ms. CLARKE, Mr. GRAYSON, and Mr. CONNOLLY of Virginia.
H.R. 3085: Mr. GRIJALVA.
H.R. 3107: Mr. BILIRAKIS, Mr. PENCE, Mr. ROYCE, Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, and Mr. LAMBORN.
H.R. 3110: Ms. JACKSON-LEE of Texas.
H.R. 3116: Mr. LANGEVIN.
H.R. 3157: Mr. WALZ, Mr. KLINE of Minnesota, Mr. PAULsen, Ms. MCCOLLUM, Mr. ELLISON, Mrs. BACHMANN, and Mr. OBERSTAR.
H.R. 3164: Mr. KENNEDY and Mr. WU.
H.R. 3167: Mr. ALEXANDER.
H.R. 3186: Mr. WITTMAN.
H.R. 3197: Ms. NORTON.
H.R. 3218: Ms. FOXX.
H.R. 3231: Mr. MANZULLO, Mr. BLUNT, and Mr. ALEXANDER.
H.R. 3233: Mr. MASSA.
H.R. 3235: Mr. LATTA.
H.R. 3245: Mr. FRANK of Massachusetts and Mr. MAFFEI.
H.R. 3246: Mr. MASSA.
H.R. 3257: Mr. MCGOVERN and Mr. SCHIFF.
H.R. 3259: Mr. FILNER.
H.R. 3260: Mr. HIGGINS.
H.R. 3265: Mr. GRIJALVA.
H.R. 3266: Mr. JONES and Ms. KAPTUR.
H.R. 3273: Mr. INGLIS.
H.R. 3274: Mr. YOUNG of Alaska and Mr. BROWN of South Carolina.
H.R. 3286: Ms. FUDGE.
H.R. 3289: Mr. GORDON of Tennessee.
H.R. 3300: Mr. PERLMUTTER.
H.R. 3308: Mr. LATHAM.
H.R. 3310: Mr. KLINE of Minnesota and Mr. WITTMAN.
H.R. 3339: Mr. LUJÁN.
H.R. 3341: Mr. MCCLINTOCK, Mr. PLATTS, Mr. PITTS, and Mrs. BACHMANN.
H.R. 3356: Mr. POSEY, Mrs. BACHMANN, Mr. AKIN, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. SHADEGG, Ms. FALLIN, Mr. BARTLETT, Mr. LINDER, and Mr. SESSIONS.
H.R. 3360: Mr. CAPUANO.
H.R. 3376: Mr. COBLE, Mr. MICA, and Mr. YOUNG of Alaska.
H.R. 3382: Mr. BARRETT of South Carolina, Mr. CHILDERS, Mr. COBLE, and Mr. STUPAK.
H.R. 3394: Mr. ROHRABACHER.
H. Con. Res. 42: Mr. WATT, Mr. FILNER, and Mr. JOHNSON of Georgia.
H. Con. Res. 43: Mr. FILNER and Mr. JOHNSON of Georgia.
H. Con. Res. 44: Mr. JOHNSON of Georgia.
H. Con. Res. 67: Mr. GRIJALVA.
H. Con. Res. 73: Mr. GRIJALVA, Mr. JOHNSON of Georgia, and Mr. LEWIS of Georgia.
H. Con. Res. 129: Mr. WITTMAN and Mr. TAYLOR.
H. Con. Res. 144: Mr. REICHERT.
H. Con. Res. 157: Mrs. BACHMANN and Mr. POE of Texas.
H. Con. Res. 160: Mr. MURTHA, Mr. SHULER, Mr. SESTAK, and Mr. WELCH.
H. Con. Res. 163: Ms. MARKEY of Colorado, Mr. AL GREEN of Texas, Mr. SHULER, Mr. HOLT, and Ms. MCCOLLUM.
H. Con. Res. 169: Mr. MILLER of Florida, Mr. JORDAN of Ohio, Mr. SENSENBRENNER, Ms. FOXX, and Mr. ROGERS of Kentucky.
H. Res. 32: Mr. AL GREEN of Texas.
H. Res. 57: Mr. MANZULLO.
H. Res. 150: Mr. WATT, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia.
H. Res. 175: Mr. MINNICK.
H. Res. 467: Mr. SPACE.
H. Res. 487: Mr. BOUSTANY, Mr. RADANOVICH, Mr. SMITH of Texas, and Mr. SESSIONS.
H. Res. 494: Ms. SHEA-PORTER.
H. Res. 513: Mr. POE of Texas.
H. Res. 550: Mr. STARK.
H. Res. 554: Mr. FORBES, Mr. SAM JOHNSON of Texas, Mr. ROE of Tennessee, Mr. LOEBSACK, Mr. WITTMAN, and Mr. WHITFIELD.
H. Res. 577: Mr. PENCE, Mr. CARSON of Indiana, Mrs. SCHMIDT, Mr. TERRY, Mr. DEAL of Georgia, Mr. BUYER, and Mr. BARTON of Texas.
H. Res. 581: Mr. THORNBERRY, Mr. ALEXANDER, and Mr. COLE.
H. Res. 604: Mr. BURGESS, Mr. POE of Texas, Mr. BILIRAKIS, Mr. PENCE, Mr. FORTENBERRY, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. LAMBORN.
H. Res. 619: Ms. GINNY BROWN-WAITE of Florida, Mr. GARRETT of New Jersey, and Mr. ROONEY.
H. Res. 627: Mr. SHUSTER, Ms. SHEA-PORTER, Mr. CONAWAY, Mr. ROGERS of Alabama, Mr. ELLSWORTH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. THORNBERRY, Mr. LANGEVIN, Mr. MILLER of Florida, Mr. JOHNSON of Georgia, Mr. ROHRABACHER, Mr. WILSON of South Carolina, Mr. SPRATT, Mr. SNYDER, Mr. LOBIONDO, Mr. COURTNEY, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Mr. MASSA, Mr. Bright, Mrs. DAVIS of California, Mr. WITTMAN, Mr. REHBERG, Mr. ORTIZ, Mr. WU, Mr. FILNER, Mr. BERMAN, Mr. RODRIGUEZ, Mr. MINNICK, Ms. BEAN, Mr. ARCURI, Ms. SCHWARTZ, Ms. KOSMAS, Mr. KLEIN of Florida, Mr. KIND, Mr. KLINE of Minnesota, Mr. COOPER, Ms. GIFFORDS, Mr. HONDA, and Mr. POE of Texas.
H. Res. 638: Mr. GENE GREEN of Texas, Mr. MEEKS of New York, Mr. ROSKAM, Mr. BURTON of Indiana, Mr. BARRETT of South Carolina, Mr. PAUL, Mr. POE of Texas, Mr. WAMP, Mr. HENSARLING, Mr. ROHRABACHER, Mr. CARNAHAN, Mr. BLUNT, Mr. TANNER, and Mr. AL GREEN of Texas.
H. Res. 659: Ms. LEE of California, Mr. RANGEL, Mr. WATT, Mr. BARROW, Ms. MOORE of Wisconsin, Mr. FATTAH, Mr. CUMMINGS, Mr. COHEN, and Mr. DAVIS of Alabama.
H. Res. 663: Mr. MILLER of Florida.
H. Res. 666: Mr. POE of Texas.
H. Res. 676: Ms. GIFFORDS.
H. Res. 677: Mr. CONNOLLY of Virginia, Mr. FILNER, Mr. SNYDER, Mr. FALEOMAVAEGA, Mr. CROWLEY, Mr. HONDA, and Mr. ACKERMAN.
H. Res. 679: Mr. AL GREEN of Texas.
H. Res. 686: Mr. JORDAN of Ohio, Mr. COHEN, Ms. FUDGE, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. KILDEE, Mr. CONYERS, Ms. MATSUI, Ms. SLAUGHTER, Mr. GUTIERREZ, Mr. NEAL of Massachusetts, Mr. DRIEHAUS,

Mr. GARRETT of New Jersey, Mr. NYE, Mr. HILL, Mr. CHILDERS, Mr. BERRY, Mr. MINNICK, Mr. RUPPERSBERGER, Mr. BOYD, Ms. LORETTA SANCHEZ of California, Ms. CHU, Mr. MCDERMOTT, Mrs. HALVORSON, Mr. LEVIN, Mr. BARROW, Mr. TANNER, Mr. CARDOZA, Mr. PETERSON, Mr. PERRIELLO, Ms. KILROY, Mr. WEXLER, Mr. MOLLOHAN, Mr. HALL of New York, Mr. SALAZAR, Mr. SCHRADER, Mr. CROWLEY, Mr. KLEIN of Florida, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. STARK, Mr. FATTAH, Ms. SUTTON, Mr. PALLONE, Ms. DEGETTE, Mr. MURTHA, Mr. LEWIS of California, Mr. BRIGHT, Mr. SPRATT, Mr. DELAHUNT, Mr. MCMAHON, Mr. CONNOLLY of Virginia, Mr. SCHAUER, Mr. DAVIS of Illinois, Mr. TEAGUE, Ms. CASTOR of Florida, Mr. BUTTERFIELD, Ms. KOSMAS, Ms. ESHOO, Mr. BECERRA, Mr. KIND, Mr. RUSH, Mr. LANCE, Mr. ELLISON, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. VELÁZQUEZ, Ms. WOOLSEY, Mr. CARNEY, Mr. SHERMAN, Mr. COSTELLO, Mr. BERMAN, Mr. TONKO, Mr. RYAN of Ohio, Mr. DAVIS of Tennessee, Mr. WILSON of Ohio, Mr. DINGELL, Mr. MILLER of North Carolina, Mr. KUCINICH, Ms. JENKINS, Mr. BOCCIERI, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Mr. MURPHY of New York, Mr. LYNCH, Mr. LANGEVIN, Ms. MOORE of Wisconsin, Mr. QUIGLEY, Mr. RANGEL, Mr. BOREN, Mr. MOORE of Kansas, Mr. SHULER, Mr. ANDREWS, Mr. MORAN of Virginia, Ms. DELAURO, Mr. KENNEDY, Mr. ACKERMAN, Mr. HINCHEY, Ms. SPEIER, Mr. PERLMUTTER, Mr. WAXMAN, Mr. LARSON of Connecticut, Mr. DICKS, Mr. BISHOP of New York, Ms. SCHWARTZ, Mr. OLVER, Mr. FOSTER, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. COLE, Mr. BILBRAY, Mr. TIAHRT, Mr. BUYER, Mr. POE of Texas, Mr. JONES, Mr. BARTLETT, Mr. CUMMINGS, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. CAMPBELL, Mr. LATTA, Mr. KRATOVIL, Mr. FRELINGHUYSEN, Mr. HINOJOSA, Mr. PIERLUISI, and Mr. BACHUS.

H. Res. 689: Mr. ROONEY.

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 FRANK of Massachusetts, or a designee, to H.R. 3269, the Corporate and Financial Institution Compensation Fairness Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 848: Mr. ADLER of New Jersey.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

63. The SPEAKER presented a petition of Mayor and City Commission of the City of Wilton Manors, Florida, relative to RESOLUTION NO. 3415 URGING THE PRESIDENT AND THE UNITED STATES CONGRESS TO ADOPT THE MILITARY READINESS ENHANCEMENT ACT OF 2009 (H.R. 1283), WHICH ELIMINATES THE ''DON'T ASK, DON'T TELL'' POLICY AND, AMONG OTHER THINGS, ADOPTS A POLICY OF NON-DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION WITHIN THE UNITED STATES ARMED FORCES; which was referred to the Committee on Armed Services.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

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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 Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord of our pilgrim years, the day returns and brings us the round of its concerns and duties.

As our Senators serve You and country, make them aware that their attitudes, words, and actions influence the structure of events and human relationships around our Nation and world. Help these representatives of freedom to master themselves that they may be the servants of others. In these times of strain, keep them from magnifying the slights and stings that are a part of the legislative process. Give them pure hearts and a passion to serve the American people with integrity and honor.

Lord, today, we commit to You all that we have and are to realize Your best for this Nation and world.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 30, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for an hour. Senators will be permitted to speak for 10 minutes each. Under an agreement reached last night, we are going to turn to the consideration of H.R. 3357, the highway trust fund legislation, among others things. Rollcall votes are expected to occur throughout the day.

The Senate will recess from 2 p.m. to 3 p.m. to allow for a Members-only briefing with Secretary Clinton and Secretary Gates, who both just returned from overseas—the Secretary of State and the Secretary of Defense.

I have not had an opportunity to speak to the Republican leader today, but we will probably have the four votes after the briefing we will have with the two Secretaries. We will stack them, and we should be able to complete all the debate at that time. The legislation has not yet arrived from the House, but I think it will be here in the next half hour or so.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. 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. MCCONNELL. 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.

HEALTH CARE WEEK VIII, DAY IV

Mr. MCCONNELL. Madam President, the American people are making their voices heard in the debate over health care. One of the things they are demanding is that we do something to lower costs. This is why the proponents of a government takeover never fail to mention lowering costs as one of their primary goals. Yet, more and more, Americans are beginning to ask themselves a very simple question: How can more government lead to lower costs?

They look at Medicare, a government-run health care program that's nearly bankrupt, and they don't understand how an even bigger, more complicated government-run health plan won't end up in the same condition—and they certainly don't understand why the administration would propose cutting hundreds of billions of dollars from Medicare to help pay for this massive new government-run plan.

Yet, this is precisely what some are proposing: that we use Medicare as a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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piggy bank to pay a significant portion of the administration's plan for health care reform. Well, in my view, it's a terrible idea, and on the 44th anniversary of this vital program that roughly 40 million Americans rely on each day, I think it is important to explain why.

Here is how one of the proposed cuts would work. Right now, if a senior citizen on Medicare needs surgery, his or her hospital stay will likely be covered by Medicare. And because health care costs go up each year, Medicare provides for annual increases that ensure that hospitals and other providers are able to keep pace with inflation.

What the administration and some Democrats in Congress are now proposing is that we reduce or even eliminate this annual increase—thus, cutting the amount of money we spend on Medicare, a drastic measure that could have a serious impact on our hospitals and the communities and patients they serve.

It would be one thing if these cuts were being proposed as a way of strengthening Medicare. The simple fact is that Medicare faces significant challenges that must be addressed. When Medicare Part A—the program that pays for hospital stays—was enacted, 44 years ago today, it was projected that in 1990 this program would spend $9.1 billion on hospital services and related administration. As it turned out, spending in 1990 totaled almost $67 billion—or more than seven times the original prediction. These exploding costs have taken a toll on the program's bottom line. Today, Medicare is already spending more than it is taking in, and it is expected to be insolvent in just 8 years. Unfortunately, the administration plans to use Medicare cuts in order to fund yet another new government program.

America's seniors don't want politicians in Washington tampering with Medicare to pay for health care reform. They want us to fix it. I get letters almost every day from some of the nearly 700,000 Kentuckians who have Medicare. They are counting on it in the years ahead, and they are worried about its future. In my view, we have a serious obligation to make sure it's there for them. Unfortunately, the administration's proposal takes the wrong approach.

Just yesterday, the Joint Economic Committee completed a study on the administration's proposed cuts to Medicare. It found that if these cuts were used to restore Medicare rather than to fund a government takeover of health care, the Medicare trust fund's 75-year unfunded liability would be reduced by 15 percent, or more than $2 trillion, and that it would delay the trust fund's bankruptcy by 2 years. In short, while any savings from a reformed Medicare would strengthen it for a longer period of time were they put back into the current program, this just highlights how important overall reform is to ensuring that Medicare continues to serve our seniors.

This is why I have argued for weeks that any savings from Medicare should be put back into the program. And this is why I have also repeatedly urged the administration and my colleagues in the Senate to move forward on the bipartisan Conrad-Gregg proposal, which would provide a clear pathway for fixing the problems in Medicare and other important entitlement programs. Conrad-Gregg would force us to get debt and spending under control. It is the best way to reform Medicare. It deserves the support of every Member of Congress.

Doctors and hospitals across the country are worried about what these proposed cuts in Medicare would mean for them and their patients. Earlier this year, the Kentucky Hospital Association warned that the kinds of cuts being considered in Washington would seriously impact the services hospitals currently provide to seniors in my State. I would encourage my colleagues to talk to seniors, doctors, and medical professionals in their own States and see what they're saying. My guess is that it's a lot different than what some of the lobbyists and interest groups here in Washington are saying.

Some in Congress seem to be in such a rush to pass just any reform, rather than the right reform, that they are looking everywhere for the money to pay for it—even if it means sticking it to seniors with cuts to Medicare. If there was ever a program that needed to be put on a sounder financial footing it is medicare. And yet throughout the debate over health care, we don't seem to be focusing our attention on this vital issue. Instead, the same people who are unwilling to make the hard choices that are needed to fix Medicare now want us to trust them to create a new government program that will inevitably suffer from these same problems. It just doesn't add up, and Americans are beginning to realize it.

So on this anniversary, here is my message: Using massive cuts to Medicare as a way to pay for more government-run health care isn't the kind of change Americans are looking for. Americans want savings from Medicare to be used to strengthen Medicare, not to create a system that would increase long-term health care costs, force Americans off the insurance they have and like, and lead to a government takeover of health care that has the same fiscal problems that Medicare has.

Forty-four years ago today, President Johnson signed Medicare into law, saying that our Nation would never "refuse the hand of justice to those who have given a lifetime of service and wisdom and labor" to their Nation. Those of us in Congress have a responsibility to fulfill that vow. And the best way to do so is to work together on reforms that address the real problems in our health care system, problems like the ones we see with Medicare.

I have been encouraged, as lawmakers on both sides, and even the President, have acknowledged that the reform proposals we have seen so far are not where they need to be. Strengthening Medicare to make sure it meets the needs of seniors today and in the years to come would be a very good place to start.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

SOTOMAYOR NOMINATION

Mr. ALEXANDER. Madam President, I have a statement to make about the President's nomination of Judge Sonia Sotomayor to be Associate Justice of the U.S. Supreme Court.

Even though Judge Sotomayor's political and judicial philosophy may be different from mine, especially regarding second amendment rights, I will vote to confirm her because she is well qualified by experience, temperament, character, and intellect to serve as an Associate Justice of the U.S. Supreme Court.

In 2005, I said on this floor that it was wrong for then-Senator Obama and half the Democratic Senators to vote against John Roberts—a superbly qualified nominee—solely because they disagreed with what Senator Obama described as Roberts' "overarching political philosophy" and "his work in the White House and the Solicitor General's Office" that "consistently sided" with "the strong in opposition to the weak." Today, it would be equally wrong for me to vote against Judge Sotomayor solely because she is not "on my side" on some issues.

Courts were never intended to be political bodies composed of judges "on your side" who would reliably tilt your way in controversial cases. Courts are supposed to do just the opposite: decide difficult cases with impartiality.

The oath Judge Sotomayor has taken twice and will take again when she is sworn in as Associate Justice of the Supreme Court says it best:

> . . . I will administer justice without respect to persons, and do equal right to the poor and to the rich and . . . I will faithfully and impartially discharge and perform all the duties incumbent upon me . . . under the Constitution and laws of the United States.

During her confirmation hearings, Judge Sotomayor expressly rejected then-Senator Obama's view that in a certain percentage of judicial decisions, "the critical ingredient is supplied by what is in a judge's heart . . . and [in] the depth and breadth of one's empathy." In answer to a question from Senator KYL, she said in her confirmation hearing:

> I can only explain what I think judges should do, which is judges can't rely on what's in their heart. They don't determine the law. Congress makes the laws. The job of a judge is to apply the law. And so it's not the heart that compels conclusions in cases. It's the law. The judge applies the law to the facts before that judge.

Giving broad Senate approval to obviously well-qualified nominees helps

to increase the prestige of the Supreme Court and to confirm its impartiality. For that reason, until the last few years, Republican and Democratic Senators, after rigorous inquiries into the fitness of nominees, usually have given those well-qualified nominees an overwhelming vote of approval. For example, no Justice on the Supreme Court that John Roberts joined in 2005 had received more than nine negative votes. Four were confirmed unanimously. All but three Republican Senators voted for Justice Ginsburg, a former general counsel of the American Civil Liberties Union. Every single Democratic Senator voted to confirm Justice Scalia.

In truly extraordinary cases, Senators, of course, reserve the prerogative, as I do, to vote no or even to vote to deny an up-or-down vote.

During the 8 years I was Governor of Tennessee, I appointed about 50 judges. In doing so, I looked for the same qualities Justice Roberts and Judge Sotomayor have demonstrated: intelligence, good character, restraint, respect for law, and respect for those who came before the court. I did not ask one applicant how he or she would rule on abortion or immigration or taxation. I appointed the first female circuit judge in our State and the first African-American court chancellor and the first African-American State supreme court justice. I appointed both Democrats and Republicans. That process served our State well and helped to build respect for the independence and fairness of our judiciary.

In the same way, it is my hope that my vote now will not only help to confirm a well-qualified nominee but will help to return the Senate to the practice only recently lost of inquiring diligently into qualifications of a nominee and then accepting that elections have consequences, one of which is to confer upon the President of the United States the constitutional right to nominate Justices of the Supreme Court.

Madam President, I ask unanimous consent to have printed in the RECORD my floor remarks in support of Judge John Roberts on September 27, 2005.

There being no objection, the material was ordered to be printed in the RECORD, as follows;

FLOOR REMARKS OF U.S. SENATOR LAMAR ALEXANDER IN SUPPORT OF JUDGE JOHN ROBERTS, SEPTEMBER 27, 2005

My constituents have been asking me: who will President Bush nominate for the second Supreme Court vacancy? And the question reminds me of the kicker from California who went to Alabama to play for Coach Bear Bryant. Day after day in practice, the kicker kept punting it more than 70 yards. Day after day, Bryant never said a word. Finally, the young man went to Bryant. Coach, I came all the way here from California to be coached by you and you never say a word to me. ''Son,'' Bryant said, ''When you start kicking it less than 70 yards, I will remind you of what you were doing when you kicked it 70 yards.''

My only respectful suggestion to President Bush is that he try to remember what he was thinking when he appointed John Roberts, and to do it again. For anyone who has been trained in the law, as I have, and who knows something about the profession, it has been a pleasure to watch Judge Roberts' nomination and his confirmation process. It is difficult to overstate how good Judge Roberts seems to be. He has the resume of most talented law students' dreams: editor of the Harvard Law Review and clerk to Judge Henry Friendly. I was a law clerk to Judge John Minor Wisdom in New Orleans who regarded Henry Friendly as one of the two or three best appellate judges of the last century. Judge Roberts learned from Judge Friendly. Then he was law clerk to the last Chief Justice. Add to that his work in the Solicitor General's office where only the best of the best are invited to work. Then add his success as an advocate before the Supreme Court both in private and in public practice. Then still further add his demeanor, his modesty both in philosophy and in person—something that is not always so evident in a person of superior intelligence and great accomplishment. And his kindnesses to individuals with whom he has worked. His performance before the Senate Judiciary Committee demonstrated all of those qualities: restraint, good humor, intelligence, and a command of the body of law that a Supreme Court justice must consider. The televised episodes could be the basis for a law school course or any civics class.

Judge Roberts brings, as he repeatedly said, no agenda to the Supreme Court. He understands that he did not write the Constitution, and it's not his job to rewrite it but to interpret it. That he does not make laws, but is obligated to apply them. He understands the federal system.

For a devotee of the law, watching the John Roberts hearings was like watching Michael Jordan play basketball at the University of North Carolina in the early 1980s or Chet Atkins as a session guitarist in the 1950s in Nashville. One doesn't have to be a great student of the law to recognize there is unusual talent here.

So then if Judge Roberts' professional qualifications and temperament are so universally acclaimed why do we now hear so much talk of changing the rules and voting only for those justices who we can be assured are ''on our side.'' That would be the wrong direction for our country. In the first place, history teaches us that those who try to predict how Supreme Court nominees will decide cases are almost always wrong. Felix Frankfurter surprised Franklin Roosevelt. Hugo Black surprised the South. David Souter surprised almost everybody.

In the second place, courts were never intended to be set up as political bodies that could be relied upon to always tilt one way or another in controversial matters. Courts are supposed to do just the opposite: to hear the facts and impartially apply the law and the Constitution in controversial matters. Who will have confidence in a system of justice that is deliberately rigged to be on one side or the other despite what the facts and the law are?

Finally, failing to give overwhelming approval to an obviously well-qualified nominee like Judge Roberts just because he is ''not on your side'' reduces the prestige of the Court. It jeopardizes its independence. It makes it less effective as it seeks to perform its indispensable role in our constitutional republic.

For these three reasons Republican and Democratic senators, after rigorous hearings and discussions, have traditionally given well-qualified nominees for Supreme Court justice an overwhelming vote of approval. I'm not talking about the ancient past, I'm speaking of justices who are on the Court today, none of whom are better qualified than Judge Roberts.

Justice Breyer—Confirmed by a vote of 87–9 in a Congress composed of 57 Democrats and 43 Republicans.

Justice Ginsburg—Confirmed by a vote of 96–3 in that same Congress.

Justice Souter—Confirmed by a vote of 90–9 in a Congress composed of 55 Democrats and 45 Republicans.

Justice Kennedy—Confirmed by a vote of 97–0 in a Congress composed of 55 Democrats and 45 Republicans.

Justice Scalia—Confirmed by a vote of 98–0 in a Congress composed of 47 Democrats and 53 Republicans.

Justice O'Connor—Confirmed by a vote of 99–0 in a Congress composed of 46 Democrats and 53 Republicans.

Justice Stevens—Confirmed by a vote of 98–0 in a Congress composed of 61 Democrats and 37 Republicans.

The only close vote on this Court was for the nomination of Justice Thomas following questions of alleged misconduct by the nominee. Thomas was confirmed by a vote of 52–48. However, even in that vote, 11 Democrats crossed the aisle to support the nominee.

If almost all Republican senators can vote for Justice Ginsburg, a former General Counsel for the American Civil Liberties Union, and a nominee who declined to answer numerous questions so as not to jeopardize the independence of the court on cases that might come before her, and if every single Democratic U.S. senator could vote for Justice Scalia—then why can't virtually every senator in this chamber vote to confirm Judge Roberts?

I was governor for eight years in Tennessee. I appointed about fifty judges. I looked for the same qualities Judge Roberts has demonstrated: intelligence, good character, restraint, respect for the law, and respect for those who came before the court. I did not ask one applicant how he or she would rule on abortion or immigration or taxation. I appointed the first woman circuit judge, as well as men. I appointed Tennessee's first African American chancellor and the first African American state Supreme Court justice. I appointed Republicans and Democrats. That process served our state well and helped build respect for the independence and fairness of our judiciary. I would hope we would try to do the same as we consider this nomination for the United States Supreme Court.

It is unlikely in our lifetimes, that we will see a nominee for the Supreme Court whose professional accomplishments, demeanor and intelligence is superior to that of John Roberts. If that is so, then I would hope that my colleagues on both sides of the aisle will do what they did with all but one member of the current Supreme Court, and with most of the previous justices in our history, and vote to confirm him by an overwhelming majority.

Mr. ALEXANDER. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I ask to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Ms. KLOBUCHAR. Madam President, health care reform is a very personal matter for me and a personal matter for so many people in my State. I first got interested in this issue, as I think many of us did, after something happened to me when my daughter was born. When she was born, she was very sick. She could not swallow. Back then, insurance companies had a rule that new moms and their babies were kicked out after 24 hours. After she had been in intensive care, I was kicked out of the hospital after 24 hours. As my husband wheeled me out in a wheelchair, I remember thinking: This wouldn't have happened to the wife of the head of the insurance company, but it happened to me.

I went to the legislature, along with a lot of other mothers, and said we have to change this to at least guarantee new moms and their babies a 48-hour hospital stay. Minnesota was one of the first States in the country to adopt that rule, which later, under President Bill Clinton, became national policy.

I remember going to the legislature and standing there at the conference committee, and some of the insurance companies were there trying to make sure the implementation of this 48-hour rule was delayed. I decided to take all the pregnant women I knew to the conference committee. We outnumbered the lobbyists two to one. So when the legislators said, When should this new bill take effect which guarantees new moms and babies 48 hours, all the pregnant moms said, ''Now.'' And that is what happened. That is my experience, and that is how I got involved in this issue.

As I have traveled our State, I have heard from Minnesotans about the importance of doing something about health care. They want cost-effective health care. We have one of the best health care systems in the country. The President has lauded Minnesota. We know it is good. We have something like 93 percent coverage, and it tends to be run a lot more efficiently.

But still there are people in my State, as there are all over the country, who are saying: We can't have the status quo because we know our premiums are going up and up. Maybe we can afford it this year, but we are not going to be able to afford it next year; or, if I lose my job, I am not going to have health care tomorrow.

That is what the people in my State are saying. I heard from Dawn in Staples, MN, who is struggling to afford the prescription drugs necessary to treat her multiple sclerosis, and John in Oakdale, MN, who has insurance for his wife and three sons but ends up paying thousands of dollars in deductibles and coinsurance if one of his boys gets sick.

Meanwhile, a new study by the White House Council of Economic Advisers found that small businesses pay up to more than 18 percent—18 percent more—to provide health insurance for their employees, often forcing these businesses to lay off employees or cut back on their coverage.

I was up in Two Harbors, MN, about a month ago visiting a little backpack company that has done amazing things. They are actually making some of the backpacks now for our troops in Iraq and Afghanistan. They said that their health care premiums now are something like $20,000 for a family of four—small businesses paying that much, for one family, for health care insurance. It cannot go on.

I was down in southern Minnesota in the southeastern corner of our State and met with one of the clinic heads there, someone who heads up one of the hospitals in Wisconsin and Minnesota. He said they had three emergency appendectomies in just a 2-week time period and they should not have happened at that point, they should have been caught earlier. When they talked with the three people who showed up for the emergency appendectomies, they said: Why are you here? Two said: We are in small businesses, and we thought if we came in too early—we thought we could just get over this because we were afraid what it would do to the premiums. The third person who had the emergency appendectomy said: I just don't have the money to pay for this.

That is what we are hearing all over our State, in a State that tends to have one of the best health care systems in the country.

The American people know inaction is not an option. If we do not act, costs will continue to skyrocket and 14,000 Americans will continue to lose health insurance every single day. That is the status quo. We must not waiver in our efforts to enact a uniquely American solution to our Nation's health care problems. We must keep what works and fix what is broken. We must also level the playing field between consumers and insurance companies, preserve choice, expand access, and provide safeguards so that people do not lose their coverage if they lose or change their jobs, have preexisting medical conditions, or simply grow older.

As we prepare to take up landmark health reform legislation, many in Washington are looking to Minnesota as a national leader. In Minnesota, we have developed a health care system that rewards quality, not quantity. It promotes coordinated, integrated care, and it focuses on prevention and disease management and controls costs. That is why we tend to have healthier people in our State. That is why we tend to have more people covered. That is why we tend to have more quality health care, because we focus on the system as a whole.

Congressional Budget Office Director Doug Elmendorf recently testified before the Senate Budget Committee that to truly contain health care spending, Congress must change the way Medicare pays providers in an effort to encourage cost-effectiveness in health care.

I couldn't agree more. Shifting to a value-based system is critical to controlling health care costs. Because you know what—and people would be shocked by this—when you look at States that have some of the highest quality, they tend to have some of the lowest costs, and States that have the highest costs tend to have the lowest quality care. That is messed up.

Most health care is purchased on a fee-for-service basis, so more tests and more surgeries—if not done appropriately, with the patient in mind—can mean more money; quantity, not quality, pays. According to researchers at Dartmouth Medical School, nearly $700 billion per year is spent on unnecessary or ineffective health care. That is 30 percent of total health care spending.

To rein in costs we need to have all health care providers aiming for high-quality, cost-effective results, as they do in Minnesota. That is why I have introduced legislation, along with Senator MARTINEZ, that would create a value index as part of a formula used to determine Medicare's fee schedule. This indexing will help reduce unnecessary procedures because those who produce more volume will need to also improve care or the increased volume will negatively impact fees.

To correct myself, that legislation was actually introduced with Senator GREGG, and Senator MARTINEZ and I have introduced a bill to focus on Medicare fraud.

Linking rewards to the outcomes for the entire payment area creates the incentive for physicians and hospitals to work together to improve quality and efficiency. In too many places patients must struggle against a fragmented delivery system where providers duplicate services and sometimes work at cross-purposes.

We must also look at other areas where we can help reduce inefficient health care spending because, in the end, this is about focusing on quality care and getting that care to the patients who need it. It is focusing on the patients instead of all the insurance providers and all the other people who feed off the system. It is focusing on what works best for the patients. Recent studies show if all the hospitals in the country followed the protocol the Mayo Clinic uses in the last 4 years of a chronically ill patient's life—lives where the quality index is incredibly high—I think most people in this country and their families would love to have that kind of health care. If we used the model the Mayo Clinic uses, we would save $50 billion every 5 years in Medicare spending. That money can be used to bring more people into the system. That money can be used to make health care more affordable for the people of this country.

That is what we are talking about when we talk about health care reform. The bill we have on Medicare costs and

Medicare fraud—the bill I have with Senator MARTINEZ—would require direct depositing of all payments to providers under Medicare and Medicaid so they are not ripping off the system or scamming the system; that it is going to the people who need it. The bill has been endorsed by the AARP, the National Association of District Attorneys, and the Credit Union National Association. Representative PATRICK MURPHY is carrying the legislation in the House.

It is no small task, but we must reform America's health system. I strongly believe in reaching this goal to reform, making sure we don't have the status quo, where it is becoming harder and harder and harder for people in this country to afford health care. We need a system that depends on rewarding and controlling costs, that rewards quality and stopping fraud and making the system work for the people of this country.

For the sake of our fiscal health and for the sake of the millions of Americans struggling to afford the care they need, enacting effective health care reform in this country is essential. We know it is not easy and it will not happen overnight. It is 17 percent of this economy. But we also know that doing nothing and saying no to everything and calling things names, when we are effectively trying to find a solution, is the wrong way to go.

I hope my colleagues in the Senate will start working on this bill constructively so we can get something done for the people of this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I see the Senator from Nevada is on the floor, and I would like to ask, before I seek recognition here—I would be happy to yield the floor to the Senator, with the understanding that I would follow him, if the Senator from Nevada would give me an indication of how long he might be speaking.

Mr. ENSIGN. At the most, 10 minutes.

Mr. DURBIN. Madam President, I ask unanimous consent, following the morning business statement of the Senator from Nevada, that I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Nevada.

HEALTH CARE REFORM

Mr. ENSIGN. Madam President, I thank the assistant leader from the Democratic side, the Senator from Illinois, for that courtesy.

I rise today to talk about health care reform. It is critical in our system that we address the issue of cost. We have the finest quality health care system in the world, but it is too expensive for too many Americans, and because of that, many Americans are uninsured. Not only are too many Americans uninsured, for a lot of folks who have insurance, especially those who receive insurance through their employer, they probably haven't received the kind of raises they would have otherwise received simply because employers are paying more and more for their employees' health insurance and there isn't money left over to provide higher wages.

It is critical for many reasons that we address the cost issue. We spend about $2 trillion a year in the United States on health care. Some people say we need to spend more, but I disagree with that. I actually think we spend plenty of money in the United States on health care, we just don't spend it in the right ways. We need to eliminate waste and the bureaucratic spending of our health care dollars and get that money to the patients.

There are five different committees between the House and the Senate that are working on health care reform proposals—three in the House, two in the Senate. Let me quickly address the HELP Committee bill, which is one of the committees in the Senate that has passed a bill. The HELP bill was passed on a straight party line vote. I think the reasons for that, which I will point out, are the flaws that are in that bill.

First of all, the bill is not paid for. Second of all, it is too expensive and it doesn't cover enough people, especially for the money it spends. Two hundred times in the bill the Secretary of Health and Human Services is given new powers to establish programs, parameters, appropriate moneys, and otherwise dictates the course of one-sixth of our economy—200 different times. The HELP bill is around 600 pages. If each one of those times where it detailed or gave powers to the Secretary of Health and Human Services—if that was actually written in bill form at that point, the bill would probably have been about 5,000 pages. That is how incredibly complex our health care system is and how even more complex some people are trying to make it.

This bill creates 50 new offices, bureaus, commissions, programs, and bureaucracies, with 87 new government programs created in the Community Transformation Grants Program alone. The Democrats rejected by party-line vote, an amendment that would have prevented the bill from spending funds on sidewalks, parks, bike paths, and street lights. We all like those kinds of things. I actually ride bikes. I like to see bike paths and things such as that. But certainly there is not a place for that in the health care reform bill that we are trying to work out before the Senate and the House of Representatives.

Furthermore, the final cost of the bill has not been released. I serve on the Finance Committee, and there is a group of bipartisan Senators trying to work together to come up with an agreement. They have not been able to do that, and the big reason for that is they are trying to finalize the details. The details are extraordinarily challenging because of how complex our health care system is today.

That is why we need to take our time and get it right. You don't mess with one-sixth of the economy of the United States and get it wrong. There are no do-overs when it comes to health care reform. If we mess it up, we literally can mess up our country. We can mess up the economy of our country and potentially threaten the very existence of our system of government because we can bankrupt our country.

We all know Medicare and Medicaid are threatening to bankrupt our system of government as it stands today. All that the HELP Committee bill and the other that have been introduced bills do so far, is accelerate how fast Medicare and Medicaid can bring economic collapse to the United States.

I am working on other proposals. There are examples out there where things are being done right in the health care system. I have told this story to my colleagues many times. Safeway is a company that saw their health care costs skyrocketing year after year. With 200,000 employees, they were spending about $1 billion a year on health care expenses, with costs increasing every year. When a company is only making $200 million to $300 million a year, and their costs are going up 20 percent a year, you can see the writing on the wall. They were going to bankrupt their company with health care costs alone.

Safeway set out on a new course and focused on four areas. They incentivized their employees through lower premiums, if they didn't smoke or they would quit smoking, they provided smoke cessation products. They focused on the area of obesity with weight management. If employees were in the proper body mass index or if they lost weight, they would give them a lower health care premium. They also focused on cholesterol and hypertension. They didn't penalize employees for having high cholesterol, but they rewarded them for keeping their cholesterol under control and they rewarded them for keeping their blood pressure under control.

Rewarding healthy choices actually works. Safeway is a very good example. What happened to Safeway in the last 4 years, compared to the rest of the United States, is that Safeway has been able to lower their health care costs by 40 percent.

Unfortunately, the Congressional Budget Office, which is the official scorekeeper around here and determines how much money is going to be saved, does not have a model that works with something like the Safeway program. CBO's economic models don't work that way. The bean counters around here, unfortunately, don't know how to put that in application for the rest of the country. That is unfortunate because I believe, if we used some of the same modeling Safeway did for the rest of the country, we could save

huge amounts of money in our health care system.

We don't have to save 40 percent, such as Safeway did. Maybe we could save 10 percent. Actually, if we don't save anything, and just freeze the rate of growth, we would be so far ahead in money that we would have plenty left over to cover the uninsured. As I said, unfortunately, the Congressional Budget Office doesn't say a model like Safeway's will save money. It is ludicrous, though, to believe that having people quit smoking and rewarding them for proper weight management wouldn't save money. I think we need to change the economic models we have around here.

Not only would that save money, but it would also lead to higher quality lives. Obesity is an epidemic in the United States. Type II diabetes is rampant. Most Type II diabetics can actually reverse, or at least control their diabetes through diet and exercise. We need to encourage healthier behaviors in the United States. Instead of just having a sick care system, let's actually create a true health care system in the United States.

Another thing we need to do, I believe very strongly—and this is a role for the government—we need to provide transparency on cost and quality so individuals can shop. In the bay area, a colonoscopy can cost anywhere from $800 to $8,000. Well, if the government were to provide cost and quality measurement information across the United States, people could set up plans and they could see what the various costs are. Let's say that between the $800 and the $8,0000, they might decide to pay $1,200. And then if they want the more expensive one, they have to pay the difference. If they want the less expensive one, they can get the difference. That will cause people to comparison shop and they will have the information based on cost and quality of outcomes to be able to make smart medical decisions.

The one thing we don't want to do is put a bureaucrat between the doctor and the patient making those sorts of decisions. There is a precious relationship between a doctor and a patient, and we don't want the government making those kinds of decisions. I don't want to see a government-run plan that says, you know what, we are going to have rationing. That is how so many other countries around the world control their costs. They actually ration care, or there is delayed care. We have better outcomes in the United States on cancer, on cardiovascular disease, and in so many other areas than Canada, Great Britain, and other places that have government-run health care plans.

I think it is critical we get together as Republicans and Democrats—as Americans—and come up with a health care system that is lower in cost and even better in quality than we have today. The bills before some of the committees out there are not going to achieve that.

I have done several telephone townhall meetings in the last couple of weeks. We have called almost 200 thousand Nevadans now and talked to many of them. They answered questions. We have gotten their feedback. The one thing that seems not quite unanimous, but from the calls we are receiving it is overwhelming, is that is people do not want a government plan. They do not want a government bureaucrat rationing their health care.

Whatever plan we come up with should not include a government-run health care plan. I feel strongly about that. I think as more and more of the American people find out what the effects of a government-run plan will be, we will see a lot more opposition coming from them.

I appreciate the Senator from Illinois allowing me to go first. Let's get together as Americans and do the right thing on health care. Let's join as Republicans, Democrats, and Independents across this country and have a health care system that has lower costs and better quality.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

ORDER OF PROCEDURE—H.R. 3357

Mr. DURBIN. Madam President, on behalf of the majority leader and under the authority of the order of July 29 and after consulting with the Republican leader, I now ask that after the conclusion of my remarks, the Senate proceed to H.R. 3357 under the provisions of the July 29 order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DURBIN. Madam President, the Senator from Nevada has just expressed his views on health care, and I would perhaps like to give a little different view on where we are and where we should go. We are wrapping up this end-of-July session. We will be taking a recess for a few weeks. It is one of the few chances during the year for us to be back home, get a little time with our families before school starts. We are all looking forward to it, as everyone does each year. But we have had important work we have done this year, and more important work is to follow.

This year we hope to take up before the end of the year, and pass, health care reform for America. The House of Representatives is moving a bill, a matter that will be considered in September by the House. We are counting on the Finance Committee to work with us to develop a bill for consideration on the floor of the Senate about the same period of time.

These bills and the concepts they contain are going to be there throughout the month of August for everyone to take a close look at and review. This is not going to be done in haste because it is too important. It is going to be there, and the critics will have a chance to look at it, people will be able to come up with suggestions—constructive suggestions, I hope—that will lead us to the passage of health care reform in this country.

I listened earlier to my colleague and friend from Nevada, Senator ENSIGN, talk about government-run health care. In my hometown of Springfield, IL, a doctor wrote a letter to the editor warning us about government-run health care. I would like to put it in perspective.

There are about 300 million people living in our great Nation. Of those 300 million people, 45 million of them are currently covered by Medicare. Medicare, for seniors and disabled people in America, is a government-run health care plan. For many of these people it is the first health insurance plan they have ever been covered by.

A realtor in southern Illinois came up to me, a woman 63 years old. She said: Senator I want you to meet somebody who has never had health insurance protection one day of her life. I never could afford it. I was a realtor. I didn't have enough money. Knock on wood, lucky for me, I have been pretty healthy. I didn't need it. I was able to pay my medical bills. But, she said, thank God in 2 years I will be under Medicare so the savings I put aside for my retirement are not going to be wiped out by one illness or one surgery. I will have Medicare.

She will join the ranks of 45 million people on a government health insurance plan called Medicare that we have had for 45 years in America and is wildly popular. Not one single critic on the other side of the aisle who stands up and shakes their fist and rails against government health care has said eliminate Medicare. Of course they would not. That is not a position the American people are going to support.

Some people are a little confused though. One of my colleagues went back home over the weekend and somebody said: Senator, listen; whatever you do, don't let the government start meddling in my Medicare plan.

He said: Pardon me, ma'am, but the government runs your Medicare plan.

She didn't understand that. Some people don't, but that is a fact.

So there are 45 million people under Medicare. There are another 65 million Americans, maybe as high as 70 million, who are covered by Medicaid. Medicaid is the health insurance plan for the poorest people in America. We said: If you are poor in America, you are still going to get health care, and we are going to provide it, working with the States. So more than one-

third of the people who live in America today are covered by government health insurance.

I have never heard a person on the other side of the aisle say eliminate Medicaid. They don't. They understand we are a caring, compassionate country, and we are going to provide this health insurance coverage, as we have for decades, as we should.

Here we have one-third of America currently under a government health plan, and on the other side of the aisle people are waving their fists saying: Whatever you do, don't have a government health plan.

It does not work. It is inconsistent. Many people say: I like my health insurance right now. I don't want to change. I don't want to go into Medicare or Medicaid. I like what I have. Would you please leave people alone.

The answer is yes. In fact, we guarantee it. We are going to put in any legislation considered by the House and Senate the protection of you, as an individual, to keep the health insurance you have, if that is what you want. What we are trying to create are voluntary choices and opportunities. These are critically important because, let's face it, the cost of health care is going out of sight. We know it. We sense it.

Some people say: Senator, easy for you to say, you have that famous Senator health care plan.

We have heard all about that one. Let me set the record straight. Members of Congress, if they choose—and I have chosen on behalf of my family—can sign up for the Federal Employees Health Benefits Plan. It is not a special program for Senators or Congressmen. We sign up for the same program that covers Federal employees across the United States, 8 million Federal employees and their families. It is a great program. That is why I signed up for it for my wife and myself.

Open enrollment is once every year. How about that. We get to go shopping once every year for the best health insurance for our families.

What do we choose from? In my case, in Illinois, nine different private health insurance plans. We pick the one best for our families. If we want a lot of coverage, they take more out of our paychecks; less coverage, less out of our paychecks. But it is a voluntary choice, and I think that is what the bottom line should be for Americans.

We are trying to move toward that model, create pools of people similar to Federal employees so they can bargain with the private insurance companies, have good coverage at a reasonable cost. We want to build into this as well health insurance reform. What good is it to have a health insurance plan that says they offer coverage for everything except our sickness? That happens. People who may have turned in a claim last year for an aching back can find this year it is a preexisting condition; it is not covered.

People who, 2 or 3 years ago, may have survived prostate cancer or breast cancer may find no coverage for cancer illness in the future. That is unacceptable. That is not really health insurance. Health insurance isn't worth much if it is not going to cover your illness.

So we say as part of health care reform they can no longer exclude people for preexisting conditions. They can no longer exclude people who live in certain parts of the country over those who live in other parts of the country. They cannot discriminate based on age or geography except within certain limitations. This gets health insurance to where it ought to be, not a game where the health insurance companies try to pick and choose the healthiest people in America and push everybody else over the cliff.

We want everybody under the tent. We want folks to understand if they buy health insurance in America, it really will protect them.

I was interviewed this morning on WMAY, a station in my hometown. Jim Leach asked me a question: Senator, if you don't allow insurance companies to discriminate against people with previous conditions, won't all our premiums go up?

The honest answer is, if everybody has health insurance in America, premiums can go down. We are not just paying for our care, we are paying for the care of the uninsured. Uninsured people in America are not going to die on the street, thank God. They are going to show up in an emergency room and they are going to be cared for. When they can't pay their bills, that hospital, that doctor, will pass their medical charges through the system on to those of us who are paying for health insurance.

So if we bring everybody in with health insurance protection, this cost transfer is not going to happen. It is going to reduce the upward push for health insurance premiums in our country.

Second, if we don't have basic rules about health insurance as to what they will cover, hold on tight. We found out in Illinois not too long ago there were actually health insurance companies—I remember this, as a person working in the Illinois General Assembly—there were actually health insurance companies that were selling maternity coverage to new mothers and their children but excluding the newborn baby for the first 30 days of life. Do you know why? Because if you have a premature infant or an infant with a real problem, those first 30 days of medical care can be very expensive. So they just wrote it out of the policy.

We said no way. As a matter of policy in Illinois, if they want to sell health insurance to cover a family or maternity benefits or cover children, they do it from the moment that child is born. We put it in the law.

We can argue that is going to raise the cost of insurance. Maybe it did. But if health insurance is not there when we need it, frankly, it is not worth the cost. That is why we are doing this health care reform.

There is one other aspect I want to mention, and that is small business. I guess small businesspeople know better than any other group what is happening because these businesses are struggling to survive in a recession. The men and women who own these businesses in good conscience are trying to provide for their employees. Yesterday we had a gentleman from Aberdeen, MD, who came to speak at a press conference. He owns a moving and storage company. His last name is Derbyshire. Mr. Derbyshire inherited this business from his father. He brought his son Garrett with him in the hopes his son would carry it on, I am sure. He always felt a special kinship and connection with his employees. He wants them to do good work and he wants them to be loyal and he wants them to know they are appreciated. So Mr. Derbyshire pays, as an employer, 85 percent of each individual employee's health care premiums—85 percent, and 75 percent of the family's. That is pretty good. I give him an A+ for caring and trying. But he told us he can't keep up with it. Health insurance premiums are going up so fast he doesn't know how long he can do it.

I heard the same thing again. I heard it from the man who owns Starbucks—which, incidentally, offers health insurance to its employees—who told us not that long ago: We want Congress to do this. We think it is the right thing to do, even for part-time employees. But if the costs keep going up we will not be able to continue.

That is the reality small businesses face. When we take a look at what they are facing, last year, only 49 percent of small businesses, three to nine workers, offered health insurance; 78 percent of businesses with 10 to 24 workers offered some type of health insurance. In contrast, 99 percent of businesses with more than 200 employees offer health insurance. It shows if you are operating close to the margin in a small business, and a little added expense pushes you over the edge, one of the first casualties is health insurance protection. It means, incidentally, the employees have no protection. It also means the openers of the business have to go out on the private market.

What happens when they go out on the private market? For small businesses, their choices are limited. The overhead costs, administrative costs are dramatically higher than they are for the larger companies, and many of them cannot afford to do it.

What we are trying to do is offer, through health care reform, a way for every person working, for a business, large and small, to have health insurance. Look at the uninsured people in America and we are going to find that most of them are not the poorest people in our country. They have Medicaid. Of course, they are not the luckiest people in the world like myself and other families who already

have health insurance. They are smack dab in the middle. They are the people working for small businesses, and their children and they are the ones who are uninsured.

If we are going to fill the gaps in America and provide for coverage, that is the way we have to go. What are our goals? Our goals are simply stated. We want to have health care reform which helps the middle class in America. We want to make sure at the end of the day we have stable costs so people know what they can anticipate, so the costs will not run them out of health insurance coverage even if they lose a job. We want to provide a helping hand, for example, to lower income people so they can buy health insurance, giving them a tax break and giving them an incentive. We want to provide incentives and opportunities for businesses so they have the right to shop for the right health insurance coverage. We want to make sure they have stable coverage so these health insurance companies cannot waive the magic wand and all of a sudden they are not covered by health insurance anymore.

Stable costs, stable coverage, and make sure at the end of the day we have quality care available for all Americans.

One element we should be rewarding that the current system does not reward is preventive care.

There are a lot of things we can do to reduce the cost of health care in America and improve the health of individuals and families. We need to create incentives for that to happen. There are ways to do that.

Steve Burd is the CEO of Safeway and of Dominick's. He has a plan for his management employees where they can voluntarily sign up. They go through a health screening, they identify any risk that person might have: being overweight or diabetic or high blood pressure, high cholesterol, things of that nature, smoking. Then they create a little profile and say: What we would like you to do is move toward more fitness, better diet, monitoring your diabetes, monitoring your cholesterol and your blood pressure.

As they show improvement, they earn cash incentives. In other words, they pay them extra money if they get healthier. What has happened to the health insurance costs at Safeway in the last 3 years? It has been flat. It has not increased. Across the board in other companies across America on average it is has gone up 38 percent. So they are on to something.

By incentivizing employees to get healthier, they not only have better lives but better health outcomes and lower costs for their company. Why is that not a national model? Why are we not doing that across the board saying we are going to move toward a healthier country so we have fewer health care costs?

Second, we have to eliminate the incentives for piling on medical bills. Ever had a member of your family go to the hospital for a day or two or a week, then a month later they send you the bill? Were you amazed at how thick it was? You turn it page after page and say: My goodness, thank goodness I have health insurance—if you do.

But if you do not, you look at the bottom line and say: I do not know how I am going to pay for these things. We reward doctors and hospitals for piling on every single line on the page. Every single line is a profitmaker, instead of saying the real goal is wellness and making certain people get well from diseases and illnesses. So we need to create a new incentive in the way we have health care in America, to take the best and brightest women and men who serve as our medical professionals working at these hospitals and give them the incentive for the best outcome.

Senator KLOBUCHAR from Minnesota was here a few moments ago, and she talked about the Mayo Clinic for which I have the highest regard and highest respect. This is a clinic which gets some of the best results in medicine in America at the lowest cost. How do they do it? What is so miraculous or magic up there in Rochester, MN?

Well, they pay their physicians a salary. The physician does not make an extra buck if he orders an extra test. The physician, instead, looks at that patient and says: I think we need three specialists in this room right now, and let's see if we can work out a plan for wellness. They come together and they work it out. It is not a matter of how many lines there are on a page and final billing. It is a matter of that person going home well, and it works. They have reduced cost, and it happens across America. We have seen it many places such as the Cleveland Clinic, and so many other places have been noted as examples of centers of excellence. That is what I want to see in my State of Illinois. That is what every State and every Senator should be working for.

I will close by saying, let's not fall into the trap of this health care reform debate and let the buzzwords and the words that infuriate people stop us from a meaningful, honest debate. This has to be patient-centered health care not government-centered health care.

We are not talking about rationing. We are talking about a rational health care system that is geared toward wellness and disease prevention. We have to make certain that at the end of the day we allow people to choose their own doctors and their own hospitals and their own health insurance plans and to keep the health insurance plan they have if they want to.

We have to help small business provide the kind of health insurance coverage they want to have for themselves as owners and for their employees as well. At the end of the day, we can improve this system. It is the biggest single issue challenge Congress has faced in at least 40 years, maybe in a much longer period of time, because it affects every single person in this country.

We can do it. With the President's leadership and his commitment, we can get this right.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HIGHWAY TRUST FUND RESTORATION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3357, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3357) to restore sums to the Highway Trust Fund, and for other purposes.

AMENDMENT NO. 1907, AS MODIFIED

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I call up my amendment and ask that it be modified with the changes at the desk.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1907, as modified.

The amendment, as modified, is as follows:

(Purpose: To temporarily protect the solvency of the Highway Trust Fund)

Strike section 1 and insert the following:

SECTION 1. TEMPORARY PROTECTION OF HIGHWAY TRUST FUND SOLVENCY.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111–5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer $7,000,000,000 to the Highway Trust Fund. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so transferred within the jurisdiction of such committee. The amounts so transferred shall remain available without fiscal year limitation.

Mr. VITTER. Mr. President, I urge all colleagues to come together, as the American people surely want us to do, and adopt this amendment. I truly believe this amendment is the responsible way to address the shortfall in the highway trust fund.

This amendment funds the highway trust fund shortfall by using money from the already-passed stimulus bill. That is important because otherwise we are racking up yet more deficit and more debt on top of the mountains of

debt we have already accumulated to pass on to our children and grandchildren. This is important so that, yes, needed highway work can be done, particularly needed work in the midst of a recession, but it can be done without racking up yet more debt to weigh down the economy and burden our children and grandchildren.

I wish to make two central points about this idea and why this amendment is necessary. First, the level of debt we are accumulating is truly staggering. It is beyond our ability to get our hands around. This year alone, the deficit has surpassed $1 trillion. This year's deficit spending has gone beyond $1 trillion. By the way, we are not finished this year. It continues to grow. This year, we have racked up over $1.8 trillion of new debt because there is the $1 trillion in the normal year's spending plus the huge stimulus bill of $800 billion. In terms of racking up new debt to put on the backs of our children and grandchildren, there is $1.8 trillion of new debt this year. That is way beyond anything we have experienced in our lifetime. Just the trillion dollars of deficit spending rivals the sort of numbers we used to talk about not so long ago for the entire Federal budget.

But, unfortunately, it gets worse. It gets significantly worse because this Congress, over my objection, passed President Obama's budget, and that budget takes those mountains of debt I just described—at already sky-high historic levels—and what does it do? Does it work it down? No. It doubles that level of debt in 5 years. It more than triples that level of debt in 10 years. That is the path we are on, and that is the legacy we are handing to our children and grandchildren. That is simply completely irresponsible. To have this mountain of debt already accumulated this year, at historically high levels—$1.8 trillion accumulated this year alone, and it is growing—and then to have a budget plan that doubles that in 5 years and triples it in 10 years is inexcusable. In that 5-year period, this President will have racked up more debt than every predecessor President before him combined. We need to get off that path, and the American people know it.

The American people understand, through their common sense, that this is a recipe for disaster. All of us as parents want to hand our kids a better world, a world of more opportunity, a better future than even we had handed to us from our parents. Yet we are on a path to do exactly the opposite and hand our kids an enormous burden, hand them a tomorrow full of clouds and uncertainty, particularly dominated by this threat—central fundamental economic threat—of deficit and debt. We cannot accept that. Yet here we are on the floor with the other side proposing to fund the highway trust fund with—guess what—more debt, more borrowing, more borrowing by the government from whoever buys our debt, including wonderful allies around the world like the Communist Chinese Government.

We need to get off this path, and this is one important step in doing that, saying: Yes, we will continue vital highway programs, but we will do it by taking from the already-appropriated stimulus funds. That is appropriate money that is already appropriated through the process. We will not do it by borrowing yet more money.

The other side has fancy arguments about: Well, this is really taking back a loan we sent the general fund 8 years ago. Let's make no mistake about it, that money is long gone. This is racking up more debt, purely and simply. For that very reason—because it is racking up more debt, because it increases outlays in this fiscal year—it has a budget point of order against it, which I will raise before our final vote. So if you need any further proof that the underlying bill requires borrowing yet more money, racking up yet more debt, it is nailed down by the fact that there is a budget point of order against the underlying bill, which I will raise.

The second critical reason we should adopt the Vitter amendment and fund highway projects from stimulus money and not rack up yet more debt goes to the nature of the stimulus and the attempt which has been very slow and very faltering of using those stimulus dollars to help revive the economy. Of course, that was the whole argument behind the stimulus: We are in a severe recession. We need to do something. We need to get spending and economic activity out the door. We need to hold down unemployment. That was the whole argument. From the very beginning, I did not think that would be the result. That is why I voted against the stimulus, both because of the nature of the spending—it is a lot of big government programs, not a lot of true shovel-ready infrastructure spending—and because of the timing of the spending. I thought from the very beginning that relatively few dollars would go out the door immediately and a lot of the stimulus money would not be spent for years. Well, unfortunately, all of that is coming true. Again, if you look at the nature of the spending in the stimulus and the timing of it, it leaves a lot to be desired.

I think all of us in this body, and Americans across the country, favored infrastructure spending as the centerpiece of the stimulus. Yes, let's do real, concrete, shovel-ready projects. Let's build roads and highways and bridges as the best example of a true, concrete, shovel-ready infrastructure project. I certainly strongly supported that element of spending as a way—not the only way but as a way—to help revive our economy.

Unfortunately, that type of project was never a major part of the stimulus bill as passed. In fact, if you take all of the roads and highways and bridges, all of that construction in the entire stimulus, how much of the bill do you think it is? Fifty percent? Certainly not. Thirty percent? Keep going down. Twenty percent? No. Ten percent? Try 3.5 percent. Mr. President, 3.5 percent of the entire stimulus focused on what the American people thought really could be spent to help stimulate the economy: shovel-ready infrastructure projects on roads and highways and bridges.

My amendment is a way to increase that part of the stimulus that goes to that project to increase highway funding through the stimulus, which I think there was a very broad consensus to do from the beginning, but it never got done in the stimulus.

The second big problem with the stimulus is the timing of that money. It has gone out the door very slowly. Of the entire $800 billion stimulus bill, which was supposed to be immediate relief for the economy—let's start turning the corner on this recession immediately passing that bill—today, months later, a half a year later, 10 percent has gone out the door. Only 10 percent has been spent. That is ludicrous.

Of that tiny slice that was roads and highways and bridges—the 3.5 percent—guess how much of that money has gotten spent. Mr. President, 1 percent of that. Not 1 percent of the whole bill, not almost a third of the 3.5 percent. I mean 1 percent of the 3.5 percent; in other words .035 percent of the entire bill—a meaningless amount. So let's increase the amount of money we take from the stimulus pot and immediately get it out the door for vital highway projects.

Because of those factors in the stimulus—the nature of the spending, which was never focused on real, shovel-ready infrastructure; only 3.5 percent going to roads and highways and bridges; and the timing of the money, which has been amazingly slow; only 10 percent of the stimulus spent right now and only 1 percent on roads and highways and bridges—what has been the effect on the economy? Well, of course, the effect has been slim to none.

This chart I have in the Chamber says it all. This graph is what the proponents of the stimulus bill say would happen to unemployment over time: We pass the stimulus, and it is going to help revive the economy. It is going to make sure unemployment peaks at less than 8 percent and then comes down. Well, unfortunately, the reality has been very different, because compared to this prediction by the proponents of the stimulus, this is the reality, as I show you on this chart. This is what unemployment has been doing in the last several months—going up and up and up, well beyond the peak that was predicted, reaching almost 10 percent today.

Again, this is the second fundamental reason we need to adopt the Vitter amendment, because the stimulus, as it was put together, is not

weighted nearly enough toward real infrastructure such as roads and highways and bridges, and it is not weighted nearly enough on spending now versus years from now. This Vitter amendment will help change that for the better. It will reweight the stimulus, at least at the margin, to more roads and highways and bridges and more spending now because we need it now in the midst of this recession now.

So again I urge all of my colleagues to come around and embrace and support this Vitter amendment. Doesn't it make sense to say we need to start now in terms of rejecting this path of more and more and more debt? Because the underlying bill, make no mistake about it, is funded by more borrowing, more debt. That is why a budget point of order lies against the underlying bill. I will raise that budget point of order before the end of our debate.

Secondly, doesn't it make sense to say: Look, the stimulus idea was about exactly this sort of spending? Americans across the country favor stimulus spending that is really focused on roads and highways and bridges and real infrastructure, things that are truly shovel ready. They do not favor big government waste programs and they do not favor spending 3 years from now because that is going to have no impact to get us out of this recession right now.

This amendment, again, will fine-tune the stimulus in the positive direction, toward spending on roads and highways and bridges, and virtually all of us support more of that spending, including the distinguished chairman of the Environment and Public Works Committee. She had an amendment on the stimulus to do just that, which was opposed and defeated by the other side.

This amendment will also fine-tune the stimulus to get more money out the door now. Don't we need that? Only 10 percent of the $800 billion has been spent. Don't we need to front-load it a lot more than that to have any sort of significant positive impact on this recession?

Again, tragically, the unemployment figures say it all. The prediction: Peak at 8 percent, come down from there. The reality: We continue to go up and up and up—perilously close right now—toward 10 percent.

Again, I urge all of my colleagues, Democrats and Republicans, to join together, to work together, as the American people want us to do, around a basic commonsense idea. Let's stop the debt. Let's stop racking up yet more debt, putting it on the backs of our children and grandchildren. Let's front-load the stimulus and do shovel-ready infrastructure now rather than big government projects 3 years from now.

With that, Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, could the Presiding Officer let us know how much time remains on the Vitter amendment and general debate?

The PRESIDING OFFICER. The Senator from California has 30 minutes remaining. The Senator from Louisiana has yielded back his time. There is 20 minutes of debate on the bill itself.

Mrs. BOXER. Mr. President, thank you very much.

Mr. President, of all the times to stop job creation in its tracks, I will tell you, this is not the time to do it. The Republican response to the bill that has come over from the House—the bill that would restore the funding, make sure there is funding in the highway trust fund to get us through September 30, and also make sure we can handle unemployment insurance and also ensure that our families can get mortgages, those who qualify—the answer from our Republican friends, and they have a right to do it, is to take that funding from the unobligated stimulus package.

Now, here is the thing. We know we are starting to finally get those dollars for our economic recovery out the door. We know that. Yes, they are not flying out the door because the administration wants to make sure these are worthy projects. But I will tell you right now, the Republicans are putting at risk the very program they say they embrace: the highway program. The fact is, we still have $10 billion for highway-related jobs that would be subjected to the Vitter amendment. So, irony of ironies, they say they are extending the highway trust fund, but that amendment puts these funds at risk, puts these jobs at risk.

The stimulus is designed to create those jobs. The funding is getting out the door. I have gone to my State and seen it at work. Yes, we know employment is lagging. So what do you do when employment is lagging? You do not go to a program that is designed to put people to work.

I think it is important to note that the House bill is not only deficit neutral, it actually reduces the deficit. According to CBO, not only does it do it in 2010 but over the next 5- to 10-year period. That is because of the way they are funding the trust fund and the way they are funding the housing priority.

What the Republicans are doing is they are taking a deficit reduction measure that keeps the highway trust fund solvent through the end of September, that makes sure people can continue to get unemployment insurance, that makes sure people can get mortgages—those who qualify—and they are saying that, instead of reducing the deficit, let's slash the stimulus program, take funding away from our States, away from our counties, our cities, and our businesses back home when it is not necessary.

Mr. DURBIN. If the Senator will yield further, I am trying to see whether there is net job creation from the Senator's amendment or if we would lose ground with it. If our goal is to create more jobs in America—I listened to the Senator's explanation, and I would like to ask the Senator from California this: Even if we just take the money out of one pocket and move it to another pocket, how does that create new jobs in America?

Mrs. BOXER. Clearly, it is not even moving funds, it is slashing funds from the stimulus program, which has one purpose, and that purpose is to create jobs.

Mr. VITTER. Will the Senator yield?

Mrs. BOXER. We have heard from our Republicans friends over and over again, who voted against the stimulus—although I have to say some of them are standing in front of projects built with stimulus dollars, but we will forget that for now—we are hearing from them that the stimulus isn't working fast enough. What do they want to do today but cut the funding?

What I have suggested—and I want to get my friend's reaction to this—to my friends on the other side—because I agree we ought to extend the highway trust fund for 18 months; I don't like the way they are paying for it—is to wait until the end of the stimulus program, and if there is funding at that time that hasn't been obligated, that has been left on the table, take those funds and add them to the highway trust fund.

Mr. DURBIN. If the Senator will further yield, I ask the Senator from California this: Since the Senator from Louisiana didn't support the President's recovery and reinvestment program, and most of those on his side of the aisle did not, those of us who voted for it did it with the understanding it would do a number of things. It provides tax relief for families, and it provides a helping hand to those who are unemployed, so they can afford health care insurance if they have lost their job, for example. It does provide infrastructure programs and projects. It is my understanding we are a little over 4 months into this 2-year stimulus program—not quite 5 months into it—and the Senator from Louisiana wants to basically declare it a failure, never having voted for it. I ask the Senator from California, when the Senator from Louisiana talks about the number of dollars committed, the number of projects we have agreed to, it was my understanding that, as of a couple weeks ago, we had obligated over $200 billion out of the $787 billion, meaning we promised we will pay, once the projects are underway and the jobs are actually created, and that number is going to continue to grow as we obligate it. Is it not also true that we want to make certain, whether we are spending money for projects under the highway trust fund or the stimulus bill, that we don't waste taxpayer dollars; we want to look carefully at each project to make sure it serves a public purpose and make certain Americans are going to work at a decent wage, and when it is over, we not only get through the recession, but we have a legacy of projects that will serve our economy and our Nation.

If the Senator from Louisiana has his way, he is going to take the money out that we are currently investing into creating jobs in America and move it into the highway trust fund. I am wondering if the Senator could respond. Does it make any sense for us to take a different approach on the stimulus and not be careful that the money we spend is actually spent well?

Mr. VITTER. Will the Senator yield?

Mrs. BOXER. I will yield to the Senator from Louisiana on his time, but I will keep my time right now. It is very important we thread this needle in the right way. We want those jobs out there, and we want them out there as fast as they can get there.

Out of the $27 billion for highway projects, there is $10 billion remaining. I can assure both my friends that it is very important to be careful in the way you do it. If you do it too quickly, you know what will happen on the floor of the Senate. We will have our friends on the other side saying: '' they rushed.'' We want to be careful, but we don't want to, at this point, as we see this recovery starting to take hold—we all believe and hope it is true—we know employment is the lagging indicator. This is not the time to throw a dagger into the heart of job creation. That is what the Senator's amendment will do.

Mr. DURBIN. I ask the Senator from California, if I have the appropriate amendment before us, does the Senator from Louisiana go beyond the highway trust fund in the money that is transferred? Does he apply some of the money from the stimulus to unemployment and to mortgage insurance or is that a separate amendment? I know his amendments were filed late last night, and I am not sure.

Mrs. BOXER. I believe the Senator's amendment—and he can explain it—deals with the trust fund, and others will have similar amendments for UI and mortgage insurance.

Mr. DURBIN. I ask the Senator—and this is a legitimate inquiry, as I don't know the answer—on the stimulus projects we are funding, what is the requirement for a local match for those projects, as opposed to requirements for projects under the highway trust fund?

Mrs. BOXER. My understanding is it is 100 percent because it is the stimulus. We are trying to do that because our States are suffering—yours is and mine. We saw our Republican Governor talk about how heavy our hearts are back there, and we decided to help our State. This is very different. It is 100 percent offset.

Mr. DURBIN. The stimulus is 100 percent Federal, which means projects go forward even if States are struggling with the budget. If the money goes into the highway trust fund for projects, most of that required a State or local match, right?

Mrs. BOXER. That is correct; 20, 30 percent.

Mr. DURBIN. Most States, including Illinois, California, and others, would have a more difficult time moving projects forward through the highway trust fund rather than the stimulus, which is 100 percent Federal dollars.

Actually, the Senator from Louisiana is cutting down the opportunity, reducing the opportunity for infrastructure projects by requiring this match through the highway trust fund; isn't that correct?

Mrs. BOXER. I say to the assistant majority leader, he is absolutely correct. I understand the need to extend the trust funds to 18 months. On that part, Senator VITTER and I are in agreement. But the way he funds it is hurtful to the American people, to the American workers, to our businesses, and to our contractors. Even though we know a lot of us want to see these funds get out there quicker, they are on the verge—Vice President BIDEN has said we have committed more than a fourth of the Recovery Act total funds. We are on track to meet the deadline set when the act was passed in February, spending 70 percent by the end of September of 2010. He points out that the purpose of the stimulus was the jolt for immediate help but then a long-term economic recovery.

This kind of amendment—and the others we will see—which says to the American people: Gee, it is 4 months and we want to forget about this whole notion—doesn't make sense. The timing of this is way off. If at the end of the 2-year period, within which the stimulus is supposed to act, there is money left over, I will be the first one saying: Let's either reduce the deficit with it or let's put it into the highway trust fund. I do believe infrastructure should have gotten more funds from the stimulus, but that is another point.

Mr. DURBIN. My last question to the Senator from California—and I join her in opposition to this amendment—is this: If the net result of the Vitter amendment is not to increase jobs in America but actually will reduce jobs in America, it seems like it is the opposite of what we ought to be doing in the middle of a recession, with so many Americans losing work. We want to create good-paying jobs here at home, and the Vitter amendment, by increasing the need for a State and local match, for example, is going to decrease the likelihood of creating jobs. The stimulus money—100 percent Federal money that is for shovel-ready projects—will move more quickly into the economy and into paychecks and will help us rebound from this recession we are in.

I say to the Senator from California, I thank her for her opposition to this amendment. I hope our colleagues on both sides will realize that even if you didn't vote for the stimulus, voting for the Vitter amendment is going to take money away from projects in your States that will create good-paying jobs.

Mrs. BOXER. Before my friend leaves, I think I can put some specifics out to him. We already know there are $10 billion worth of highway projects that have not been obligated. That is at risk right away. We know there are Superfund cleanups that are long overdue. We have funds for that. We have $5.5 billion in construction-related activity that deals with cleaning up underground leaking storage tanks and the specialized, good-paying jobs that those activities create. We have $300 million to restore our Nation's wildlife refuges. We have $100 million in a great program Republicans and Democrats have been lauding in my committee—the Economic Development Administration—where you leverage those funds from business. That would be at risk. We have $5 billion available for flood control. It is ironic that my friend from Louisiana—I have been working with him and Senator LANDRIEU to do everything in our power to stop flooding. We have problems in our State, and Lord knows and the world knows about the problem in Senator VITTER's State; $5 billion was available for flood control, for water supply and harbor maintenance, all of which are focused on job creation, and the irony of ironies is that those funds could well be cut under the Vitter amendment.

Mr. DURBIN. So the Senator's amendment would effectively cut funds used in the stimulus for flood control?

Mrs. BOXER. Any funds not obligated out of the $5 billion available. As we know, Vice President BIDEN says, on average, 25 percent of the funds have been obligated. That means a good portion of the $5 billion for flood control would, in fact, be at risk.

I thank my friend for coming over and helping me explain to our colleagues and the American people why we oppose this amendment, even though it may be well intentioned. At the end of the day, it hurts our people and their chance to get good jobs.

I yield the floor and reserve my time.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, let me briefly address some of the issues and misconceptions that have come up by focusing on four key points.

First, I believe the Senator from Illinois said: Why would we want to take anything out of the stimulus and stop job creation? I have a news flash: There is no job creation. Unemployment is going up. Again, unfortunately and tragically, the unemployment numbers say it all. This was the projection from the proponents of the stimulus about unemployment peaking at 8 percent and then coming down. Tragically, this is the reality. Joblessness goes up and up, toward 8 percent. So there is no job creation right now.

No. 2, the Senator from Illinois said: Why would we want to move money from one pocket into another pocket? That doesn't do anything. Well, it does a lot if the pocket we are removing money from is stuff that would not be spent until after 2011, and we move it

to a pocket focused on real, concrete roads, highways, and bridges—spending that can be done now. That is a big change in terms of the type of spending we are talking about. It is a big change in terms of the timing of the spending.

The biggest reason for the stimulus having no significant impact on unemployment is the type and the timing of the spending. On the timing side, only 10 percent of the entire $800 billion stimulus has been spent to date. On the type of spending, only 3.5 percent of the whole bill was ever for roads, highways, and bridges. Only 1 percent of that—1 percent of the 3.5 percent—has been spent yet. So, yes, we are moving money from one pocket to another so as not to run up more debt. In the process, we are having a lot more immediate, positive impact on employment. That is very important.

Point No. 3: In direct response to the Senator from California, if she would like to wall off any stimulus money—the money for roads, highways and bridges and the money for flood control—and say the President cannot use that money in this transfer, I would be very open and supportive of such a second-degree amendment.

I did not do that simply to give the administration maximum flexibility in terms of working out those details. However, again, if the Senator from California would like to propose a second-degree amendment to wall off true highway funding or flood control funding, or whatever, I would be happy to support that.

Fourth and finally, I couldn't believe my ears, but I think the Senator from California said the underlying bill involves deficit reduction. Let's get real. I know Washington is a fairy tale world. I know things are turned upside down so often, like Alice in Wonderland, but the underlying bill involves racking up more debt, more deficit. That is the whole motivating factor of my amendment. The underlying bill does nothing but borrow more. Don't take my word for it; look at the fact that there is a budget point of order against the underlying bill which I will point out and raise for consideration by the Senate.

So the underlying bill clearly involves more debt. How could it not? We are taking money from the general fund to fill in the highway trust fund. Guess what. We are deficit spending in the general fund. We are already, through the general fund, racking up a deficit. So if we take money from there, we have to backfill that if we spend the same amount with more borrowing, more deficit, more debt.

Again, if we care about turning the corner on deficit and debt, this is the responsible amendment to support and the responsible approach to take. The underlying bill racks up more debt; the Vitter amendment avoids that.

Again, there is a budget point of order against this underlying bill about which, with the cooperation of the Senator from California, I believe she needs to make some introductory comments, but I will make that budget point of order now.

I yield the floor to the Senator from California.

Mrs. BOXER. Madam President, how much time remains on the Vitter amendment on either side?

The ACTING PRESIDENT pro tempore. The Republican side has 9½ minutes for Senator VITTER; 15 minutes for Senator BOXER.

Mrs. BOXER. And on the general debate?

The ACTING PRESIDENT pro tempore. Twenty minutes on the general debate.

Mrs. BOXER. Madam President, I am going to put a couple of items in the RECORD and make sure Senator VITTER can offer his budget point of order. I asked if Senator DURBIN would be willing to take 10 minutes on our side on the general debate. I don't think I have to ask unanimous consent, but why don't I do that. I ask unanimous consent that after I conclude and after Senator VITTER makes his point of order, then we get to Senator DURBIN for his 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Madam President, on the issue of the Congressional Budget Office score that scores the House bill as deficit reduction, I find it intriguing that my friend who supports the CBO when they say we are spending money—for example, on the health bill, they say: Oh, look. CBO says it costs money, but he derides it when CBO says this particular bill is a deficit reducer.

I ask unanimous consent to have printed in the RECORD the CBO score that shows, in fact, the bill sent over from the House reduces the deficit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 3357: TO RESTORE SUMS TO THE HIGHWAY TRUST FUND AND FOR OTHER PURPOSES

	Changes in direct spending (in millions of dollars)			
	2009	2010	2009–2014	2009–2019
Section 1—Appropriate $7 billion to the Highway Trust Fund:				
Budget Authority	0	0	0	0
Estimated Outlays	1,000	−1,000	0	0
Section 4—Increase Loan Limit to $400 Billion for the GNMA Mortgage-backed Securities Loan Guarantee Program Account:				
Estimated Budget Authority	−40	0	−40	−40
Estimated Outlays	−40	0	−40	−40
Total, H.R. 3357:				
Estimated Budget Authority	−40	0	−40	−40
Estimated Outlays	960	−1,000	−40	−40

NOTES:

Section 2 would have no estimated budgetary impact relative to CBO's baseline. The costs of providing benefits under the unemployment compensation program are assumed in the baseline, consistent with section 257 of the Deficit Control Act of 1985, which states that "funding for entitlement authority is assumed to be adequate to make all payments required."

Section 3 also would not have a budget impact. Allowing FHA to guarantee additional loans has no cost or savings because under the Federal Credit Reform, CBO's estimate of the subsidy cost of new FHA guarantees is zero.

Source: Congressional Budget Office.

Mrs. BOXER. Madam President, notwithstanding the order of July 29, I ask that it be in order for Senator VITTER to make a budget point of order against H.R. 3357 at this time, and that a motion to waive the applicable point of order be considered made, with the vote on waiving the point of order occurring at a time to be determined.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. Madam President, I will make that point of order. The underlying bill is such a great deficit reduction that it would involve more borrowing and more debt and more mandatory spending. It would specifically increase mandatory spending and exceed the committee's section 302(a) allocation. Therefore, I raise a point of order against the bill pursuant to section 302(f) of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. Under the previous order, the waiver is considered made.

Mr. DURBIN. Madam President, I seek recognition pursuant to the unanimous consent agreement of the Senator from California, 10 minutes remaining on our side on the general debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, the Senator from Louisiana suggests the stimulus bill the President enacted is not creating jobs because we still have unemployment. The fact is, it is creating jobs and we are still in a recession. Were we not working with the stimulus bill to put money back in the economy to create American jobs, it would be worse. We all know that.

When the President came to office, he encountered an economy that was losing on average 700,000 jobs a month. Our growth rate had hit a negative 6.3 percent. Foreclosures were at record levels, and residential investment had

fallen. Banks were in crisis and freezing lending. Madam President, $10 trillion in wealth had been lost. Virtually every American with a savings or retirement account had taken a hit. That is when the President took his hand off the Bible and accepted the responsibility of office, and that is what he inherited.

He came to Congress and said: Let's put money in the economy and get Americans back to work. Let's invest in things that will pay off in the long run. Let's build the bridges, the highways, the airports. Let's make sure we make investments that not only create jobs today, but we can rely on in the future to build our economy. And we did it, with limited help from the other side of the aisle.

The Senator who is offering this amendment voted against it. The position for most Senators on the other side of the aisle was, let's do nothing; let's let the market work this out.

Do you have any idea where we would be today if the market was still working this out? I am afraid we would be in sorry shape. We would continue to see job loss and continue to see more and more unemployed Americans, which is exactly the opposite of what we want.

Now comes the Senator from Louisiana who opposed the stimulus package in the midst of this economic crisis and now says: Let's take money out of the stimulus package that is creating good-paying jobs in America. Let's take it away from the States where they get 100 percent Federal funding for their projects. Let's put it in a different fund. It isn't creating any new investment, but let's put it in a different fund that now requires a State match.

What that means is, if your State budget is struggling—we know a lot of States are—the Senator from Louisiana does you no favor. He is taking a project in your State that is important for your economic future, closes it down and says: We will be glad to give you some of that money back as long as you can come up with matching funds.

I am afraid that is not helpful. It is hurtful at a time when this economy needs all the help it can get. When it comes to the stimulus package, understand, we are a little over 4 months into this stimulus, this 2-year stimulus package.

The Senator from Louisiana says: I am prepared to declare it a failure; let's stop right now.

I am not prepared to declare it a failure. In fact, I think there is an indication that it is starting to put America back to work.

Because of the Recovery Act, on which the Senator from Louisiana wants to reduce spending—listen to this—95 percent of working families are already getting tax credits in their paychecks. Those dealing with job loss are collecting an extra $25 a week if they are out of work. That does not sound like much if you have a job, but if you are out of work, it means something.

There also is help for unemployed people to pay health insurance. I don't know if the Senator from Louisiana didn't vote for that. I don't know if he thinks that is a good idea. If I were unemployed, I would want my family to have health insurance. That is pretty basic.

There is money to help seniors and college students, many of whom have faced the idea of suspending their college education because mom and dad are struggling at home. The Senator from Louisiana may be opposed to that; I am not. I want them to stay in school. I want them to get their degrees because they will lead America.

We provided $34 billion in funds for States for Medicaid because our States are struggling to provide health care for the poor. The Senator from Louisiana may oppose that. That is his right to do. I happen to think that providing basic health care to the poor in America is evidence we are a caring and compassionate nation and will continue to be.

The money that has gone to States and local governments has avoided the layoffs of teachers and police officers and other law enforcement in Louisiana, Illinois, California, and around the Nation. The Senator from Louisiana may think that is a waste of money, we never should have done that. But for a safer America and for an America where kids can go to school and have the teachers they need, I think the money was well spent.

Beyond that, this Recovery Act in which we are involved is one that is starting to make some results. Just starting. I am not being Pollyanna-ish about this. We are still in a recession. I think we are coming out—I hope we are coming out.

In January, the month before this Recovery Act went into law, we lost 741,000 jobs. Terrible. By June, the economy was losing one-third fewer jobs. I wish we were not losing any jobs, but the fact is the stimulus is starting to work.

The Senator from Louisiana, who did not support it, who had no plan for this economy, now wants to take the money out just at the moment it is starting to work. Boy, the perfect Washington answer. Let's move in right now, 4 months into a 2-year program, and declare it a failure. That may be his approach, but I don't think it works for America.

In less than 160 days, more than 30,000 projects have been started under this bill—30,000 across the country. I went to Peoria, IL. There is a project at the airport which is critical to its economic future funded by the stimulus bill, creating good-paying local jobs right in the heartland of Illinois. More than $23 billion will be made available to fund over 6,600 shovel-ready construction projects; 3,200 are underway. If the Senator from Louisiana has his way, we will stop right there. We will start cutting back on these projects right now. That is his idea of economic recovery.

Over $369 million has been put into rural water systems. I can tell you, representing a State with a lot of small towns, such as Louisiana, they need this money to make sure their drinking water is safe for the people who live there. The Senator from Louisiana says: Enough said; let's start cutting back on that.

Madam President, $2 billion has been moved out to State governments and community organizations for weatherization and energy efficiency on low-income homes, and half a billion in overdue cleanup of Superfund sites. The Senator from Louisiana says: Let's cut that money; let's reduce that money. I don't think that makes sense.

We know if we did not have this Recovery Act, there would be more unemployment, more people out of work, fewer dollars being paid in taxes to the Federal Government and State governments. Our situation would be worse when it comes to the deficit. The more people who are unemployed, the fewer who are paying taxes, the more people need services. It is a recipe for a deficit that grows.

The Vitter amendment, by reducing the spending power of the stimulus funds, will make our deficit worse. That is a fact. He must acknowledge that. I hope he does.

In terms of obligating these funds, I want to make sure at the end of the day, having voted for this and supported it, that the money is well spent. I don't want a single dollar wasted. We are going to take care to make sure these projects make sense, that we have a justification for them, and they will serve America and our economy's future. That is responsible and accountable transparency.

I know the Senator from Louisiana says we are 4 months in, we have not gotten it spent, it is time to bail out. That kind of shortsightedness will not work. The idea that we would cut back on funds for flood control in the States of Louisiana and Illinois makes no sense whatsoever. The Senator from Louisiana is wanting to cut back those funds so he can transfer money into the highway trust fund.

I think we are on the path to recovery. I hope that path is a short one and we reach it soon. In the meantime, the Vitter amendment will not help. The Vitter amendment makes it worse. The situation is that the projects we are counting on to get America back to work, good-paying jobs right here at home, are in danger because of this amendment.

I urge my colleagues on both sides of the aisle, even if they didn't vote for the stimulus package, do the math—100 percent Federal money for the project in that State, as opposed to the Vitter approach which would require 20 percent or more from the State before they could go forward with any projects at a time when most States

are struggling. This is not the answer. This will not be the only part of the problem; it will be a big part of the problem.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Nevada.

AMENDMENT NO. 1905, AS MODIFIED

Mr. ENSIGN. Madam President, I call up my amendment at the desk and ask that it be modified with the changes that are at the desk.

The PRESIDING OFFICER. The instruction line of the amendment is so modified.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1905, as modified.

Mr. ENSIGN. Madam 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 offset the appropriation of funds to replenish the Unemployment Trust Fund with unobligated nonveterans funds from the American Recovery and Reinvestment Act of 2009)

On page 3, after line 12, add the following:

SEC. 5. USE OF STIMULUS FUNDS TO OFFSET APPROPRIATION OF FUNDS TO REPLENISH UNEMPLOYMENT TRUST FUND.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals $7,500,000,000 in order to offset the amount appropriated to the Unemployment Trust Fund under the amendment made by section 2 of this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

Mr. ENSIGN. Madam President, in my home State of Nevada, the unemployment rate has reached 12 percent, and we are seeing unemployment continue to rise across the country. The President said the stimulus bill that was passed this year was going to keep unemployment no higher than 8.3 percent across the country. We know it is a lot higher than that everywhere now. This is not just a Nevada problem, it is a problem in every State.

American families across the country are hurting, and they are hurting badly. I am offering an amendment that will help families during these tough times. 18 States have depleted their State unemployment fund and are now borrowing from the Federal unemployment fund to cover benefits. The Federal Fund is now running dangerously low. I am offering an amendment to shore up the Federal fund and help the States that have depleted their own funds. My amendment will help in a way that is fiscally responsible. My amendment is very simple. It would say we are going to use money out of the stimulus bill to replenish the Federal unemployment funds that the States are borrowing from, and we are going to do that in a way where we don't increase the deficit. My amendment does not play any phony numbers games, unlike the bill that was sent over here from the House of Representatives. The House bill says, technically, it is not increasing the deficit. The Federal Government, however, is borrowing from future generations, and will very likely forgive the States that have borrowed money, which will therefore increase the deficit.

The U.S. Department of Labor estimates it will take about $7.5 billion to replenish the Federal fund for the rest of the Fiscal Year. Next year, it is projected to be at $30 billion. And we have already seen in the stimulus bill that this Congress is giving money away to the States. We will continue to borrow from future generations so we can forgive that debt the States have run up. States are not going to be able to pay back all they have borrowed, right? That is what we all assume. So let's show some fiscal responsibility and take the money needed to replenish the Federal unemployment fund, out of the stimulus.

The Senator from Illinois was just on the floor talking, and I listened carefully to some of the things he was saying. He was saying that if we actually borrow less—as does the Vitter amendment, for instance—it means our deficit is going to be more. Well, that just doesn't pass the commonsense test. I know what he is saying. He is saying, basically, if we take the money away from the stimulus—in other words, we borrow less now—it is not going to help the economy as much. That was the philosophy behind the stimulus package, that by borrowing money and putting that government money into the economy, we would help the economy recover. I think it is not arguable that there are a certain amount of jobs that can be created by government spending.

The reason I voted against the stimulus bill is because I thought a lot of the money was irresponsibly spent and it was going to run up the deficit. So I was looking more long term, not just short-term. The problem with continuing to borrow more and more is we have the threat of long-term economic harm. We have the threat of long-term inflation in this country, which will be devastating to this economy.

Under the President's budget that was passed here in the Congress, it is projected that our national debt will double in 5 years and triple in 10 years. Think about that. Take all of the debt that was borrowed in the history of this country, from George Washington to George W. Bush, and that debt is going to be doubled in 5 years and tripled in 10 years. That is unsustainable. We have to think about future generations.

States do need help to replenish their Federal unemployment insurance fund. They do need that help. We recognize that. But let's do this in a way where we are not borrowing more money from our children's future. That is really what this is about.

We had the former Fed Chairman, Alan Greenspan, talking to our conference at lunch a couple of weeks ago. One of the things he talked about and one of his big fears is that the United States is borrowing too much money and that can be a future threat to our economy in the form of inflation. If we get to the point where other countries decide not to loan us this money anymore—if they quit buying our Treasury bills, in other words—our economy falls off a cliff. We don't want to get to that point.

That is why we need to start taking small steps, which can lead to larger steps on being fiscally responsible in this country. We hear Senators from both sides of the aisle get up and talk all the time about being fiscally responsible. Yet every time we have a small proposal that shows fiscal responsibility around here, it is rejected: We can't do that now. We can't do that with this program. The stimulus program is off limits.

Even though a large amount of the stimulus isn't going to be spent for a long time, it was originally supposed to help our economy this year. And the Senator from Illinois just said the economy is recovering. There are signs the recession is slowing down; however, this looks as if this is going to be a completely jobless recovery. That is not what the stimulus bill was supposed to be about. It was supposed to be about creating jobs.

We had alternatives, actually, that would have created jobs, that would have helped the housing industry. The housing industry was the part of our economy that drug the rest of the economy down. So we thought we should have fixed housing before we started putting money into all these other projects and all these other government programs. That was rejected by the Democratic majority, unfortunately. I still believe we need to help the housing industry.

Senator JOHNNY ISAKSON from Georgia has a good proposal—to give a $15,000 tax credit to anyone who would buy a home. In my State of Nevada, the housing market is still devastated. We have huge foreclosure rates. We have a large amount of inventory to sell out there. The housing market is starting to turn around in some of the other States, but it still has a long way to go, and we could really help the housing market.

The bottom line is that we need to be more fiscally responsible to future generations. My amendment today is just taking a small step toward that.

My dad used to tell me all the time when I was growing up: You have to watch the small amounts of money. He used to say: If you watch the $20 bills, the large amounts of money will take care of themselves. Well, let's start watching the small amounts. I know

$7.3 billion is not a small amount of money, but around here, it is. Let's start watching at least these amounts of money so that when we are talking about the $1.8 trillion deficits, we can start taking care of that and we can start being fiscally responsible to future generations.

I urge my colleagues to support this commonsense amendment. I think the Vitter amendment is the right direction to go as well. This is something we need to do for future generations.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I rise to speak against the Ensign amendment, and I want to explain why, so I will take my time off that discussion and retain the remainder of my time on the other amendments.

Let me say that Senator ENSIGN has come to the floor and he wants to talk about fiscal responsibility. I welcome that debate. He blames the Democrats for not doing anything to help us get a handle on deficits and debt. But let's go back to recent history—not ancient history, recent history.

Bill Clinton left the White House in the year 2000, and we had a budget surplus. That was very hard to get to, but we Democrats did it with him and with the help of some of our Republicans. We had a debt practically eliminated. It was on the way down. And I remember discussions about what do we do when we have no more Treasuries to buy.

Then we had George Bush elected, and we had the Republicans supporting him. In a nanosecond, the whole table turned. We went from budget surpluses as far as the eye could see to deficits as far as the eye could see. We went from a debt that was going to be extinguished to a debt that began climbing.

As a result of these policies, there was a call for change in this country. We had more Democrats elected. We have a Democratic President, and he inherited one giant mess. The chickens came home to roost.

So our President said to the Nation: I am going to do everything I can to get out of this economic mess. Help me. Help me pass a bill that will put people to work. He said: I know it is going to be hard. I know it is going to take time, but we need to do this because of the recession. And if we don't get out of this recession, we are not going to be able to attack the problem of deficit and debt.

Anyone who knows President Obama knows that when he was a Senator, he was always conscious of our fiscal issues and distressed about the course we had been on for the last 8 years.

So here is what happens. We are 4 months into the economic recovery package. I have been to places in California, I have seen people getting those jobs—highway jobs, water infrastructure jobs, cleaning up Superfund sites, restoring our wildlife refuges. Those are just some examples of the jobs. And we know, according to Vice President BIDEN, that about 25 percent of those funds have been obligated.

Senator VITTER came down here and said nothing is working; we are not getting those jobs out there. Let's go in and cut that stimulus program—put a dagger in its heart is what they want to do, when it isn't necessary to do so.

The Congressional Budget Office, as I have said—and I have put into the Record—tells us the bill the House sent us does nothing to increase the deficit. As a matter of fact, it is a small benefit to the deficit over 10 years. They figure it is about $40 million—not much, but it doesn't produce more deficits.

So they come to the floor and they are arguing the House bill at the desk causes deficits when the Congressional Budget Office says, after they had done a study, absolutely not. They still insist it does. Fine. They do not agree with the CBO.

By the way, they do agree with the CBO when the CBO says there are costs to health care reform. Then they embrace the CBO. But now they can't because it doesn't fit their political rhetoric.

So all I can say is, if you take all these amendments—and, look, I don't think they are meant to be mean-spirited. I think they are honest in their approach. They do not like the fact that we passed the stimulus bill. They do not believe in it, even though a few of them on the other side—a few of them—have gone to see some of the projects that are putting their own people to work. A few have done that. I find that a little disingenuous, but that is their choice.

Their argument just doesn't hold up. Look, if we take the funding out of the stimulus, we put at risk $10 billion of highway-related jobs. We put at risk millions of dollars that would otherwise be paid to our construction industry. We put at risk very important construction projects at military bases, long overdue Superfund cleanups, the creation of clean energy jobs in the future, improvements to outdated rural water systems. Why would we want to do this—Why, in the middle of a recession, when we have come up with a way to handle this that does not add to our deficit?

On the highway trust fund, Democrats and Republicans in the Senate agree we ought to do an 18-month extension. On that part of the Vitter amendment, you will find me on his side, but not to take the funds out of the unspent stimulus money that is on the ground and putting people to work and will continue to do so. It has only been 4 months since the funding has started to get out the door. Have a little patience. You know, for 8 years we saw the economy turn into a bad way. For 8 years, we saw this economy turning bad. For 8 years, we saw the recession building. For 8 years, we saw the deficit building. For 8 years, we saw the debt building. It is not going to take 4 or 5 months to turn this around. And why would we put a dagger in the heart of job creation at this point, no matter how noble the effort?

I believe it is very important that we don't play games with this bill that is at the desk. For example, Senator BOND is going to offer a very good amendment. It has nothing to do with cutting the stimulus; it just corrects a real problem, and it restores funding to the trust fund. He is absolutely right on that, and I absolutely will support his amendment. But here is the thing. We have until September 30 to make that fix, when we have to reauthorize the program. This is just a financial transfer into the fund. September 30, we need to actually reauthorize the highway bill. We take care of Senator BOND. But the reason I cannot support it is, as he well knows, the House has stated—and I do not agree with their attitude, I don't agree with it but they have stated—this is it. We are giving you this quick influx of funds, and we do not want to have it come back with amendments.

We can put off the Bond amendment. We have time to deal with it. I praise Senator BOND for continuing to raise this matter before us because we do have to take care of it. Let's just get it straight. When people come down to this floor and rail against deficits and rail against the debt, just remember that little simple piece of history that is documented, that President Clinton left President George W. Bush a surplus as far as the eye could see and a debt going down. Now the other side of the aisle claims our President is not moving fast enough on all these fronts. Let me assure my colleagues our President cares a lot about the financial future of this country. He has two little kids. He knows exactly what their burden is. I do not believe that fiscal responsibility belongs to the other party because it was our party, under Bill Clinton, that got this country in the best financial shape it was in for decades. It only took a few short years to see all that go out the window.

Let's not lecture each other. If they continue to do it, I will just continue to bring up the facts. But, again, I see Senator BOND is here. I am going to repeat what I said before he got here. I complimented the good Senator because I think he is totally right on his amendment. However, I do know if it is attached to this bill what will happen because the House has told us. They will not take up the replenishment. We risk the highway trust fund running out of funds. I personally will work with the Senator from Missouri and my colleague, Senator INHOFE, to make sure the Bond amendment is part of the reauthorization which we will have to do in September. But I thank him because he perseveres. He brings it up all the time, and it is good that he does so. I support exactly what he is trying to do, but the timing, unfortunately, would undermine the replenishment of the trust fund.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, as the ranking member of the committee, first of all, while I love the chairman dearly, she is dead wrong on all the information she just gave you. Let me go over that briefly.

First of all, on the Clinton administration. Let's keep in mind that even then-Vice President Al Gore admitted they had a recession coming at that time and that reduced the amount of money that was coming in to run the government. We all know that is basic economics. We also know during the 8 Clinton years he downgraded the military by 40 percent—not 10 percent or 15 percent. I will never forget the euphoric attitude: The Cold War is over now; we don't need a defense any longer. We cut down our end strength and our modernization program and all of a sudden 9/11 came and we were in the middle of fighting a war with a military that was downgraded by the President. Obviously, it took a lot of money to bring us out.

I would say on behalf of President Bush that was a tough situation, but he grabbed hold of it. Yes, we had to spend more money at the time, but he had to rebuild what was torn down during the Clinton years.

One word about the Vitter and Ensign amendments. They are both good amendments, and all they are doing is what I thought the chairman of our committee joined me in wanting to do back when we were considering the stimulus bill, the $789 billion bill. Only 3.5 percent of that went to roads and highways and bridges. That would really have stimulated the economy. I had an amendment cosponsored by the chairman, Chairman BOXER. We were unable to get it passed. That would have turned this into a real stimulus bill. Frankly, we would not be here today if we had been successful doing that.

Look, 67 percent of that $789 billion is unobligated today. What better use could there be than using that for construction, for getting into something where we can actually stimulate the economy? This has to be done. Our roads, our highways, our bridges are in deplorable condition. Our chairman and I agree on that. We want a robust reauthorization bill. But in the meantime, to be able to take some of the money that is in the stimulus bill that doesn't stimulate anything—we are not talking about taking away from military construction. I am the second ranking member on the Armed Services Committee. I wouldn't tolerate that. That is already in there. But the unobligated funds amount to about 67 percent or about over $400 billion of the stimulus bill.

I am going to strongly support—in fact, I recommended to both Senators Vitter and Ensign—that this is a good place to find the money we have to find in order to rebuild our system.

I have to say something about the Bond amendment because I will have to leave the floor in just a minute. I am fully supportive of the amendment. The rescission is bad for every State and bad for the highway program. This amendment corrects an accounting provision in SAFETEA that removes $8.7 billion of what was supposed to be unneeded contract authority.

I think the rescission was not intended to have the real funding impacts on the States, but the provision in the Energy Independence and Security Act of 2007 changed how the rescission was to be implemented. Now States stand to lose about $400 million of real money.

Madam President, $40 million of that $400 million comes from Oklahoma. Right now the Oklahoma secretary of transportation, Gary Ridley—and I believe he is the best secretary of transportation anywhere in the Nation—recently told me my State will be forced to cancel $40 million in projects that were supposed to begin this year. For this reason, this amendment cannot be put off. We have to pass it now; otherwise, States will have to cut planned projects in anticipation of this rescission.

Some are arguing this amendment would somehow endanger the passage of the trust fund rescue. I flatly reject this argument. The other body is still in session. Right now they are over there, and we should not bow to its whims. This is not just a Senate problem to fix. The House has a responsibility to address it too.

As I stated earlier, the House is still in session and they can take a few extra hours before their adjourning to pass a highway fix bill with the Bond rescission language in it. It is ludicrous to talk about infrastructure spending being an ingredient in creating jobs on one hand and on the other hand allowing $8.7 billion in contract authority to disappear.

I urge my colleagues to support all three of these amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 1904

Mr. BOND. Madam President, I thank the ranking member, Senator INHOFE, for his support of the amendment. I thank the Chair for her kind words, even though we disagree. We, all three of us, strongly support the need to get highway funds moving to build the infrastructure we need in our transportation. This is a critical time.

Right now our economy is struggling to recover from the worst recession in generations; hard-working Americans in my home State of Missouri and across the nation are losing their jobs; and our states are straining to fund projects that are critical to our constituents. Unfortunately, unless we act now, our economy, workers, and our States will be dealt another heavy blow.

At the end of September, millions will be cut in on-going, shovel ready highway projects. That does not have to happen. This drastic cut will halt critical transportation projects—like the repair of highways and bridges—across the Nation. In addition to halting critical infrastructure projects, this cut will cost jobs in all 50 States.

My amendment is the action we must take now to protect our struggling economy and protect jobs from this dangerous rescission. This amendment will protect our economy and workers by eliminating the $8.7 billion rescission of contract authority mandated in the last highway bill—SAFETEA LU—for September 30, 2009.

The reason for repealing this dangerous cut now is simple. We should not be giving money to States for infrastructure, jobs and economic growth with one hand and on September 30 taking money away with the other. This contradictory action just doesn't make any sense and runs counter to our own efforts to improve our Nation's infrastructure.

According to our State departments of transportation, rescinding contract authority can limit our state's ability to fund their priorities and operate their programs as efficiently as possible. There are real world consequences for our States if we continue with these rescissions. The most obvious consequence will be a halt to much needed improvements to our Nation's infrastructure.

I don't think I need to remind people of the state of our infrastructure around this country. If I do, then you simply aren't paying attention.

We are beginning to burst at the seams, our vehicle miles traveled remain at historic highs, congestion rates are up with more and more people sitting in traffic next to trucks carrying products to and from businesses across the Nation. Our deteriorating infrastructure is a real problem and it is taking an economic toll at a time when we simply cannot afford more burdens on our system. Unfortunately, the real world consequences of this dangerous cut will be hardest on workers and families. The Missouri Department of Transportation estimates that this rescission would mean about $201 million in lost projects and countless pink slips in Missouri. Missouri is not alone. The numbers for other States are startling: California, $793 million; Pennsylvania, $404 million; New York, $406 million; Maryland, $140 million. But most importantly, behind these numbers there are jobs. The American Association of State Highway and Transportation Officials estimates that for every billion dollars rescinded, our States will miss out on nearly 33,000 jobs.

If Senators were to contact their State's department of transportation they would quickly understand the full impact this rescission would have back at home. I urge my colleagues to do that before voting.

In fact, let's hear from some State DOT directors on the real effect this recession will have back at home.

Colorado Director of Transportation Russell George stated that the upcoming $8.7 billion rescission will cost the State $98.7 billion:

that could have otherwise been obligated and out the door helping to employ hard working Coloradoans and providing important infrastructure projects to the State. This real dollar cut is about 20 percent of the total federal funds Colorado receives each year.

The Department of Transportation director in Nevada, Susan Martinovich, said that the upcoming rescission of $61 million represents 25 percent of the State's annual $236 million Federal aid allocation and that she would be forced to cancel $48 million of projects that are already under construction, having a ''devastating effect'' on workers.

We have kicked the can down the road on this rescission for far too long.

Right now, with this amendment, is our last opportunity to do what is best for our economy, American workers, and our States by repealing this rescission. I know that I don't want to go back to my State having voted against so many jobs for Missouri.

Repealing this rescission will allow States to continue to move forward to meet our infrastructure needs and to create the jobs that struggling families and this economy so desperately needs.

I also have a letter of support from Americans for Transportation Mobility. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FASTERBETTERSAFER, AMERICANS FOR TRANSPORTATION MOBILITY,
Washington, DC, July 30, 2009.

TO THE MEMBERS OF THE UNITED STATES SENATE: The Americans for Transportation Mobility (ATM) coalition strongly urges you to pass H.R. 3357, which would address the looming shortfall in the Highway Trust Fund, and make highway and public transportation reauthorization a top Congressional priority during the remainder of the year. The coalition also supports the Bond amendment, which would repeal the rescission of $8.708 billion in highway contract apportionment to states scheduled to take effect on September 30, 2009.

The 2005 highway and transit reauthorization legislation, the ''Safe, Accountable, Flexible, Efficient, Transportation Equity Act: a Legacy for Users'' (SAFETEA–LU), which expires at the end of September, guaranteed at least $223 billion for federal highway program investments through fiscal year 2009. This investment level was predicated on a forecast of anticipated revenues collected for the Highway Trust Fund's Highway Account over the life of SAFETEA–LU. Unfortunately, the Highway Account is expected to run short of cash to liquidate obligations sometime in the next few weeks.

To avert the imminent crisis, Congress should provide revenue to support the Highway account expeditiously. H.R. 3357 would achieve this by transferring $7 billion from the general fund of the Treasury to the Highway Trust Fund's Highway Account. This measure would provide states and localities with needed continuity in federal reimbursements to ensure infrastructure efforts around the country do not come to a screeching halt.

While H.R. 3357 is critical to supporting ongoing infrastructure efforts, it is only a short-term solution to an imminent crisis. Continued bailouts for the Highway Trust Fund are hardly a sustainable approach to the nation's infrastructure investment needs. Congress must develop a comprehensive, long-term solution to ensure the platform of our economy is sound.

The ''user fee'' system has been in place since 1956 when Congress dedicated the gas tax to pay for construction of the Interstate Highway System. This system and the Highway Trust Fund have been a stable source of funding for decades and have offered states and localities the predictability and consistency necessary for capital investment. Additional revenue will be needed to sustain this system and fuel taxes are currently the simplest, fairest, and most effective way to fund surface transportation infrastructure investment. Capital investment requires capital, and there is no alternative for the systemic funding needed at the federal level.

The Coalition strongly urges you to pass H.R. 3357 to address the imminent shortfall in the Highway Trust Fund and support the Bond amendment to repeal the looming rescission. Congress must make highway and public transportation reauthorization the national priority it should be to ensure long-term stability in national infrastructure planning and investment.

Sincerely,
AMERICANS FOR TRANSPORTATION MOBILITY.

Mr. BOND. For the RECORD, this is composed of the American Public Transportation Association; American Road and Transportation Builders Association; Associated Equipment Distributors; Association of Equipment Manufacturers; Associated General Contractors; American Society of Civil Engineers; International Union of Operating Engineers; Laborers International Union of North America; National Asphalt Pavement Association; National Stone, Sand and Gravel Association; United Brotherhood of Carpenters and Joiners of America; and the U.S. Chamber of Commerce.

Madam President, our distinguished chairman of the committee has said if this bill is amended, it will fail because the House of Representatives may not take it. But as the ranking member pointed out, they are still in session. If we believe this is right, accept the Bond amendment, pass this bill as amended, send it to the House, give them the chance to do what is right. Our job is to make sure we get this business right before we go home on August recess.

If the House refuses to take it, they will have to go home and spend all next week explaining why they are at home instead of having passed a bill that could have had workers on highway and bridge projects working at home. They should be asked, if they go home, if they refuse to pass it: Why did you leave early? The Senate is still in session. You could have stayed there and gotten rid of the rescission that will cut jobs.

There is, I guess, going to be a Budget Act point of order raised against this bill. I will, of course, ask to waive the Budget Act point of order. I would note that if you are going to take budget points of order seriously, this whole bill could be challenged on a Budget Act point of order. I will not do that because I want to see this done.

But let's be clear: This so-called money for this bill comes in from going back and assuming interest was paid on the intergovernmental transfers. We do not do that. That is totally bogus. That is a pencil-whipping trick that I do not believe anybody would honestly score.

That is the problem with the whole bill itself, not just with my amendment. If you want to be serious about paying for this bill, and my amendment, the Vitter amendment, it is very simple: We can rescind a small amount of money, a small portion of the stimulus bill that was passed, and less than only 10 percent has been used. That money we can use to put people to work on shovel-ready projects, make sure the work goes on that otherwise would be cut off by an artificial September 30 date.

I hope my colleagues will support the waiver of the point of order on the budget amendment. Because if you do not, quite simply, to put it in terms we are using every day, if we fail to repeal the rescission, we will be taking the shovels out of hands of workers ready to go to work on shovel-ready projects. That is not something I wish to go home and explain to the people of my State. I do not think Senators and Members of the House would want to go home and explain to the people or the constituents in their areas that they represent.

I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1904.

Mr. BOND. Madam 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 repeal a certain provision of the SAFETEA–LU)

At the appropriate place, insert the following:

SEC. ___. RESCISSION OF UNOBLIGATED BALANCES.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1937) is repealed.

Mr. LEVIN. Madam President, I support repealing the rescission contained in the SAFETEA–LU bill that requires that on September 30, 2009, $8.7 billion of apportioned contract authority provided to States for investment in infrastructure be rescinded. This is important to Michigan and all the other States across the Nation that cannot afford to have Federal infrastructure funding cut at a time of severe funding constraints. I will work to repeal this rescission so Michigan and other States do not lose these needed Federal transportation funds.

Based on the assurances of the chairman of the Senate Environment and

Public Works Committee that this will be corrected before September 30 and the extremely time sensitive nature of the underlying bill, I will oppose the motion to waive the Budget Act with respect to the Bond amendment to this bill. H.R. 3357 restores funding to the highway trust fund to keep it solvent through September. With the House of Representatives scheduled to adjourn tomorrow any Senate amendment to H.R. 3357 would require that it be sent back to the House, likely killing this important bill. We cannot risk letting the highway trust fund run out of funds.

I will work with the chairman of the Senate Environment and Public Works Committee to repeal the SAFETEA–LU rescission as part of the bill to extend SAFETEA–LU programs for 18 months.

Ms. STABENOW. Madam President, I support rescinding section 10212 of the Safe Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users. Section 10212 will rescind apportioned contract authority for States for infrastructure investment on September 30, 2009. If section 10212 goes into effect, my State could lose up to $100 million in transportation funds this year alone. While I support the intent of amendment No. 1904, offered by my colleague, Senator BOND, to rescind section 10212 and maintain apportioned contract authority for States, I believe it is more important to follow the direction of Chairman BOXER and pass H.R. 3357 as a clean bill with no amendments. Providing funding for transportation, unemployment insurance, and housing programs included in H.R. 3357 are vital for the State of Michigan, and we must pass this bill quickly rather than delay it in a long conference process. I look forward to working with both Chairman BOXER, who is committed to resolving the problems surrounding section 10212, and with Senator BOND to address this problem in a timely manner.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Before Senator BOND leaves the floor, I wanted to thank him for his leadership on this issue. I wanted to assure him and all the people who support this amendment that this amendment will pass. It will not pass today, I do not think, for one main reason. We are fearful of playing these parliamentary games with the House on the highway trust fund.

We have until September 30 to address this issue. My friend is entirely correct, we must deal with this rescission. We have to repeal it and we are going to repeal it. I will work with him to do that.

I simply wished to say that on September 30, when we are faced with our next deadline, the entire bill has to be reauthorized. So it is not only this problem but many other issues have to be addressed. Again, I wish to state this: I am not happy the House sent us this very short extension.

I and I know my colleague wanted to see the highway trust fund extended for 18 months. I think the places we differ have to do with how we pay for the extension. Senator VITTER and all my colleagues who are dealing with unemployment insurance and the rest want to cut funds out of the job-producing stimulus program. I think it is unnecessary.

I also would say to my colleagues who say we are borrowing and we are borrowing to do all this: Simply look at the CBO score which scores this as a positive. The House bill is scored as a positive because of some of the legislative changes in it. Again, I wish to be clear, I will work side by side with Senator BOND. We are going to reauthorize the highway bill. It might be for 18 months. Maybe we can get together and we can come up with a bill for 5 or 6 years. We have to find a funding source to do that. I hope we can. But we will deal with the Bond amendment. We have to deal with it. The Senator is exactly right—exactly right.

He talks about taking shovels away from workers. The only place I disagree with him is that I think you are taking shovels away from workers by cutting the stimulus. I visited my State. I see people being put to work.

As Vice President BIDEN said: We have only seen 25 percent of the stimulus money go out the door.

So I also wanted to ask unanimous consent when Senator MCCAIN comes to the floor he wanted some time to speak on the Bond amendment. So I ask Senator MCCAIN be given up to 15 minutes to speak on the Bond amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I rise in opposition to the Bond amendment No. 1904, which if enacted would add another $8.5 billion to the $1.8 trillion deficit we are accumulating this year.

As many of my colleagues will recall, when Congress considered the Safe, Accountable, Flexible, Efficient Transportation Equity Act in 2005, the so-called SAFETEA Act, we included a section that required that $8.543 billion of unobligated contract authority be rescinded on September 30, 2009.

The question, obviously, would arise: Why would we do such a thing, authorize money but then say it will be rescinded or cancelled? It was done for one simple reason; that is, because of the size of the bill it would have been subject to a point of order because it exceeded the budget.

By the way, I would remind my colleagues this was a $223 billion bloated and earmarked highway bill. So apparently it is not sufficient, in the minds of some, that we at least honor a commitment we made, which would have canceled about $8.5 billion.

Please keep in mind it was a $223 billion piece of legislation. Please keep in mind that earlier this year we passed a $787 billion stimulus bill, that only 10 percent of the money has been spent, and only 1 percent of the $787 billion stimulus has been spent on highway and infrastructure projects.

So we know there are many billions of dollars more that will be spent on highway and infrastructure projects out of the stimulus bill that has not been spent. Yet that does not seem to be enough, we need to add another $8.5 billion.

I would point out that this amendment, the same amendment, was considered in the Senate Environment and Public Works Committee on July 15 and was defeated by a vote of 14 to 5.

Well, sometime we have to stop. You keep coming to the floor time after time and saying: At some point we have to consider our children and our grandchildren and the kind of debt they are inheriting. This is another $8.5 billion which was not budgeted, which will add to the burgeoning debt America is staggering under and at a time when we know that tens of billions of dollars additional will be spent on highway and infrastructure.

It is almost sad to see this because it began with gimmickry in order that the bill on the floor at that time would not be subjected to a budget point of order, knowing there would be an attempt at some point to restore it, which is now being made.

In 2005, we were accumulating deficits but unlike anything we have experienced in the last several months and since the economy cratered back in September of last year.

I hope my colleagues will reject this amendment. It is unnecessary, unneeded, and unwanted. Frankly, it is another sign that we don't understand how serious the deficit problem is, that we are accumulating the biggest deficit since World War II as a percentage of our gross national product.

I hope my colleagues will vote against the amendment.

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. REED. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1905

Mr. REED. Madam President, I rise in opposition to the Ensign amendment. This amendment would fund the unemployment compensation trust fund by taking unobligated money from the recovery package. It is ironic that one of the major tools we are using to maintain employment and grow it is the recovery package. In

Rhode Island, our State used about $200 million, which is a significant sum in their budget, to ensure they didn't have to lay off workers, which would have increased the demand on unemployment, and that they could maintain services. All of this is a result of the recovery package.

We are beginning to see the momentum pick up. For example, with respect to weatherization, Rhode Island initially received some funds, but then the bulk of the funds would be received based upon submission of their plan. The plan is underway. The State will see roughly $20 million over the next several months to get people to work doing weatherization. Not only does this help the environment, it also provides employment, particularly for those most hard hit, the construction industry.

To take this money now and put it in the trust fund is counterintuitive and counterproductive. On those grounds alone, we have to seriously look at this amendment.

The other issue that should be mentioned, among several, is that CBO has indicated that this approach of moving funds in the underlying bill has no effect on their baseline. It is an intergovernmental transfer that the underlying legislation is proposing.

So this issue, again, is more of a comment, perhaps, on the recovery package than trying to effectively stem unemployment and to provide funds for those who are unemployed.

The issue of unemployment is probably the most significant one we face in the country, particularly in my home State. We know joblessness is rising. It is 12.4 percent in Rhode Island. Rhode Island and 18 other States have had to borrow $12 billion to keep their State unemployment trust funds solvent. Rhode Island has borrowed more than $80 million itself to cover unemployment costs, and over the next few months, they will draw on a line of credit of about $40 million to keep paying these benefits, which are absolutely critical to families who have lost their jobs. If we don't, today, transfer these funds, as suggested in the underlying legislation, Rhode Island and many other States would be looking at a real crisis in which they would fail to be able to respond to this need for unemployment compensation.

On the merits of where the money comes from—i.e., the Recovery Act, which is the biggest tool we have that is trying to keep people working and employ more people—it doesn't make sense. And not making this transfer, as suggested by the underlying legislation, would imperil the State's ability to provide unemployment compensation in a labor market that is still very weak. We have to do more, and we also have to be more innovative in our approach to unemployment.

One of the things my State has done with its own resources is a work-share program. Rhode Island and 17 other States are using their resources to provide WorkShare, an effective program. Essentially, it allows an employer to cut back on the number of hours a worker is engaged, and that worker would qualify for what is basically a partial unemployment check,—not the full check, so it doesn't put that much of a drain on the trust fund. Part of the conditions in Rhode Island is that the employer must maintain the benefits the workers enjoy. So it is really a win-win-win. First, people do not lose their health care because they must maintain the benefits. Second, they are still employed, so there is continuity of workers on the factory floor or in the office. Third, the pressure on the State trust fund is lessened.

One of the things that is particularly appropriate to mention when it comes to this program is that it provides a big bang for the buck. Mark Zandi, an economist who is well renowned, has indicated that for every dollar of funds we put in through the unemployment system, we get $1.69 back. That makes sense. People who are getting these funds are using them right away. They are going into the economy with their other funds to buy food, to buy the necessities of life they need. This has a stimulus effect on the economy. That is another reason we have to move very aggressively.

But I would like to broaden this concept of WorkShare, which has been so effective in Rhode Island, to ensure we have a system that would provide some Federal support to those States that are engaged in work share programs. Again, it is not only a very efficient program, it is very popular with industry and business in Rhode Island.

I had the occasion to visit a Hope Global plant, and they have engaged in WorkShare. In fact, the number of companies in the State engaged in WorkShare has gone up dramatically, given the economic recession.

At this company, I listened to a woman who worked there with her husband, and they benefitted from this program. She said, point blank: Without it, we would have lost our health care and we would have lost our home.

So we can do more when it comes to flexibility and innovation with respect to unemployment. This also includes passing legislation immediately to extend unemployment insurance. Over half a million workers will exhaust their benefits by the end of September, and 1.5 million will run out of coverage by the end of the year. This is an extraordinary number of Americans, and we need to provide them the support of the unemployment system, particularly high unemployment States like Rhode Island.

Also, as I indicated before, this is a way in which we cannot only moderate the crisis of unemployment for families but also to stimulate our economy. In fact, in that sense, it complements the Recovery Act. To take away funds from the Recovery Act to place into the unemployment trust fund would blunt the overall macroeconomic stimulus that we need to get this economy moving again.

The unemployment levels today are unacceptable, particularly in my State of Rhode Island. It is the No. 1 concern. Related to unemployment, for many people in my State, is the concomitant loss of their health care. So we have to move aggressively on health care reform also. But we have to act, and we can act, and we should act. I urge my colleagues to reject the Ensign amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under ''Morning Business.'')

Mr. CHAMBLISS. 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. COBURN. 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. COBURN. Mr. President, I am expecting Senator MCCAIN on the Senate floor anytime, but I think I will begin.

The Government Accountability Office released a report yesterday that talked about the highway trust fund. What they noted is that over the last 4 years $78 billion of that trust fund has been spent on things other than highways, bridges, and roads.

Some of the things it has been spent on nobody would have any question. But here we find ourselves—the second time in a year—trying to bail out the trust fund, and we are going to get to decide whether we are going to steal it from our kids or steal it from the stimulus bill, which will actually make it much more stimulative than the money that is there.

But we find ourselves in trouble. When this trust fund was first set up, it was set up during the Eisenhower administration. It was designed to build the Interstate Highway System and help us with roads and bridges and secondary roads and bridges throughout the country. What it has morphed into is that a large percentage of it now does not go for any of that.

So we find ourselves in the midst of a recession—with last year having high gas prices which depressed the money going into the fund, and with a recession now, with decreasing revenues going into the fund—and we have all these projects that we know are priorities for us that need to be fixed.

The other thing we learned from this report is that 13,000 people in this country a year die because of bad roads, bad bridges, and bad highways.

So it would seem to me the highway trust fund moneys ought to be spent to eliminate those 13,000 deaths, and the priority ought to be about roads, bridges, and highways.

I will put into the RECORD many other items where the money is spent. Ten percent is mandated for highway beautification. Well, I think that is great—if we do not have a trust fund that is broken, and we do not have 200,000 bridges in the country that structurally have some defect, 93,000 of which are seriously structurally defective. I think it is important that we turn our attention to priorities that will support that.

We are going to have a lot of votes on this today.

I am supportive of us doing what we need to do for the trust fund. I am also supportive of making sure the priorities of the trust funds are about bridges, roads, and highways. Because of what happened in Tulsa, OK, yesterday, we have a man in ICU. Somebody hit a bridge with a car, and he was driving under the bridge in another lane, and chunks of concrete fell through his windshield and seriously injured him. Our highway department knew we had a problem with that bridge—not going under it or over it, but the foundation was suspect in terms of the concrete underlying it, and the uprights. So the dollars that went to build a bicycle path and to plant flowers along the highways and the dollars that went to put in walking paths means that guy is in the hospital today because the dollars didn't go for what they were intended.

So when we have had $78 billion over the last 4 years that didn't go for roads, highways, and bridges, and instead went for things that aren't going to enhance safety or help save 13,000 lives a year, America has to ask: What are your priorities?

I commend to my colleagues the GAO report: ''Highway Trust Fund Expenditures on Purposes Other Than Construction and Maintenance of Highways and Bridges During Fiscal Years 2004–2008'' on the GAO Web site at www.GAO.gov.

Mr. President, I make the point that as they look at this, there are important things for us to consider. We know that had we passed a better stimulus bill, we would be doing twice as much now in terms of fixing the real problems in this country in terms of transportation infrastructure. But we didn't. We passed a stimulus bill that created transfer payments on 70 percent of it, and 20 percent of it may be considered to be stimulative. So the hope is that, as we go forward—and we are going to bail this out—what we really need to do is, let's have our own money. In Oklahoma, we have never gotten 100 percent back. The highest was last year. When I came to Congress, we were getting back 74 cents out of every dollar. If we can keep that money, we can get more done with it than what we get done through the trust fund now. That may be one solution to ultimately getting us out of this situation.

Mr. INHOFE. If the Senator will yield, it is a real problem we have here. I remember, up until about 5 years ago, our trust fund took care of our needs. The problem we had was not just the fact that as it goes up, the proceeds go down, but that we got involved in things that had nothing to do with transportation. It used to be bridges, transportation, and highways. It was adequate at that time, but the hitchhikers would say there is a big surplus, so let's tap into that, and now we have all these things having nothing to do with transportation.

Mr. MCCAIN. Will the Senator yield?

Mr. COBURN. Yes, but first I have one other point.

In the last 20 years, we have built 25 transportation museums rather than the money going to highways. Remember the Minneapolis bridge that collapsed? We are putting money into museums, and I wonder if we are going to build a museum about the collapse of the bridge in Minneapolis. We are putting money into museums instead of making sure the roads and bridges—especially the bridges—are safe in this country. Our priorities are messed up, and the American people know that. Hopefully, we can redirect transportation dollars to true transportation projects, not to the aesthetics that we cannot afford now, even though they may be nice, and, No. 2, are causing additional deaths on our highways.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. COBURN. Yes.

Mr. MCCAIN. Couldn't it also be traced to earmarks and porkbarrel and ''demonstration projects''? Couldn't it be traced to the fundamental fact that the 1982 highway bill included 10 demonstration projects totalling $386 million? The 1987 bill had 152 porkbarrel projects, totaling $1.4 billion. The 1991 bill had 538 locations with specific porkbarrel projects, totaling $6.1 billion. The 1998 highway bill had 1,850 earmark projects, totaling $9.3 billion, and then in 2005 had 5,634 earmark projects, totaling $21.6 billion. How can anybody who calls himself or herself a fiscal conservative stand by and allow this kind of thing to happen?

And what happens? There was $2.3 billion for landscaping enhancements along, of all places, the Ronald Reagan Freeway; $480,000 to rehabilitate a historic warehouse along the Erie Canal; $600,000 for the construction of horseriding trails in Virginia; $2.5 million for the Daniel Boone Wilderness Trail Corridor; $400,000 to rehabilitate and redesign the Erie Canal Museum; $400,000 for a jogging, bicycle, and trolley trail in Columbus, GA. How in the world can those things be justified and then expect our constituents not to rise up?

Mr. COBURN. The answer to the Senator's question is, they can't. There is no question that there are certain priorities. What has happened is, as we try to address priorities for individual States, because the States don't get their money back—and there may be a great project in there, and along comes a lousy one.

I just make the point that we have our eye off the ball. The eye needs to go back. All you have to do is go read the story that happened in Tulsa, OK, yesterday. Had we been applying money to transportation instead of nontransportation through this trust fund, that gentleman probably would not be in the hospital today. A 700-pound piece of concrete fell through his windshield, trapping him in the car. We don't just have a problem of not enough money in the trust fund, our problem is that the money that goes out doesn't go for the real things the trust fund was designed to do in the first place.

I will restate, and then I will yield back. We have to do one of two things. Until this country gets out of the financial damage it is in, first, we have to make sure the money is spent on transportation projects, real transportation projects, to save some of those 13,000 who are being lost because we are not fixing roads, bridges, and highways. Second, let's eliminate the thing and let the States keep their money, and we will figure out how to spend it at home. In Oklahoma, we have never gotten a square deal yet.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. COBURN. I am happy to.

Mr. MCCAIN. Does the Senator know how much we are spending on highway and transportation projects in the stimulus, the $787 billion stimulus bill?

Mr. COBURN. It could be around 4 or 5 percent. Senator INHOFE will know the answer to that.

Mr. INHOFE. The answer is 3.5 percent, and an additional 3.5 percent in military construction, totaling about 7 percent.

Mr. MCCAIN. Does the ranking member know how much of that has been spent in dollars?

Mr. INHOFE. Sixty-seven percent has not been obligated, so 33 percent is obligated.

Mr. MCCAIN. I thank the Senator.

Mr. COBURN. Let me add, also, that if you go to USAspending.gov and to recovery.gov, you will find that as of last week—I don't know what it is this week—only $78 billion of the whole stimulus package has actually been spent. More of it has been obligated but not actually spent. I think there is another $150 billion obligated out of that. That is one of the reasons we are not seeing the effect of the stimulus. One, it is not going to stimulate things, and it is not getting to where we need it.

Mr. INHOFE. If the Senator will yield, that is another reason the Vitter amendment and Ensign amendment are good. You are talking about money that is out there, not recoverable. Let's try to direct it where we can get something from it. I had an amendment during the stimulus bill to try to triple

the amount of money that would go into actual construction, and they would not take it up.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, as Senator COBURN has just mentioned, we released a report today examining how the highway trust fund receipts have been used for projects other than road and bridge construction and maintenance over the past 5 years. It relies heavily on the new GAO analysis that was performed at our request on how we prioritize, or fail to prioritize, our Nation's transportation spending.

Again, I remind my colleagues that the GAO concluded that, over the last 5 years alone, we spent $78 billion on projects other than road and bridge construction and maintenance. I will repeat that—$78 billion on projects other than the construction and maintenance of roads and bridges.

Where did it go? According to GAO, over $2 billion was spent on 5,547 projects for bike paths and pedestrian walkways. As one example, it identified a $878,000 project for a pedestrian and bicycle bridge for a Minnesota town of 847 people. I don't know what that works out to be, but it works out to roughly $1,000 per person. I would be interested to know how many inhabitants actually use that bridge. We all know about the ''bridge to nowhere''; perhaps this is a ''bridge for no one.'' Another $850 million went for 2,272 ''scenic beautification'' and landscaping projects around the country, and $84 million was spent on roadkill prevention, wildlife habitat connectivity, and highway runoff pollution mitigation projects. Yet another $84 million went to 398 pedestrian and bicyclist safety projects. I don't mean to diminish safety, but do we really need to spend Federal dollars for brochures like the one we cited in our report that encouraged bicyclists to ''make eye contact, smile, or wave to communicate with motorists. Courtesy and predictability are a key to safe cycling.'' Still another $28 million went to the transportation museums, and $215 million went to scenic or historic highway programs. The list goes on. I know Americans find these numbers as disturbing as I do. They should because they demonstrate that Congress is not focused on our Nation's transportation priorities.

We should not forget that 2 years ago, the I–35 West Bridge over the Mississippi River collapsed during rush hour, killing 13 and injuring 123 more of our fellow citizens. That tragedy exposed a nationwide problem of deficient bridges. According to the Department of Transportation, in 2008, of the Nation's 601,396 bridges, 151,394, or 25 percent, of our bridges were deficient. Over 71,000 of them had significant deterioration and reduced load-carrying capability, and almost 80,000 didn't meet current design standards. Yet we have been spending billions of dollars on bike paths, museums, landscaping, and roadkill-reduction programs.

Part and parcel of the problem, obviously, is the addiction to earmarks. As I mentioned before, the way the earmarks have grown, one of the standard arguments made by the earmarkers and porkbarrelers in Congress is that it has always been like this; we have always had congressional discretion because we know better than the bureaucrats where the taxpayers' money should go. Frankly, I agree that sometimes that is the case, if it competes with other programs, if it is scrutinized and authorized by the appropriate committees. But what we do is we earmark these porkbarrel projects, and many times—let's have a little straight talk, Mr. President—they are in return for campaign contributions, and we see corruption.

People are under investigation. Lobbyists' offices are being raided by the FBI. Again, I am not going to repeat what I said to the Senator from Oklahoma, but the 1982 highway bill had 10—count them—10 demonstration projects, and it was $386 million; in 1987, $1.4 billion; 1991, $6.1 billion; 1998, we get up to 1,850, totaling $9.3 billion; and 2005, 5,634 earmarked projects totaling $21.6 billion of American taxpayers' dollars. That is where we find the bypasses and the beautification projects and the trails. And all those are earmarked by specific Members of Congress. Meanwhile, we have 25 percent of our bridges that are deficient and 71,000 of them have significant deterioration and reduced load-carrying capability and 80,000 that do not meet current design standards.

What are we going to say to the taxpayers of America if, God forbid—and I pray not—there is another bridge collapse? What do we say to them? That we took their tax dollars and built a museum instead of fixing their bridges and highways to ensure their safety?

Maybe—just maybe—if we had not spent $21.6 billion on earmarked projects, maybe some of that money, just maybe some of that money might have gone to fix the design problems on the bridge over the Mississippi. Maybe not. Maybe we didn't know. I am not making a judgment here. But it seems to me that sooner or later, if you earmark as much as $21.6 billion of the taxpayers' money for museums and bypasses and brochures, sooner or later the priority projects suffer.

Again, projects originally authorized under SAFETEA–LU, the 2005 highway bill, included $3.2 billion for landscaping enhancements along the Ronald Reagan Freeway. I have often wondered how often Ronald Reagan turns over in his grave. I bet he was spinning on that one. Mr. President, $480,000 to rehabilitate a historic warehouse along the Erie Canal; $600,000 for the construction of horse riding trails in Virginia. You will notice all these projects are earmarked to a specific locality. That is what, among other things, they have in common. There is $2.5 million for the Daniel Boone Wilderness Trail Corridor; $400,000 to rehabilitate and redesign the Erie Canal Museum; $400,000 for jogging, bicycle, and trolley trails in Columbus, GA. The list goes on and on.

No one thinks our Nation should be without flowers, ferries, bike paths, and boat museums. But today we have to make some choices about priorities and how we spend limited resources.

This has to be considered in the backdrop of this year a $1.8 trillion deficit, the largest in the history of this country since World War II. There is no end in sight. It is almost overwhelming, a $1.8 trillion deficit this year. But what is worse, there is no way out. No one knows of a plan to bring us to a balanced budget without fundamental reform of Medicare and Social Security. Here before us on health care reform, we see another trillion dollars piled on that.

When are we going to decide we cannot afford taxpayers' dollars to rehabilitate and redesign museums, for trails, for beautification and landscaping enhancements when we have other priorities on transportation that have to do with the safety of our citizens?

I thank the Senator from Oklahoma for his continued advocacy for the taxpayers of America. I thank him for all the efforts he makes. I regret that neither he nor I will be elected Miss Congeniality in the Senate again this year. But I also believe the American people are beginning to wake up, and they are beginning to get angry. We saw this in the tea parties that took place all over this country. I hear it and see it in response to my Twitters. Over 1 million people now follow my Twitters and my tweets. They are very interested in this. We are going to post all these. We are going to let the American people know where their dollars have gone.

I urge my colleagues, let's, for once, catch up with the American people and start becoming fiscally conservative. One of the best ways we can be careful stewards of their tax dollars is to make sure we place as our highest priority their safety as they travel the highways and cross the bridges of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, what is the time remaining on this side?

The PRESIDING OFFICER. On the Vitter amendment, 9 minutes is remaining.

Mr. MCCAIN. If the Senator will yield, so I may make a unanimous consent request, I ask unanimous consent to have printed in the RECORD the Introduction and Conclusion of a report entitled ''Out of Gas: Congress Raids the Highway Trust Fund for Pet Projects While Bridges and Roads Crumble'' by Senator COBURN and myself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTRODUCTION

One of the many recent government bailouts consisted of $8 billion for the bankrupt

Highway Trust Fund (HTF)—a fund set up to support, through federal gasoline and other taxes, all federal transportation programs and projects.

However, the $8 billion did not solve the problem. The Highway Trust Fund will go bankrupt (again) by the end of August 2009 unless Congress bails it out (again). This week the U.S. House of Representatives voted to spend $7 billion of taxpayers' money, just to keep the Fund temporarily afloat, and the U.S. Senate is poised to do the same. Mere months ago, Congress provided over $27 billion for highway and infrastructure projects as part of the American Recovery and Reinvestment Act of 2009.

Yet billion-dollar government bailouts are not the solution to protect our nation's infrastructure. Congress must begin by reprioritizing funds.

Flowers, bike paths, and even road-kill reduction programs, are just some of the many examples of extraneous expenditures (some of which are legally required) funded by Congress through federal transportation bills. Many of these projects are funded as earmarks, while others are born from legislators turning their private passions into public programs. Congress instead should allow states greater flexibility to allocate their highway dollars to their most pressing transportation needs. If Congress fails to reprioritize transportation spending, then crumbling bridges, congested highways, and poor road conditions will continue to deteriorate much to the detriment of all Americans.

Congress must also curb its addiction to earmarking and setting aside transportation funding for legislators' pet projects and programs. If history is any guide, though, the next highway bill will not be earmark free. Congress has increased significantly the earmarking of federal highway funding:

The 1982 highway bill included 10 demonstration projects totaling $386 million;

The 1987 highway bill included 152 demonstration projects totaling $1.4 billion;

The 1991 highway bill included 538 location-specific projects totaling $6.1 billion;

The 1998 highway bill included 1,850 earmarked projects totaling $9.3 billion; and

The 2005 highway bill included over 5,634 earmarked projects totaling $21.6 billion.

GAO RELEASES NEW REPORT

A new U.S. Government Accountability Office (GAO) report, compiled at the request of Senators Tom Coburn and John McCain, details how the U.S. Department of Transportation (DOT) has obligated $78 billion over the last five years for ''purposes other than construction and maintenance of highways and bridges.'' This $78 billion figure does not fully capture how much has been promised, or authorized, by Congress over the last five years for these ''other purposes,'' it just reflects how much has been released for spending, or obligated, so far.

The $78 billion, five-year total for obligated expenditures for non-highway, non-bridge construction or maintenance projects includes:

Over $2 billion on 5,547 projects for bike paths and pedestrian walkways and facilities;

$850 million for 2,772 ''scenic beautification'' and landscaping projects;

$488 million for behavioral research;

$313 million for safety belt performance grants;

$224 million for 366 projects to rehabilitate and operate historic transportation buildings, structures, and facilities;

$215 million for 859 projects under scenic or historic highway programs;

$121 million on 63 projects for ferryboats and ferry terminal facilities;

$110 million for occupant protection incentive grants;

$84 million for 398 projects for safety and education of pedestrians and bicyclists;

$84 million for 213 road-kill prevention, wildlife habitat connectivity, and highway runoff pollution mitigation projects;

$28 million to establish 55 transportation museums;

$19 million for 25 projects to control and remove outdoor advertising;

$18 million for motorcyclist safety grants; and

$13 million on 50 projects for youth conservation service.

While some of these expenditures may merit funding, periodic congressional review is essential to determine if all merit continued funding, if measurable outcomes are demonstrating their success, and if their goals could be accomplished with fewer dollars.

Upon review, Congress may find some of these expenditures are unnecessary luxuries and others—such as establishing new transportation museums—simply cannot be justified while the Highway Trust Fund has insufficient funds for repairing dangerous roads and bridges.

RE-EXAMINE BEFORE REFILLING

As Congress debates ''refilling'' (by deficit spending) the soon-to-be-empty Highway Trust Fund, it should first look at ways to reprioritize areas of current spending that may not reflect the realities of a decaying national transportation infrastructure. Many politicians are quick to defend spending millions in federal funds on their districts' bike paths, transportation museums, road-side flowers, and even the ''bridge to nowhere.'' Yet, Congress needs to evaluate whether such projects merit federal funding in light of our current trillion-dollar deficit, the economic downturn, and the realities of a collapsing transportation infrastructure that literally is costing American lives.

THE STATUS QUO WILL NOT WORK

Critics of the GAO report and this report will claim these examples are but a small portion of overall transportation spending and do not begin to address the long-term Trust Fund shortfall.

Yet, we cannot continue to spend $78 billion in areas other than crucial road and bridge construction and maintenance and beg Congress to steal from our nation's children and grandchildren when the Highway Trust Fund runs dry. We cannot spend hundreds of millions of tax dollars to renovate ''historic facilities'' such as gas stations and then complain that history will look poorly on a nation that let its vital interstate transportation system fall into disrepair.

We should not force states to spend approximately 10 percent of all their surface transportation program funds on ''enhancement'' projects like landscaping, bicycle safety, and transportation museums, when fixing a bridge or repairing a road would be a more practical and necessary use of these limited funds.

We have asked individuals and families across the country to examine their own budgets and start spending more responsibly. We should expect nothing less of our nation's leaders in Congress.

TOM COBURN.
JOHN MCCAIN.
U.S. Senators.

CONCLUSION

Our country is literally running on empty. Future generations of Americans will inherit a multi-trillion dollar debt because Washington politicians have long relied on reckless borrowing to finance their wish lists of pet projects and programs. There seems to be no crisis facing our nation that Washington politicians believe borrowing or bailouts cannot solve.

Now the politicians want to be trusted with yet another bailout, this time of The Highway Trust Fund. Politicians will not make tough choices, so taxpayers must begin demanding them.

The choices faced today with the Highway Trust Fund are:

What is the best way to spend Highway Trust Funds: Is it to make roadways and bridges more scenic, or more safe?

What is the best way to pay for our nation's infrastructure needs: Is it to raise taxes on gasoline, borrow more money for yet another government bailout, or reduce spending on non-essential projects that do not strengthen roads or bridges?

GAO reports our nation obligated $78 billion over five years to projects other than crucial bridge and highway maintenance and repair. Now, Congress is being asked to borrow $7 billion from general tax revenues to only temporarily refill the Highway Trust Fund.

No one is saying our nation should be without flowers and ferries or bike paths and boat museums. But today's choices must be about priorities. Should those priorities include spending millions on programs that tell bikers to smile and making states use funds for the safety of their turtles instead of the safety of their citizens?

At a minimum, states should be given the flexibility to opt out of the federal Transportation Enhancement funding requirement.

The shortfall in the Highway Trust Fund could also be addressed without further deficit spending by shifting unused funds from the American Recovery and Reinvestment Act of 2009. Transferring unspent stimulus funds to ensure the Highway Trust Fund remains solvent would be consistent with a stated purpose of the Act to improve our transportation infrastructure to support job growth.

Congress should walk the fiscally responsible path. Each chamber should implement a moratorium on all transportation-related earmarks for the remainder of the 111th Congress.

Washington politicians should be required to sit down with the new GAO report, the transportation bailout request, and our red pens. From there, crossing out extraneous transportation spending should be our first priority. Lives depend on it.

Mr. MCCAIN. I thank my colleague from Alabama.

Mr. SESSIONS. Mr. President, while Senator MCCAIN is here, we were talking about the amount of money the government has spent. We talked about how a third of the money has been obligated from this stimulus package. But I advise, according to the CBO report in June, they only expected 11 percent of the money to actually be disbursed by the end of this year, at least the money that deals with highways, mass transit, and issues of that kind. That is stunningly low because we were told something quite different.

This Vitter amendment is exactly the kind of thing we need to be doing every single day: try to challenge the conventional thinking to figure out how we can deal with a need today without increasing America's debt.

What Senator VITTER says is when we passed this $800 billion stimulus package in January, nobody had a chance to read it. We were told repeatedly—and

the President himself said more than once—it was to build infrastructure, to complete highways, roads, and bridges. That is what the money was going to be for. He said in February: They are not going to be make-work jobs but jobs doing the work Americans desperately need done, jobs rebuilding our crumbling roads and bridges, and jobs repairing our dangerously deficient dams and levees so we won't face another Katrina.

I am not sure Congress can stop another Katrina from coming, but we can perhaps be better prepared for it. But what a lot of people do not know, is that less than 4 percent of the money in that bill was directed for highways and bridges. It was a game, a political trick, because the American people believe that when you need to create jobs, you might as well build something that is permanent, that will benefit the people for years to come and that creates real jobs. In their minds, I think most people envisioned stepping up our road projects. But only, as I said, 4 percent of the entire package went for that purpose.

Now we have a lot of that money not spent. Apparently, 89 percent will not be spent by the end of this fiscal year. Some of it is not obligated at all. We have a shortage in the foundational highway trust fund bill, and we need to come up with $27 billion. So which do we do? Do we take some of the money that was in the stimulus package that we were told was to be for roads and bridges and use that money and not increase the deficit because that money is already showing up as a hit to the U.S. Treasury or does the money come from some other source that will increase the debt by $27 billion?

The only reason not to oppose this, that I can see, is some people have already spent this $27 billion in their own minds. They don't want to see it utilized for this purpose, and they are undermining our ability to do so. We have a national crisis.

Let me show this chart. It is so stunning that people don't believe it, but it is based on the budget that President Obama submitted, his 10-year budget. It was analyzed by the Congressional Budget Office, our own group here who has a good reputation. Basically, the Director is elected by a Democratic majority in the Congress, and this is what they show about our deficit.

We have to stop doing this. We cannot sustain a deficit.

In 2008, the debt was $5.8 trillion. The debt of the United States, since the founding of the American Republic, was $5.8 trillion. In 5 years, according to the CBO, by following this budget, counting this stimulus package but not even counting the trillion dollar health care proposal and other things that might get added to it, they scored that in 5 years, the debt would be $11.8 trillion—double. In 5 more years, taking it to 10 years, the debt would triple to $17.3 trillion. This is the entire debt of the United States of America since the founding of the Republic—it will triple in 10 years. It is unacceptable. We cannot sustain this.

Let me show this chart. Trillions is difficult for people to comprehend, but when you borrow money and you go into debt, you have to pay interest on it. People buy Treasury bills. That is what we do to fund the deficit.

In 2009, this fiscal year, we will make interest payments of $170 billion on the debt and the money we borrowed. The total Federal highway program, I believe, is $40 or $50 billion, isn't that right Senator INHOFE? He is the expert. So this is four times the Federal highway bill annually. We spend approximately $100 billion on education. These interest payments increase every year. According to the Congressional Budget Office, 10 years from now, we will not be spending $170 billion on interest, we will be spending $799 billion. That is the red numbers, $799 billion in interest, for which we get not 1 foot of highway paved, not $1 to the classroom, not $1 for health care, just interest because we borrowed so much money.

I also point out the numbers do not get better. Over the 10-year budget, the Obama budget, the debt goes up rapidly in the outyears. I note that President Bush was criticized for having a big deficit. The highest deficit he ever had—which was unacceptable, I have to say—was $459 billion. According to the Congressional Budget Office, there is not 1 year in the next 10 that we will have a deficit that low. The lowest year is over $600 billion. They calculate the deficit as it grows, and in the 10th year, they calculate the deficit for that 1 year to be $1.1 trillion—$1.1 trillion—on an upward spiral.

What I wish to say is there is no plan to pay this debt off. The only plan we have is to see surging debts into the future. That is why you have heard this phrase repeatedly, ''This is not sustainable.'' And it is not. But when we cannot even use our stimulus money to fix the road problem we have, we are not serious about the challenges facing this country.

The bit about interest, if the interest rates go up higher than CBO has scored based on the amount of money we have to borrow—and that could happen—we could end up with an annual interest payment of over $1 trillion.

Mr. INHOFE. Will the Senator yield?

Mr. SESSIONS. Yes, I will.

Mr. INHOFE. First of all, we made an effort—and the Senator referenced the Vitter amendment. We have 67 percent of the $789 billion that is not obligated. That means it is not there. The Senator is right; in their minds it may be obligated, but it is not obligated. We tried to have an amendment to triple the amount of money that would have gone to roads and highways and bridges back during the consideration, and we couldn't get that in. The Senator was a cosponsor of my amendment. Now we are trying to do the same thing we were unable to do then.

This is supposed to be a stimulus bill. The total amount of stimulus in this bill, in my opinion, is about 7½ percent. This is an opportunity to do something with real jobs and not have any problem in increasing our debt or deficit.

So I appreciate the fact that my colleague is coming down, and several Senators will be coming down, and drawing this to the attention of the American people as well as to our friends on the other side. There is our opportunity to save lives, to do infrastructure—one of the major reasons we are here in this Chamber today.

Mr. SESSIONS. I appreciate that comment and my colleague's leadership. He has consistently been a champion for infrastructure and roads. We face a tight budget, and I feel strongly about this. I know I am raising my voice but somehow we have to break through the fog and let the American people know that every time we face a little problem we can't just spend more money. We have to look for ways to solve the problem that doesn't increase our debt.

By the way, in case anybody has any doubts, any new spending that we initiate increases the debt because we are running a deficit. So any new spending increases the deficit for the year because it is not offset or paid for.

So I am worried about where we are heading. I do believe infrastructure will pay for itself in the long run, but there is a limit to how much we can spend on it. However, I will concede that we certainly don't need to have a savaging of our highway bill at this point in time and have hundreds of thousands of people perhaps laid off from work because we don't have the money to finish projects that need to be completed. Instead, let's take the money that is in the stimulus bill. Let's take that money and use it now to fix the shortfall in the highway trust fund. Once we do that, we will create jobs. How many, I don't know, but it will create jobs, and that is a double benefit.

We get a permanent benefit for the American infrastructure, and we create jobs for Americans now. We take the money that is sitting there and not being spent and accelerate its use in the time we need it.

I would point out to my colleague the reason this is important, and the reason the administration was able to ram through this stimulus bill—the largest single expenditure in the history of the American Republic, almost $800 billion in one fell swoop, with hundreds of pages and people having no idea what was in it—is because they said we are facing rising unemployment, and we need to get this money out in a hurry so we can put people to work. Well, only 11 percent of it is going to be obligated by the end of this year.

Unemployment is already at 9.5 percent, and most experts are predicting it will probably continue to go up to 10, maybe 11 percent. Yet we can't get this money out, and we are cutting the highway budget? When we have this

shortfall, what do people come up with? Well, they are going to pay for it by adding more debt. We have an economic slowdown, so we no longer have to worry about the deficit. We don't have to worry about the deficit, they tell us. But we do.

Our children are going to be paying interest on these trillions of dollars for the rest of their lives, and the only people who are going to get the benefit from it are the people living today. That is a selfish thing. We should use the stimulus in an effective way to create jobs—and there are even debates about how wise some of those methods are economically. But the way this package is being managed, the money is not getting out, unemployment is surging, and there doesn't seem to be any hope for the short term for unemployment to abate. So I am worried about it. I do believe we can do better.

They will say: Well, President Bush had a deficit. We inherited all this. But President Bush didn't ask for the $800 billion in stimulus money that President Obama asked for this year. That is on top of the debt, and I think anybody who is president needs to be thinking about how to reduce spending not see it spin out of control. I don't believe President Bush would have submitted a budget that shows in 10 years—in that one year, 2019—it would be $1.1 trillion. We have never seen anything like that.

There will not be a year of President Obama's Presidency, according to this—if he serves 8 years—in which this deficit will be as low as President Bush's, and they are predicting growth. No recession is projected in the next 10 years, when CBO scored what the deficits might be. So this is a fair analysis of it.

Mr. President, I want to say I am pleased Senator VITTER has proposed a way that will allow us to meet the shortfall in the highway trust fund without increasing the debt this year, and it is consistent with what the people who proposed the stimulus bill promised all along—that the stimulus money would be used for highways and bridges. It is the right thing to do. I hope we can pass this, and I think the American people should watch closely on how the votes go on this bill.

I thank the Chair, I reserve the remainder of the time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, our national debt is a national challenge and a national problem, and we can face it and face it honestly, Democrats and Republicans. We can't leave these debts to our children. That is a fact. But let's have some honesty in recounting the history of this debt.

When President Clinton left office 9 years ago, he gave to President George W. Bush a surplus not a debt, a surplus. He had not only balanced the budget, he was generating a surplus, and it was giving longer life to Social Security. President George W. Bush inherited this surplus and an accumulated national debt over the 200-year history of the United States of $5 trillion—$5 trillion. Remember that number because 8 years later, when President Bush left office, the national debt had doubled—doubled—with the support of his party.

Why did it double? It doubled because he fought a war and didn't pay for it. He accumulated debt year after year—in addition to the terrible casualties and losses of our brave fighting men and women—and left that debt to future generations. Then, in the midst of this, he cut taxes. For the first time in the history of the United States of America, a President, in the midst of war, cut taxes for the wealthiest people in our country, supported by the same party that comes now and preaches to us their sermon of fiscal integrity.

So when President Bush left office, he left President Obama a deficit and a national debt that had doubled under his watch, with Republican congressional leadership support. That is a fact. Those are facts. President Obama inherited that debt and inherited the problems that came with it and the sickest economy America had seen in 75 years. That is what he was given.

So President Obama said: We have to be serious about our debt, but we have to be honest about it too. Until we get out of this recession, until we stop this rampant unemployment where people are losing their jobs and can't fend for their families and can't pay taxes—obviously, because they do not have work—we are going to see this deficit continue to grow. To stabilize this economy, we need to put people back to work.

The President said: I know it is tough to spend money when you are in debt, but at this moment in time it is like buying a tourniquet to stop the bleeding. We have to do it, even if it takes every penny we have. And he put together a stimulus bill to get this economy back on its feet. With the exception of three then-Republican Senators, not a single one of them would support this effort to stop the recession.

When President Obama came to office, we were losing 741,000 jobs a month. Now, 4 months into our 24-month stimulus, we have cut that number by one-third, and I hope we have turned the corner. But this massive economy of ours, connected throughout the world with so many other global economies, it is pretty tough to turn this battleship and move it in the right direction. I think the President has done the right thing.

The amendment offered by the Senator from Louisiana is an amendment which says: Give up. Give up on stimulating this economy. Give up on stopping this recession. Stop building these projects that create American jobs—good-paying jobs. Stop investing in our infrastructure for future generations. Stop addressing this recession head on and pray for a good outcome.

I am sorry, but I can't buy it. The Senator from Louisiana is offering a proposal to take money out of the President's recovery and reinvestment package that was determined to stabilize this economy. He wants to take the money out of it when we are 4 months into it. He says this morning: We are not spending this money fast enough.

Incidentally, he voted against this, but now he is criticizing it saying we are not spending it fast enough. Well, I want to spend it quickly, but I want to spend it wisely, and I want accountability. At the end of the day, the taxpayers will hold us all accountable: Did you spend our tax dollars wisely? Did you spend them on projects that really do benefit our country? Did you waste it? Was there fraud? I want those questions answered in the positive frame of mind that we have done everything we can do. So it is not being spent as fast as its critics say, but I think it is being spent wisely, and we are creating jobs all across America.

Thousands of projects are on line now creating good-paying jobs. The amendments we are considering today on the Republican side of the aisle, all from Members who opposed the President's effort to stop this recession with the stimulus bill, every one of them wants to put an end to the stimulus package. With 150 days into this 2-year bill, they want to put an end to it by starting to take money out of it. They have given up on it. They have given up on a package which, incidentally, provided a tax break for 95 percent of the working families in America.

Does that help? You bet it does. These families are struggling in the recession too. They have seen their life savings devastated by the stock market in the last year. Giving them a helping hand is a sensible thing to do.

It is a bill they voted against—the President's bill—which says let's give unemployed workers $25 more per week so they can get by. Sure, it doesn't sound like a lot of money, except when you don't have a job and every penny counts. They want to criticize, as well, the President's idea of providing health insurance to unemployed workers. No, they said that was a terrible idea. They voted against it.

Think about this: You have just lost your job, you may lose your house, your child has to go to the doctor with a raging fever, and you pray to God a diagnosis isn't going to come down that will wipe out your life savings. For them it is an extravagance—the idea of providing health insurance for unemployed people. For me, it is part of America, a caring country that stands by people when they are facing the misfortunes of losing their job.

The list goes on and on, and they oppose all of it. They now come and say, we not only opposed it at the outset, we are going to start taking money out of it. We are going to pass it around, moving it in a lot of directions. Some want to put it in the highway trust

fund, some in unemployment insurance, and some want to put it in housing programs. But the net result is the same. It takes the money the President wanted to use to stimulate this economy and create good-paying jobs. We need to resist these amendments.

Mr. President, I understand Senator DEMINT wants to offer an amendment, and we are supposed to close at 2. So I don't know if he is prepared at this time, but if he is, I would be happy to yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. I thank my colleague. I would like to make a few comments. I am not going to offer an amendment at this time.

Mr. President, sometimes in this place it is hard to extract the truth from the words. I, frankly, don't understand the opposition to using money for transportation that has already been allocated to transportation.

I think we have had enough of saying we need to spend more money and borrow more money because the Bush administration spent too much and borrowed too much. This is a bipartisan problem. Hopefully, we will have a bipartisan solution.

What is being proposed today is we need more money for highways. The highway trust fund is running out of money. We need more money to pay unemployment benefits. They are running out of money. We would like more money for FHA loans. We have to decide do we want to use money that is already designated for purposes of our economy and helping people who don't have jobs or do we want to borrow more money and spend more money and add more money to our debt?

I don't think this situation is a good reason to say: Hey, we were bad in the past, so let's continue those practices. We are not suggesting with these amendments that we should stop the stimulus plan. We are saying we should use it for the same purposes it was set up for. Let's use it to build roads and bridges and create jobs. Let's use it to make sure those who are unemployed get their benefits. Let's use it to restimulate our housing market.

The PRESIDING OFFICER. The Senator will now suspend. The Senate is ready to take a recess.

Mr. DEMINT. I thank the Chair for all the time to speak, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3 p.m.

RECESS

Thereupon, the Senate, at 2 p.m., recessed until 3 p.m., and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

HIGHWAY TRUST FUND EXTENSION—Continued

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to speak about the transfer of the highway trust fund money. I do, of course, support having the money in the highway fund because so many States need to have this money and we need to assure it is there. I also support the amendments that would use the stimulus money so it would not be new money.

But I do wish to talk about the highway trust fund because I think it is important, as we are talking about this very important transportation issue for our States, that we begin the debate about whether the highway trust fund is now the appropriate vehicle for keeping our Federal highways repaired and also doing the best for every State in transportation. What concerns me is that the first reason for the highway trust fund back in President Eisenhower's day over 50 years ago has been achieved. Yet we are still continuing to have the same formulas where some States are winners and some States are losers. But every State today has the capacity to determine its own priorities and the capacity to fund those priorities, unlike 50 years ago when there were many States that had very little capacity. They had little property, they had little taxable revenue sources, and therefore there was a need for a national system of highways to assure that we had national security. That was the first reason for it—but also mobility and commerce.

Today, however, I think it is time for us to start all over. I think it is time for us to allow States to opt out of the highway trust fund.

Of course, I am speaking for the largest donor State in America. We give more back to other States than any other State. We are a State that has more highway miles than any other State; therefore, we collect more taxes. Because we are a donor State, we give the most away. If these were States that could not meet their own needs and my State of Texas was a State that had its needs covered, maybe you could argue that would be OK. But, in fact, that is not the case. In fact, Texas is facing a huge shortage in our highway funding. We now have two cities that have mass transit systems that are certainly very successful but very far behind the curve when it comes to the transportation glut on our highways. We need to have the money in Texas to start meeting our great transportation needs.

This also affects our environment, because when we have people clogged in traffic, sitting on freeways hour after hour, of course it is bad for the ability to get where you want to go, but it is also bad for the environment to have the fumes going in the air.

I think today it is time for us to start the debate. Why not let a State opt out, agree to keep in good repair the Federal highway system and allow the States to use their own taxpayer dollars for their own priorities to meet their own transportation and mobility needs? If Texas could keep all the money it raises, rather than toll roads, which are now being contemplated throughout our State, perhaps we could have a mobility plan that would include highways, rapid transit, high-speed rail, and more innovative ideas that are very costly, which we cannot afford at this time.

Obviously, today we are going to go forward with extending the trust fund and replenishing the highway trust fund because that is what people want to do because we don't have time to address the whole issue of reauthorization at this very complicated time. I wish we were not going to consider an 18 month extension in September because I think we ought to have a short-term extension, so we do have the reauthorization of the highway bill, so we can start discussing these priorities—so we can start maybe thinking outside the box. Maybe we can start all over.

The highway trust fund and the highway authorization bill is a mishmash of different projects. I don't think there is fairness in the system at all. You have donor States, you have winner States, and the winner States have all the capacity. The loser States have as much need as the winner States, and the winner States have the ability, I believe, to fund their own options.

Even though I know we are going to extend the highway bill for 18 months by the end of September, and I know we are going to replenish the highway fund today—and I wish it would be from our stimulus package so it would not be yet another deficit-inducing measure from this Congress—I think I am going to lose all the arguments I am making. But I do think it important that we bring this issue to the forefront.

There is no reason in this country today for winner States and loser States. Our States should be able to plan for themselves, make their own priorities, meet their needs, be able to be more efficient, have multimodal systems—which is what I hope for Texas—and be able to use our own tax dollars for our own needs. Were we a State that did not have needs, were we a State that was not growing, maybe we could afford to continue giving 8 cents back for every $1 we send to Washington. Maybe we could afford to leave the 8 cents in Washington.

Instead, we are getting 92 cents back for every $1 we send to Washington. That is hundreds of millions of dollars that we need for our high-growth State that has many traffic problems and congestion problems today. We will repair our highways. We would sign an agreement to repair our highways so there would be no Federal responsibility for that. But I hope this argument will be the beginning of a debate so we can instate a system that will be more in tune with today's times, 50 years after the National Highway System was created—a wonderful system that connects our country but one, now, that is finished. We have our National Highway System. We do have

connectivity among our States. Why not allow the States to go out from those Federal highway miles and lanes, to go into their States in the best way for each individual State?

I thank Senator BROWN for allowing me to speak on this issue. I hope, as we go through, we will have more of a discussion.

I do have a bill introduced that would allow States to opt out. It is something I think the time has come to address.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak in time counting against the Ensign amendment. I ask unanimous consent to speak as in morning business and the time be counted against the Ensign amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I first congratulate the Presiding Officer for his first time in the Presiding Officer's chair and wish him many more of these. I know the experience will continue to enrich him and enrich the Senate. I thank the Presiding Officer of the Senate.

Mr. President, last week, more than 1,500 Ohioans woke up at dawn to wait in a line that snaked around the W.O. Walker Center, co-owned by the Cleveland Clinic and University Hospital.

Last week, President Obama also visited the Cleveland Clinic—one of our Nation's premier health care centers.

He observed firsthand how the Cleveland Clinic and cutting-edge health care centers like University Hospitals and Metro Health are providing high-quality care while reducing patients' costs.

But the more than 1,500 Ohioans who stood in line at 5 a.m. last Saturday morning were not waiting for President Obama.

They were waiting to see one of hundreds of dermatologists, nurses, urologists, cardiologists, neurologists, infectious disease specialists, dentists, and other volunteers who were providing free health care for one of Cleveland's first mass health clinics.

Need a pair of glasses? Lead optician Dr. Rob Engel checked your vision while volunteer Sharon Connor helped you select a pair on the spot.

Need prescription medicine? You were able to visit Margo and Rob Roth, who ran the clinic's pharmacy.

Worried about women's health services? Dr. Laura David, an obstetrician from University Hospitals, was ready to help.

Along with volunteers Maria Parks and her husband Lee, I helped sign-in and register a number of Ohioans.

Many of them were members of hard-working families worried that they might join the 14,000 Americans who lose health insurance each day.

Maria, Lee, and I heard one organizer call a medical volunteer a ''hero'' for stepping forward to help their neighbors.

That same volunteer responded by saying the real heroes are the fathers, mothers, sons, and daughters struggling every day in the shadow of a looming health care crisis that threatens to send their family into financial ruin.

In fact, most of the people who sought health services at the weekend clinic were from middle class families who had fallen on hard times.

Together with MetroHealth, St. Vincent's, University Hospitals, Case Western Reserve University, and the Cleveland Clinic, Medworks volunteers provided the kind of health care all Americans need, but too many don't receive.

Medworks founder Zac Ponsky turned not only to his community but to his family to contribute their time.

Zach's wife Taryn helped coordinate the many moving parts of the clinic. Kim Ponsky, Zac's sister, is a professional photographer who documented the weekend.

Meanwhile, Zac's father Jeff, brothers Lee and Todd, and sister-in-law Diana—all physicians—provided a standard of care that most of the patients that day had never received.

During a single weekend, the generous volunteers of Medworks taught us the meaning of compassion and humility.

They led by example.

Many patients received multiple services, while doctors made instant referrals to other Cleveland-area doctors for those patients not originally scheduled.

Over the course of the weekend, seven people needing advanced care, once diagnosed, were able to receive it at local hospitals.

More than 130 women had pap tests and nearly 100 women received vouchers for free mammograms at Women's Diagnostics.

Nearly 300 people either walked out of the clinic with a brand new pair of glasses or will be receiving a new pair soon.

A number of patients received vouchers for follow-up eye care at St. Vincent's Charity Hospital, an exceptional hospital in Cleveland.

Approximately 50 people were tested for HIV. But it was not just health care services that were provided. Each patient also spent time with a social worker who provided counseling and information about followup services. The Ohio Benefits Bank was on hand to offer prescreening for medical, housing, energy, tax, employment and other programs. Approximately 100 patients took advantage of that service.

All told, approximately 300 community members, 100 doctors, 175 nurses, and social workers volunteered their time and services during this Saturday/Sunday event. This includes a number of volunteers who simply showed up unannounced. It included a few patients who were so grateful for the care they then volunteered to stay after their appointments to help.

Building on effectiveness of the weekend, MedWorks is now focused on patient followup. Currently, a team of doctors is reviewing medical records to follow up with emergency cases and to help those people suffering from chronic illness.

MedWorks volunteer and chief of surgery at University Hospitals, Dr. Jeff Ponsky, said:

> We're very hopeful that this will become a regular part of our community. We'll get better at it, and we'll be a leader for the country.

We can do more for the millions of Americans who are one illness away from financial ruin. We can do more for the 14,000 Americans who lose their insurance every day. We can do more for the 45 million uninsured and the tens and tens of millions of underinsured in this country.

Today is the 44th anniversary of President Johnson's signing of Medicare. Medicare changed our Nation. It helped pull millions of seniors out of poverty; it fostered personal independence; it fueled our economy; and it helped retirees live long and healthy lives.

Just as those who worked tirelessly 44 years ago to secure health care for America's seniors, the generous MedWorks volunteers in Cleveland are doing all they can for their community.

In Washington, we are working to effect change in our health care system. That is our duty, to make this historic change, to reform the health insurance industry, to allow our Nation to move on from human tragedy—from the health care related bankruptcies, from the competitive disadvantage American businesses face from the huge costs, the burden that small businesses face in this country. We can keep working, keep fighting for the change Americans are demanding.

The Ohioans I met in Cleveland last Saturday, and every Ohioan from Lima to Zanesville, from Chillicothe to Ashtabula, every American in every town in every State in this Nation all deserve the humane justice of stable and secure health care. That means quality and affordable health care options, public and private both. It means the health care plan that was voted out of the HELP Committee on which the Presiding Officer sits. It means the plan that came out of that committee 2 weeks ago, a plan that injects competition between private insurance plans and a public option, an option that people can choose. It will make those plans work better, cut costs, and keep the insurance companies honest. That will mean people, if they are laid off—if people are laid off in Marion or

Dayton, OH, people who have lost their insurance, people in Wapakoneta, in rural Ohio, all will have a public option to compete with sometimes all too few private insurance companies in their areas.

To all the MedWorks volunteers, including Jack Ponsky and his family, including Karil Bialostosky, Joel Goldstein, and Brian Smith, I thank all of you for your commitment, your compassion, and your care for those in need.

Now it is up to us to provide the kind of health care to protect what works in our health care system and to fix what is broken in our health care system.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. 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. LIEBERMAN. Mr. President, I ask unanimous consent now that the debate time remaining with respect to amendments offered be yielded back; that after Senator THUNE offers his amendment, then debate time on that amendment extend until 3:45 p.m., divided as previously provided; that at 3:45 p.m. today, the Senate proceed to vote in relation to the amendments and motion to waive in the order listed, with 2 minutes of debate equally divided and controlled, in order prior to each vote, with the vote time after the first vote limited to 10 minutes each as follows:

Vitter amendment No. 1907, as modified; Ensign amendment No. 1905, as modified; Bond amendment No. 1904; the Thune amendment I have referred to; and the Boxer motion to waive the applicable Budget Act point of order; that with reference to amendment No. 1904, if a Budget Act point of order is raised against the amendment, then a motion to waive the applicable point of order be considered made, further that all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. 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.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, we are going to vote on a series of Republican amendments to a bill that has come over from the House of Representatives that funds the highway trust fund until September 30, that funds unemployment insurance, and that helps us with the housing crisis and allows us to see more mortgages go to qualified families of America.

It is important to note that if we don't accept the House package, we are really playing Russian roulette with the highway trust fund. As the chairman of the Environment and Public Works Committee, who works very hard with my colleague Senator INHOFE across party lines to ensure we have a robust infrastructure program, I want to be clear: If we don't pass this House bill, then we are up against the wall. We send a very bad signal to the people who are counting the contracts that go out for the highway program and the work that follows. We have many working people who count on these jobs.

I support one of these amendments. The Bond amendment makes eminent sense. I do take issue with the timing because we have been told by our House colleagues that this is all we are going to do; if we amend this bill, then we are stuck. So it is one of those awkward and difficult moments.

Truth be told, the people out there who are working hard are not going to get all the subtleties of the moment. They want to make sure their job is there in the morning.

So even though I support one of these amendments, the Bond amendment—and I have stated and Senator BOND understands that I will be supporting him when we reauthorize this bill September 30; we will take care of this rescission—we don't have to take care of it now. What we must take care of today is the highway trust fund. It is running out of funds. We have to act. I hope we can do it across party lines.

The other thing I support is an 18-month extension of highway programs. That is, again, something I have done with my Republican colleagues. We passed out of the Environment and Public Works Committee, on a unanimous vote, an 18-month extension. Senator BAUCUS, over on Finance, was able to come up with an intergovernmental transfer that does not add to the deficit of about $27 billion to ensure that we can go forward for 18 months while we sit down across party lines and figure out the long-term answer to funding our highway and transportation needs over the next 5 years.

There is a split between the Senate approach and the House approach. The House approach, which I don't agree with, is to keep making short-term extensions as a way to force us to act in the long term. But we all know we have to figure out a funding source that will take us through the next 5 or 6 years. It is going to take time, and we need to do it right. I believe in making sure we have a pay-go system. I am not willing, as the chairman of the committee, to simply hand off a huge bill to the Finance Committee without any recommendations. So it will take us a little while. We have a difference between the House approach and the Senate approach.

But here is the point and why I believed it was important to be heard before we vote. The House has a very short-term extension. That is what they have given us. They have told us that if we don't take this, we are not going to be able to ensure that the highway trust fund is solvent. I, for one, am not willing to play games with this. It is too serious. Even though I don't agree with the House approach, we have other days left to make the case.

The other point I want to make is that the Republican approach to this is the 18-month extension, which I fully support, and the way they pay for it is by saying: We are going to take money out of the stimulus program, the economic stimulus program that has just begun to take hold in the country. The Republicans didn't vote for it, most of them—three of them did, but the others didn't—and they want to stop it. It is counterproductive, in a time of recession, to stop a jobs program right in the middle. These are jobs for highways, transportation, cleaning up Superfund sites. These are jobs that are dealing with water infrastructure, with education. Of all the times to come up here and recommend that we stop this jobs program now, this is wrong.

I am totally willing to work with my colleagues so at the end of the stimulus bill, at the end of that time, which is in about 18 months, if we have not spent some of those funds, we should take a hard look at putting those funds into the Treasury to reduce the deficit, perhaps. Perhaps we need at that point to use some of it for the highway trust fund. But today is not the day.

If I could summarize where I see things today, we have a series of Republican amendments that basically say we should stop this, we should take funds out of the stimulus package now in order to pay for unemployment insurance, in order to pay for the highway trust fund, and in order to pay to help our people with their mortgages. And it is counterproductive.

On the one hand, they are doing something to help the economy by helping our people with mortgages, by ensuring there is unemployment insurance, and ensuring there is money in the highway trust fund. On the other hand, they are stopping jobs to do it, and it is not necessary. The House bill, although I do not appreciate the fact that it is a very short-term extension of the highway trust fund, is deficit neutral. CBO has so scored it. So we do not have to do this, and we should not do this.

As I understand it, it is time now to have that series of votes. So I make a parliamentary inquiry as to what time we are having those votes.

The PRESIDING OFFICER. The time under the previous order has expired.

Mrs. BOXER. All right. Then I would yield the floor, and I hope we would be voting at this point.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that Senator SESSIONS

is going to get one more amendment in, and then we will start the voting; is that correct?

Mr. SESSIONS. Mr. President, that would be my preference. I would be pleased to call up this amendment now. I do not know what the time agreement is at this point.

Mr. INHOFE. We are ready to vote as soon as the Senator brings it up.

AMENDMENT NO. 2223

Mr. SESSIONS. Mr. President, I ask unanimous consent to call the amendment up and to be able to speak for 2 minutes.

Mr. INHOFE. That sounds good.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we have an opportunity to save $200 billion. It is time for us to do the right thing. We cannot keep spending more and more.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2223.

The amendment is as follows:

(Purpose: To restore sums to the Highway Trust Fund and for other purposes in a fiscally responsible manner)

Strike all after the enacting clause and replace:

SECTION 1. FUNDING OF THE HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2), and

(2) by adding at the end the following new

''(2) INCREASE IN FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation) to the Highway Trust Fund $7,000,000,000.''.

SEC. 2. ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS.

The item relating to ''Department of Labor—Employment and Training Administration—Advances to the Unemployment Trust Fund and Other Funds'' in title I of division F of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 754) is amended by striking ''to remain available through September 30, 2010'' and all that follows (before the heading for the following item) and inserting ''such sums as may be necessary''.

SEC. 3. FHA MORTGAGE INSURANCE COMMITMENT AUTHORITY.

The item relating to ''Federal Housing Administration—Mutual Mortgage Insurance Program Account'' in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 966) is amended by striking ''$315,000,000,000'' and inserting ''$400,000,000,000''.

SEC. 4. GNMA MORTGAGE-BACKED SECURITIES GUARANTEE COMMITMENT AUTHORITY.

The item relating to ''Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account'' in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 967) is amended by striking ''$300,000,000,000'' and inserting ''$400,000,000,000''.

SEC. 5. USE OF STIMULUS FUNDS TO OFFSET APPROPRIATION OF FUNDS.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is rescinded pro rata such that the aggregate amount of such rescissions equals the aggregate amount appropriated under the amendments made by this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

Mr. SESSIONS. I thank the Presiding Officer.

We cannot keep spending more and more. We have several different problems—we have housing problems; we have a problem with unemployment insurance because more people are unemployed than had been predicted; and we have a problem with a shortfall in the highway fund.

Some Senators could argue we do not need to fix every one of these because we do not have the money. But in a way we do have the money because we passed $800 billion in a stimulus package earlier this year. It was supposed to be primarily, we heard, for roads. But only 4 percent went to roads. So we can fix the shortfall in the highway trust fund by using some of the $800 billion we have already spent. We can fix the other two problems—unemployment insurance and housing—in the same fashion. Those can be fixed out of this fund.

This amendment would do that. It would reduce the other accounts across the board. Of course, we will still be in session this year and next year. If we need to adjust other things in some way, we can. Don't let anybody tell you this is going to savage some other account because we can fix those accounts.

I will just say—I know my time is short—this is $200 billion that will either go to increase spending and increase debt, or we can meet these needs—which hopefully are all necessary—out of the funds we already have out there. If we do not start making these kinds of decisions soon, we are going to have a real problem. According to the scoring of the President's own budget, the total debt of America debt has gone from $5 trillion this year, to $11 trillion 5 years from now, to $17 trillion 10 years from now.

I thank the Presiding Officer and yield the floor.

AMENDMENT NO. 1907, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is 2 minutes, equally divided, on the Vitter amendment.

The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise and urge strong bipartisan support for the Vitter amendment. The Vitter amendment simply moves $7 billion from the stimulus—less than 1 percent of the original stimulus program—to backfill and take care of the need in the highway trust fund.

This is important to do for two reasons.

First of all, we need to stop the reckless borrowing. We are borrowing ourselves into oblivion. We are borrowing our children into poor economic times. We need to reverse that trend. The underlying bill fixes the hole in the highway trust fund simply by racking up more debt, and that is why there is a budget point of order against it. So we need to stop this never-ending upward spiral of borrowing.

No. 2, by doing this, we can focus a little bit of the stimulus on something I believe we all think it always should have been focused on: infrastructure spending and spending now versus later. This will move the $7 billion toward roadway spending now, which is effective stimulus.

The PRESIDING OFFICER. The Senator has used 1 minute.

The Senator from California.

Mrs. BOXER. Mr. President, I urge strong bipartisan support against the Vitter amendment. There is nothing about reckless borrowing going on. I have already put into the RECORD today the CBO analysis of the House bill that is before us that says it even creates a little bit of surplus because of how this is handled. This is not going on the debt. So let's not stand here and say what it is about.

The second point is, there are tens of billions of dollars in unspent funds that we authorized on a bipartisan vote on the stimulus package. I know most of my colleagues on the other side never wanted to do that stimulus package. I understand that. I respect it. But the fact is, we finally see these funds going out and hiring the people we want to make sure have jobs. We see and we hear from our Governors that the funding is helping them retain teachers, police officers. We see funding is helping them move forward with shovel-ready projects.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mrs. BOXER. OK. I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—42

Alexander	Bunning	Collins
Barrasso	Burr	Corker
Bennett	Chambliss	Cornyn
Bond	Coburn	Crapo
Brownback	Cochran	DeMint

Ensign	Johanns	Risch
Enzi	Kyl	Roberts
Graham	Lincoln	Sessions
Grassley	Lugar	Shelby
Gregg	Martinez	Snowe
Hatch	McCain	Thune
Hutchison	McConnell	Vitter
Inhofe	Murkowski	Voinovich
Isakson	Nelson (NE)	Wicker

NAYS—55

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Burris	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 1907), as modified, was rejected.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1905, AS MODIFIED

The PRESIDING OFFICER. There is 2 minutes equally divided.

The Senator from Nevada.

Mr. ENSIGN. Madam President, the next amendment we are going to vote on is a very simple vote, similar to the last one. What it says is the States right now are borrowing from the Federal unemployment trust fund, and that trust fund has been depleted. There are more States that are going to need to borrow from it. It is temporarily putting back into that trust fund a little over $7 billion.

Next year, there is going to be about $30 billion that is going to be needed. Does anyone around here, with the dire straits States are in, believe we will not forgive this debt for the States? That is why I am saying don't just borrow the money—even though CBO says this is deficit neutral, let's not borrow the money, which is what is going to end up happening. Let's take it out of the stimulus funds and let's be fiscally responsible around here. States need the help. Those who are unemployed need help. Let's give the help but do it in a fiscally responsible way. That is really the purpose of this amendment. I encourage all Senators to vote for it.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Illinois.

Mr. DURBIN. Madam President, I rise in opposition to the Ensign amendment. I know the Senator has the best of intensions. The underlying bill takes care of the unemployment insurance account. It does it in a deficit-neutral fashion. In fact, it generates a surplus, extra funds beyond what is needed for this purpose.

What the Senator from Nevada wants to do, if you can imagine, is he wants to cut back on spending in the stimulus program, which is building highways and projects across America. He wants to reduce the President's effort to create jobs, thereby creating more unemployment in order to have more money for unemployment in America. It does not work.

We have a good program here. The underlying program takes care of the need of the UI fund, and the President's stimulus package, now 150 days into operation, is generating jobs and opportunities across America. We do not need to kill the stimulus package at this moment. We need to make sure it works to get America back to work.

Please defeat the Ensign amendment.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from 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 41, nays 56, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—41

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Nelson (NE)
Brownback	Gregg	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Wicker
DeMint	Martinez	

NAYS—56

Akaka	Feinstein	Murray
Baucus	Franken	Nelson (FL)
Bayh	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 1905), as modified, was rejected.

AMENDMENT NO. 1904

The PRESIDING OFFICER. There is now 2 minutes evenly divided before a vote with respect to the Bond amendment.

The Senator from Missouri.

Mr. BOND. Madam President, if I could have the attention of my colleagues, please, this measure simply ends the rescission in the SAFETEA–LU highway funding bill we passed 4 years ago which otherwise takes $8.7 billion out of highway and bridge contract authority for the States. Best estimates are that this would cost 250,000 jobs in all 50 States.

To the argument that we have to take this exactly as the House has passed it because they won't stick around—well, they are in session. If this is right, let's do it.

And for the Budget Act point of order, if you wanted to have this paid for, you should have taken the Vitter amendment. The underlying bill requires the Budget Act point of order waived because it is funded by claiming the nonexistent interest on intergovernmental transfers. That is a transparent sleight of hand or a sleight of pen.

If you want to keep from taking the shovels out of the hands of workers on shovel-ready jobs in every State in the Nation, please vote aye on the waiver of the Budget Act point of order.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I would like to ask my colleagues if they will follow me for just one moment. This is a little complex, but if you will follow me.

First, I agree with Senator BOND's amendment and will vote for it, but not at this moment. Here is why. This rescission Senator BOND wants to achieve is something most of us agree with. If it doesn't happen, the penalties will come to our States on September 30. What we have is the assurance of the chairman of the Environment and Public Works Committee that she will put this rescission in the reauthorization of the highway trust fund before September 30 so there would not be any loss to States.

So what is the problem? Why don't we do it today? Because if we do it today, we jeopardize this extension of the highway trust fund until September 30. We are trying to get this done in short order so we can end the session and come back and do the right thing before September 30. All we are asking today is for you to join us in saying to Senator BOND: Thank you for your good thought, but hold that thought until September.

We still have time to make sure we do the right thing, and we have the assurance of the chairman that it is going to happen. It pains me greatly to raise a point of order against my friend from Missouri on an amendment whose substance I agree with, but if we want to protect the highway trust fund and we want to have an orderly adjournment to the session and not jeopardize jobs, then we need to vote against the Bond amendment.

The PRESIDING OFFICER. The Senator has used his time.

Mr. DURBIN. Madam President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. BOND. Madam President, do I have any time?

The PRESIDING OFFICER. The Senator has used his time as well.

Under the previous order, a motion to waive is considered made.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion.

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 yeas and nays resulted—yeas 34, nays 63, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—34

Alexander	Harkin	Sanders
Barrasso	Hutchison	Shaheen
Begich	Inhofe	Shelby
Bennet	Isakson	Snowe
Bennett	Leahy	Specter
Bond	Martinez	Thune
Chambliss	McCaskill	Udall (CO)
Cochran	Murkowski	Voinovich
Collins	Nelson (NE)	Wicker
Cornyn	Nelson (FL)	Wyden
Crapo	Risch	
Enzi	Roberts	

NAYS—63

Akaka	Ensign	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Lugar
Bingaman	Franken	McCain
Boxer	Gillibrand	McConnell
Brown	Graham	Menendez
Brownback	Grassley	Merkley
Bunning	Gregg	Murray
Burr	Hagan	Pryor
Burris	Hatch	Reed
Cantwell	Inouye	Reid
Cardin	Johanns	Rockefeller
Carper	Johnson	Schumer
Casey	Kaufman	Sessions
Coburn	Kerry	Stabenow
Conrad	Klobuchar	Tester
Corker	Kohl	Udall (NM)
DeMint	Kyl	Vitter
Dodd	Landrieu	Warner
Dorgan	Lautenberg	Webb
Durbin	Levin	Whitehouse

NOT VOTING—3

Byrd	Kennedy	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 34, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

AMENDMENT NO. 2223

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2223, offered by the Senator from Alabama.

Mr. SESSIONS. Madam President, among some of the things I think most Members would like to accomplish is fixing the highway trust fund, fixing the unemployment insurance shortfall, and to do something about the housing loan authority. Those are three matters we can address without increasing our deficit. There is $7 billion in the highway fund this amendment would fix, which is the short-term fix the House did; another $7 billion for unemployment insurance; and the $185 billion for the housing fix. Those things we can do within the stimulus package.

Only 11 percent of the $800 billion will be spent by the end of this fiscal year. We can use that money to fund these programs, take care of them as we planned to do from the beginning but without increasing the debt.

People say the underlying bill will not increase the debt. That is not accurate. If we agree to this amendment, we will prevent increasing the Nation's debt by $200 billion.

I urge your support for the amendment. At this point in time we need to save a few billion dollars.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I hope colleagues will listen. What this Sessions amendment does, it takes all the corrections that are in the underlying bill—making sure the highway trust fund does not go bust, making sure the unemployment trust fund is full, making sure we have help for our middle-class families seeking to get mortgages—and it funds it instead of in a deficit-neutral way that is in the underlying bill which I put in the RECORD, the CBO score which actually scores positive in terms of the surplus over the 10 years, it slashes the stimulus funding right as it is beginning to take hold.

If you want to take care of all these things, and I think we all do, let's do it the right way. Let us not do it the wrong way and slash funds from the stimulus bill as we are beginning to see it take hold.

I urge a ''no'' vote on the Sessions amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Sessions amendment.

Mr. SESSIONS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

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 40, nays 57, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—40

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—57

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 2223) was rejected.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to waive.

The Senator from California.

Mrs. BOXER. Madam President, I yield 30 seconds to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, this is a very significant vote. I am very upset that we have a lot of things in here I didn't want—the unemployment insurance loans, the Federal Housing Administration loan limit increase. That should not be there. The amendments failed. I wish they had passed. I voted for them.

The thing that bothers me more than anything else is the House put us in this position. They said: Here is the bill; you do it; we are leaving town. That is exactly what happened.

So this is the final vote. We have to have 60 votes. For all practical purposes, this is the final vote. I urge my Republican friends to support waiver of the point of order.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank my ranking member. He and I, as everyone knows, don't always agree. But when we do agree, we hope our colleagues will follow. We do not want to play Russian roulette with the highway trust fund. We have to make sure it stays solvent. I urge an ''aye'' vote.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, this is about a budget point of order. That

means the bill, since it was not amended as I would have liked, is contrary to the Budget Act. It has more outlays this year. It also requires us to rack up more debt, borrow more money. In the face of $2 trillion of new debt this year, doubling that in 5 years, and tripling it in 10, this is a critical vote. Either you vote yes and say let's continue to go down that path or you vote no and say we need to change course about debt.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

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 yeas and nays resulted—yeas 71, nays 26, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—71

Akaka	Franken	Nelson (FL)
Alexander	Gillibrand	Pryor
Baucus	Hagan	Reed
Bayh	Harkin	Reid
Begich	Inhofe	Risch
Bennet	Inouye	Roberts
Bingaman	Johnson	Rockefeller
Bond	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Shelby
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Cochran	Lieberman	Udall (CO)
Collins	Lugar	Udall (NM)
Conrad	Martinez	Voinovich
Crapo	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Murkowski	Wicker
Feingold	Murray	Wyden
Feinstein	Nelson (NE)	

NAYS—26

Barrasso	DeMint	Johanns
Bennett	Ensign	Kyl
Brownback	Enzi	Lincoln
Bunning	Graham	McCain
Burr	Grassley	McConnell
Chambliss	Gregg	Sessions
Coburn	Hatch	Thune
Corker	Hutchison	Vitter
Cornyn	Isakson	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 71, the nays are 26. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. BOXER. Madam 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. NELSON of Nebraska. Madam President, when the stimulus bill was being debated, I advocated that any package include a robust investment in rebuilding our Nation's infrastructure. While the stimulus takes a big step in the right direction to address the needs of our aging transportation system, many more steps need to be taken.

I believe that the issues that we face with the solvency of the highway trust fund is an opportunity to make sure that more funding from the stimulus is directed towards our Nation's roads, while not adding new spending and increasing the Federal deficit. I would encourage any unobligated funding that is redirected as a result of the passage of the amendments offered today be in addition to any stimulus funding already provided for road projects; especially in the case of local road projects. Road projects at the local level will be vital part of the engine that drives our Nation's economic recovery in communities across the country and not maintaining funding for those projects would be a step in the wrong direction.

Finally, an investment in our Nation's roads is a two-for-one: it creates jobs while helping to rebuild our infrastructure. By making sure the highway trust fund remains solvent and continuing to invest in important transportation projects, we can rededicate our efforts to addressing our transportation system needs.

Mr. DODD. Madam President, I rise in strong support of this legislation.

In addition to the important sections dealing with transportation and unemployment insurance, the bill before us today includes two important provisions that are crucial to our Nation's housing market—it increases the authority of the Federal Housing Administration—FHA, to insure loans and the authority of the Government National Mortgage Association—GNMA, to guarantee securities backed by FHA loans.

Just about 2 years ago, the housing market started to implode as the predatory and abusive loans that were pumped out by banks and mortgage lenders started to fail in great numbers. These loans were made by lenders who knew these borrowers could not afford to repay them, and they were made under the eyes of regulators who were indifferent to the fate of the borrowers and who underestimated the impact on our financial system.

These loans were originated by mortgage brokers or retail lenders with funds provided by Wall Street. Nobody took any responsibility for the quality of these loans because everyone thought they were laying the risk off on the next guy by securitizing the loans and selling them off. Regrettably, it is the American people—and the economy—that is paying the price today in the form of a severe credit crunch that is affecting homeowners, small businesses, entrepreneurs, and every consumer that uses a credit card.

As we all know, foreclosures have skyrocketed. Some analysts predict that 8 million homeowners will lose their homes to foreclosure before this crisis is over.

In fact, as the mortgage market has ground to a halt, housing prices have fallen all over the country, in many places by 20 percent or more. This problem is being exacerbated by foreclosed homes flooding the market, driving home prices down further.

The only mortgage credit available in this country is credit that is provided, directly or indirectly, by the Federal Government. A key component of this, accounting for about 30 percent of the new mortgages being made in the market today, is FHA-insured mortgages.

The legislation before us would increase FHA's authority to insure mortgages. If we do not do this, FHA could shut down while we are away on recess. That would mean that about 30 percent of the mortgage credit that is available today to homebuyers and homeowners would simply vanish from the marketplace.

The impact of this would be immediate and devastating—a likely spike in interest rates; more foreclosures; and fewer home purchases as buyers withdraw from the market.

Just this week, we heard some data which indicate that home prices may be stabilizing. But the situation is fragile. If we eliminate FHA from the marketplace, we could eliminate tens of thousands of potential home buyers from the market, as well. As demand dropped, so would home prices, starting a new cycle of economic despair and disinvestment in our cities and towns. That is why the National Association of Realtors, the National Association of Home Builders, and the Mortgage Bankers Association all strongly support this legislation.

The story is much the same with the GNMA increase. GNMA makes it possible for lenders to make FHA loans, and then sell them in federally guaranteed loan pools. GNMA creates an essential outlet for FHA loans so that banks and other lenders can make more mortgage credit available. Without the increased commitment level included in this bill, GNMA will also be forced to close its doors.

These two provisions of the bill before us are crucial for working American families. I strongly urge my colleagues to pass this legislation so that we can send it to President Obama for his signature.

Mr. WARNER. Madam President, as the Highway Trust Fund Act moves through the Senate, I would like to take a moment to stress the importance and urgency of reforming our national transportation system.

I commend Chairman BOXER for her leadership on this effort to keep the trust fund solvent. But the fact that we needed this emergency infusion indicates a much greater problem with the transportation system and how it is funded. I recognize and appreciate the desire to pass a clean 18-month extension of SAFETEA-LU. However, I think we can all agree that fundamental reform will be needed when the time

comes to consider a full 6-year authorization bill.

Our Nation's infrastructure is currently inadequate to preserve our global competitiveness and the way we allocate funds for surface transportation lacks true accountability. In short, we do not tie funding to performance. To move to a true performance-based system, there are some immediate steps that should be taken.

An 18-month extension provides a unique opportunity to take some of these steps. Without making any policy reforms or adding any programs, we can begin to collect information on how well transportation funds are serving the public, which will ease our transition to a reformed and effective long-term policy. I have drafted an amendment that would direct the Secretary of Transportation to coordinate with states, metropolitan planning organizations and our new chief performance officer to develop metrics to address the following factors: (1) National Connectivity: How have transportation investments improved the connection of people and goods across the Nation?

(2) Metropolitan Accessibility: How have transportation investments allowed Americans in metropolitan regions to access their jobs and other activities more reliably and efficiently?

(3) Energy Security and Environmental Protection: How have transportation investments reduced carbon emissions and petroleum consumption?

(4) Safety: How have transportation investments improved safety by reducing fatalities and injuries associated with transportation?

My proposal outlines how States and metropolitan regions can begin to report these measures. The factors above are outcome-oriented, objective and measurable. They are also designed to cut across all modes of transportation, and to measure performance across an entire region as opposed to measuring specific projects in a vacuum.

This legislation will help ease the transition to a more performance-based system. Not only will it provide us with actual performance data, but it will help clarify what additional resources states will need to better provide such data in the future.

I look forward to working with my colleagues in the Senate on this initiative to ensure its inclusion in any extension of SAFETEA–LU.

Mr. INHOFE. Madam President, I have worked with the chairmen of the Environment and Public Works, Banking, Commerce and Finance Committees over the last month to put a bill together to address two urgent issues facing the Nation's highway program. First, the highway trust fund is going to run out of money sometime in the next few weeks and will require an infusion of $5 to $7 billion to get us through the rest of fiscal year 2009. Second, SAFETEA the 2005 highway bill, is set to expire in 9 weeks. With no realistic chance of Congress passing a fully funded reauthorization before the program expires, it is essential to provide funding certainty with a longer term extension. States cannot afford to move forward with transportation development activities without confidence in long-term and consistent future Federal reimbursements.

Unfortunately, the House chose not to address both issues, but rather just provide the money necessary to ensure that the highway trust fund does not go broke over the August recess. Their decision has put the Senate in a situation of taking or leaving their bill. I do not like it and frankly think the responsible thing would have been to take up the Senate bill, which would have provided for an 18-month extension of the existing program. The House has been short sighted in forcing the Senate to only address the trust fund fix; with so many other important issues facing Congress, the Senate now must return in 30 days to do this all over again before the program expires at the end of September. I also did not like the added provisions of the loans to unemployment insurance fund or the increase in the Federal Housing Administration cap on loans they can authorize under the Mutual Mortgage Insurance Program. Finally, I thought all the amendments offered by my Republican colleagues were improvements to the bill, but unfortunately, none of them were adopted. Nonetheless, I supported final passage and most importantly voted to waive the point of order that was raised because we cannot afford to allow the highway trust fund to become insolvent. While the bill we adopted today only addresses the immediate trust fund shortfall I look forward to taking care of the extension of the program when we return in September along with the fix of the $8.7 billion rescission as proposed by Senator BOND's amendment. Given the fiscal pressures on states and the current economic downturn, I agree with the administration that this uncertainty would be devastating to States and would translate into job losses, and so we need to provide certainty until we are able to pass a comprehensive bill.

I am hopeful that as soon as we return from August recess that we will immediately consider the extension legislation introduced earlier this week by all the relevant committees.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. GREGG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: The Senator from Oklahoma, Mr. INHOFE.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—79

Akaka	Franken	Nelson (NE)
Alexander	Gillibrand	Nelson (FL)
Baucus	Graham	Pryor
Bayh	Grassley	Reed
Begich	Hagan	Reid
Bennet	Harkin	Risch
Bingaman	Hutchison	Roberts
Bond	Inouye	Rockefeller
Boxer	Isakson	Sanders
Brown	Johnson	Schumer
Brownback	Kaufman	Shaheen
Burris	Kerry	Shelby
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Chambliss	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Vitter
Conrad	Lincoln	Voinovich
Cornyn	Lugar	Warner
Crapo	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wicker
Durbin	Merkley	Wyden
Feingold	Murkowski	
Feinstein	Murray	

NAYS—17

Barrasso	DeMint	Kyl
Bennett	Ensign	McCain
Bunning	Enzi	McConnell
Burr	Gregg	Sessions
Coburn	Hatch	Thune
Corker	Johanns	

NOT VOTING—4

Byrd	Kennedy
Inhofe	Mikulski

The bill (H.R. 3357) was passed.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Madam President, I wish to take a moment to thank everyone. This was a very complicated series of amendments. It was daunting to figure out what each one of them meant.

The bottom line is that we did replenish the highway trust funds until September 30. Most of us would have liked to have done better than that. We helped with unemployment insurance, and we helped families get mortgages. We also made a commitment to Senator BOND that we are going to take care of his amendment at the appropriate moment.

I particularly thank Senator DURBIN for all his help on the floor. Again, this was a confusing series of amendments. I am pleased with the outcome.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, for the information of all members, I have had

a number of conversations with Senator MCCONNELL this afternoon. It appears, at this stage, we have a path toward completing our work next week. We are going to move forward with the Agriculture appropriations bill this evening. We will be on that tonight and tomorrow, and it will be open for amendments. It appears, on that matter, we will either have a vote after 5 o'clock on Monday on final passage or on cloture on that appropriations bill.

Tuesday, we will move to the Supreme Court nomination of Judge Sonia Sotomayor. I haven't had a chance to talk with the chairman and ranking member of the Judiciary Committee. With their approval, we will move to that matter on Tuesday.

We will set a time certain to vote on cloture on the Travel Promotion Act. We need a time certain because, as everyone knows, Senator MIKULSKI is in the hospital now having repair work done on her leg as a result of a fall. We will set that time. And there may be some nominations we will need to deal with.

At this stage, I think that is where we are headed. There will be no votes tonight or tomorrow. It appears the next vote will be Monday afternoon. I have spoken to Senator KOHL and Senator BROWNBACK, and they agree on the appropriations bill that is the way to move forward. I appreciate everyone's cooperation.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

ANTHONY DEJUAN BOATWRIGHT ACT

Mr. ISAKSON. Madam President, I rise on an issue of particular importance. I am delighted Senators BURRIS and DODD are on the floor. Along with Senator CHAMBLISS, the four of us joined in a very important piece of legislation. In fact, in the gallery tonight is a lady named Jackie Boatwright, whose young son Juan, 8 years ago, was severely injured in a daycare center.

For a second, I wish to talk about the legislation we have introduced and encourage all the Members of the Senate to support it. On September 9, 2001, 2 days before the tragedy of September 11, on a Sunday morning, Mrs. Boatwright got up and took her son to daycare and went to church. On her way home, her cell phone rang. She got a call telling her that her son Juan was now in the hospital. While at the daycare center, he pulled up beside a mop bucket, bent over and fell headfirst in the bucket, which was full of dirty mop water and bleach.

Juan, today, lies semicomatose in a hospital on a ventilator.

The daycare center had no liability insurance. To Mrs. Boatwright's credit, from the day of that tragedy, she has advocated on behalf of parents and young children, so that it is required they be able to know the insurance available to them to protect their children in a daycare center. I mentioned that Senators DODD, BURRIS, CHAMBLISS, and myself have introduced legislation, which already passed the House. It requires that any daycare center receiving Federal funds from the Child Care and Development Block Grant Program must disclose, upon registration and admittance, to any child and their parents the liability coverage they have to protect that child.

Mrs. Boatwright wants to make sure that what happened to little Juan, and what happened in her life as a tragedy, never happens in the life of any other mother anywhere in America. Mrs. Boatwright is a resident of Augusta, GA. I am proud of her for the example she has set. So many citizens don't think they can make a difference. Mrs. Boatwright is taking a tragedy and making a difference for thousands of parents and children for years to come.

I am proud to encourage the Members of the Senate to help us get unanimous consent to agree with the House and pass this legislation, Juan Boatwright's legacy, the Anthony DeJuan Boatwright Act, requiring disclosure of liability insurance coverage to every parent whose child is entering daycare.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank my colleague from Georgia. Along with ORRIN HATCH, I am the original cosponsor of the Child Care and Development Block Grant Program more than 20 years ago, the first childcare program in this country since World War II. It was a long struggle to pass that legislation. There were battles over supporting people who could not afford expensive child care—to be able to do that for working families. In those days, when we drafted the legislation, it was very hard to convince people of the importance of establishing some standards in childcare. There was a lot of resistance to it. Nonetheless, we got the bill done at minimum standards.

That bill made a huge difference in the lives of millions of people, particularly working women with young children, raising them on their own, to be able to hold down the job and make sure their child could be in a safe place. That was important. I remember talking about how we had better Federal regulations when it came to pets being cared for than we did for children. Your automobile got better care, under Federal regulations, than your child. Ultimately, that legislation became law.

Along with my colleague from Georgia, I, too, commend Mrs. Boatwright for taking on this issue, showing how one individual can change things regarding the minimum requirement that parents be informed as to whether the childcare facility has appropriate insurance. In fact, I would have presumed that was the case, even as author of the original legislation, believing that was something States would have required, let alone Federal legislation.

We have a bill that passed the other body before us, and it makes eminently good sense to me, as someone who has been involved in this issue for 25 years, along with OLYMPIA SNOWE, from Maine, a terrific advocate for the Child Care and Development Block Grant Program.

I don't know where the objections are coming from. I am prepared to work with my colleague and say to Mrs. Boatwright and her family and others that we thank you for raising this issue. I will do whatever I can to see if we cannot get this cleared on the floor of the Senate and have it go to the President for signature. That is a small accomplishment on a major issue that can make a difference in the lives of families.

I thank my colleague from Georgia.

Mr. ISAKSON. I thank the distinguished acting chairman of the HELP Committee for offering that assistance and assisting in the passage of this legislation.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAACP 100TH ANNIVERSARY: IMAGES OF HISTORY

Mr. MENENDEZ. Mr. President, I rise in recognition of the NAACP in this, its 100th anniversary month. I rise in praise of what this extraordinary organization has so proudly come to represent to every American who deeply believes in freedom, human dignity, and equal justice under the law.

Yet I rise with a heavy heart, filled with powerful lasting images of the unimaginable suffering surrounding the founding of this great organization, images of the savage hand of racism—horrific lynchings in the middle of the night, the 1908 race riot in Springfield, IL, the birthplace of Abraham Lincoln, that led a bold band of Americans to do all they could, whatever they could, to end the violence against Blacks, the vicious, unveiled hatred and intolerance that to this day has left deep and painful scars on this Nation.

I rise in recognition of those courageous men and women who, a century ago, stepped forward to found the NAACP, those who stood against violence, who stood against hatred, Blacks such as W.E.B. Du Bois, Ida B. Wells-Barnett, Mary Church Terrell, and Whites such as Mary White Ovington and Oswald Garrison Villard, descendants of America's first abolitionists. These men and women came forward, echoing the call of W.E.B. Du Bois to secure for all people the rights of the 13th, 14th, and 15th amendments to the Constitution to end slavery, provide equal justice under law, and ensure universal adult male suffrage.

We all know that the full realization of equality, freedom, civil rights, voting rights, and equal justice under law has been a long, sometimes faltering, journey fraught with dead ends, deep divides, and seemingly insurmountable obstacles on the road to a more perfect Union. It has been a journey of starts and stops, with harrowing moments—some horrific, some heart-wrenching, but all equally historic, all part of the American saga, each forever etched in the collective memory of this Nation.

The magnificent building in which we do our work today is a monument to that journey. Those who labored to raise this glorious building in tribute to American democracy were themselves slaves. They laid the foundation. They cut the stones. They raised the walls and built the magnificent dome of the U.S. Capitol. Those slaves lived here on Capitol Hill in the shadow of what is now the Statue of Freedom that looks eastward toward the rising Sun and what was then the new dawn of a rising nation.

They are, in many ways, the ancestors of Freedom herself, the precursors of an event to which we have so boldly stood witness in January, in the shadow of their labors, as a Black man raised his hand on the west front of the Capitol to take the oath of office as President of the United States. What greater tribute to them.

We may have come a long way since they built this monument to democracy, but every day, with every troubling racial incident we see on television or read about in blogs or in newspapers, it is clear the century-long work of the NAACP goes on, the work continues. But it is equally clear, with Barack Obama in the White House, we have come of age, united by a common history, tragic at times, fought on the bloody battlefields of a civil war and still being waged in the hearts of the intolerant and unenlightened among us.

Let the images of history tell the story of America plainly, honestly, for what it is—from the labors of those slaves who built this Capitol to the founding of the NAACP; from the battlefields of Gettysburg and Manassas to the freedom rides and marches through Selma and Montgomery; from bloodshed, tragedy and travails, sacrifices and sorrows from those who lived and died on plantations or rode the Underground Railroad north, to those freed by the Emancipation Proclamation; from the devastating inhumanity of slavery to the election of Barack Obama.

There are countless images of courage and heroism, humiliation and humility, honor and horror, dignity and indignity; images of hope and despair, fear and frustration; images of fire hoses and police dogs turned on Americans whose only crime was the longing to be free and equal; images still clear in our minds, triumphant images of Martin Luther King at the Lincoln Memorial, millions marching on Washington; deeply moving images of peace-loving men like Congressman John Lewis beaten down by billy clubs because he simply wanted to cross a bridge; images of abject poverty, of two worlds separate and apart and far from equal; tragic images of a great man lying in a pool of blood on a motel balcony in Atlanta in April of 1968. But none so powerful, none so deeply moving as Barack Obama taking the oath of office as President of the United States on the west front of the Capitol 41 years later.

These are the awesome images of the history of race since the founding of the NAACP. They represent the history of America as much as they represent the history of the NAACP, and we must—all of us, Black and White alike—embrace them, understand them, and learn from them; learn from the tragedy and the sorrow; learn from the long, hard-fought battle that was the civil rights movement; learn from the debate on this floor that eventually led to the Voting Rights Act; learn from the prosegregationist terrorism that led to the assassination of NAACP Mississippi field secretary Medgar Evers and the death of Dr. King. Today, all of these images, the good as well as the bad, remain part of who we are, part of the American story in which the NAACP has played a pivotal role.

But the Nation has changed, and so the mission of the NAACP has evolved from what it was 100 years ago. The violence has lessened, but the virus of racism and prejudice has mutated, as all viruses do.

Now too often, intolerance rears its ugly head with the mere mention of the word ''immigration.'' And when it does, let us be comforted by the knowledge that the NAACP is still there, still working, still fighting the good fight.

Today, the NAACP is an expanded organization dedicated to the elimination of all race prejudice in America, whether that prejudice be against Hispanic Americans, Asian Americans, and all Americans who seek political, educational, economic, and social equality. For 100 years, the goal of the NAACP has been to tear down the walls of racial discrimination through the democratic process and make tolerance and equality a reality for all of us. Let that goal be realized in our generation, in our time, and let us continue—one nation, indivisible—on that long journey to a more perfect Union.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2997, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agency programs for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1908

(Purpose: In the nature of a substitute.)

Mr. KOHL. Mr. President, I call up the substitute amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself and Mr. BROWNBACK, proposes an amendment numbered 1908.

Mr. KOHL. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. KOHL. Mr. President, I ask unanimous consent that the following staff have unlimited floor privileges during the consideration of the fiscal year 2010 Agriculture appropriations bill: Galen Fountain, Jessica Frederick, Dianne Nellor, Fitzhugh Elder, Stacy McBride, Phil Karsting, and Riley Scott.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I ask unanimous consent that Bob Ross, a detailee from the Department of Agriculture to the Committee on Appropriations, and Katie Toskey, an intern on the Committee on Appropriations, be granted unlimited floor privileges during consideration of the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I rise today in support of the fiscal Year 2010 appropriations bill for the U.S. Department of Agriculture, the Food and Drug Administration and related agencies. This bill was unanimously reported out of Committee on July 7, and I believe it is a well-balanced bill that deserves the support of all Senators.

This bill includes total spending of $124 billion. Of that total, $101 billion is for mandatory programs, such as the Supplemental Nutrition Assistance Program, formerly known as Food Stamps, which is funded at $61 billion, and the Child Nutrition Programs, which are funded at $17 billion.

Discretionary spending totals $23 billion, an increase of $2.3 billion, and is within our 302(b) allocation. While this is a significant increase from last year, the President's request in just four areas—WIC, food and drug safety, humanitarian food assistance, and rural rental assistance—account for nearly 90 percent of the total increase. The depth and breadth of the responsibilities held by the USDA and FDA are far greater than I believe most Americans realize.

The funds in this bill are used to help ensure the most basic of human needs are met. This bill provides the funds for the two major agencies charged with keeping America's food and medical supply safe, something we nearly

always take for granted. It provides funds to ensure that low-income families in rural America have access to affordable housing and opportunities for homeownership. It provides funds to ensure that over 11 million kids receive breakfast and 31 million kids receive lunch at school every day. It provides funds to make sure 2 million kids from low-income families receive a nutritious meal during the summer when their parents are not home. It provides funds to developing countries to provide meals to children when they go to school—which is often the only way to get them there. USDA is also responsible for important agricultural research, conservation activities, community development, animal and plant health activities, agricultural trade, and much more. It is an important bill—more important than many may realize.

There are many specific high notes to mention.

Of the total funding provided in this bill, 69 percent is directed to nutrition programs. The WIC program is funded at more than $7 billion, which is an increase of almost $700 million over last year's appropriations bill. This is the amount necessary to meet the increasing need for this program, and will provide nutritious food to nearly 9.8 million low-income mothers and children each month. There is also language included to ensure that military families are not disqualified from the WIC Program because of increased combat pay—this is a small provision, but an important one in recognizing the sacrifices that our soldiers and their families make.

This bill includes $163 million for the Commodity Supplemental Food Program, which provides supplemental food to nearly 450,000 very low-income senior citizens and more than 30,000 low-income women and children. The Emergency Food Assistance Program, which provides free food to food banks, many of which have seen private donations decrease significantly, will receive $253 million in fiscal year 2010. An additional $7 million is provided to assist food banks in maintaining and upgrading their facilities and equipment so they can continue to serve those in need. In difficult economic times, these programs are vital to those that might otherwise go hungry.

In the area of food and drug safety, this bill provides the full budget request for both the Food Safety and Inspection Service and the Food and Drug Administration. The FDA is provided $2.3 billion, an increase of nearly $300 million. This increase, one of the largest in FDA's history, is necessary to continue the slow turnaround of an ailing organization whose responsibilities have vastly outgrown its funding over the past several years. The FDA is in charge of ensuring the safety of one-quarter of consumer products, and it is imperative that it has the funding to carry out its responsibilities. Similarly, the Food Safety and Inspection Service is responsible for ensuring that all of the Nation's meat and poultry is safe to eat. FSIS is provided the full budget request of more than $1 billion to carry out its mission.

This bill provides substantial funding to support international humanitarian food assistance. The PL 480, Food for Peace, and McGovern-Dole programs are funded at the President's request, which together is an increase of more than $500 million above last year. These programs are vital to helping relieve hunger in some of the most distressed parts of the world and to encourage children in developing countries to receive an education. To enhance those programs, funding is provided to support the use of micro-nutrient fortified foods and to develop new food aid products that can make a real difference in saving lives and securing long-term health benefits, especially for children. The bill also provides $13 million, as requested by the President, for USDA to help develop agricultural systems in countries facing severe food shortages. We believe that the development of sustainable food systems is the proper alternative to emergency food assistance. Therefore, this bill provides guidance and support for USDA, in partnership with the country's land grant institutions, PVOs, and others, to work together toward global food security.

America's farmers and ranchers face some of the tightest credit conditions they have faced in years. Agricultural producers are having difficulty obtaining capital necessary to maintain operations, and demands for Federal credit have skyrocketed. This bill provides over $4 billion of needed credit, representing an increase of nearly $750 million over 2009. These funds will help sustain agricultural producers as private credit markets stabilize.

This bill also provides increased funding for development of rural America, including housing, essential community facilities, business assistance, and infrastructure. In response to the recent housing crisis, USDA rural housing programs remain among the most important, and the most active, for Americans to achieve home ownership. Over $13 billion is available for housing loans and grants, including funds for new construction, repair and rehabilitation, and housing vouchers and rental assistance to ensure shelter for the lowest income rural residents. Almost $1.6 billion is available for loans and grants to small towns to support clean water and sanitary waste disposal systems that are essential for thriving communities.

Agricultural research agencies receive a total of $2.5 billion in the bill, an increase of nearly $130 million, not counting research funding provided in the 2008 farm bill. The Agricultural Research Service is USDA's premier in-house research agency. Funding is provided in this bill for ARS scientists to conduct increased research on bioenergy; improved livestock and crop production; human nutrition, including the prevention of childhood obesity; and the reduction of world hunger, among other issues. USDA's National Institute of Food and Agriculture, NIFA, formerly the Cooperative State Research, Education and Extension Service, CSREES, funds research, education and extension projects at universities and other partners throughout the country. As part of NIFA, the bill includes an increase of more than $94 million for the Agriculture and Food Research Initiative that awards competitive research grants throughout the Nation. These programs allow USDA the flexibility to adapt to meet changing research needs and to work with leading researchers throughout the country.

This bill makes substantial investments to protect the Nation's animal and plant resources from diseases and pests. Almost $40 million is provided to combat the emerald ash borer which has been found in thirteen states and threatens hardwood forests. Over $30 million is available to fight the Asian long horned beetle, and almost $46 million is provided to support the citrus health response program to combat citrus greening.

In all, this bill provides a proper balance among all the agencies funded and sets the proper priorities. Conservation, food and drug safety, farm programs, rural development, renewable energy, nutrition, trade, and the day-to-day functions of USDA and FDA are provided adequate funding and proper guidance. The programs funded by this bill touch the lives of every American numerous times each day, and impact the lives of people living on the other side of the world. These are important programs, and I urge each Senator to support this bill.

Mr. President, I would also like to recognize and thank my ranking member, Senator BROWNBACK, for his counsel and support in putting together this bill, and look forward at this time to his opening statement.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I wish to first thank my colleague for the work he has done on this bill. Senator KOHL and his staff have done an excellent job in putting together a responsible, good, and important bill, and I am delighted to be a part of it and a part of the process. It has been a great group to work with.

The Appropriations Committee, unlike a lot of other committees in the Congress, most of the time has to work in a bipartisan fashion, and that is a good thing. Senator KOHL and his staff have been very good for us to work with, and I think because of that we have what I believe is a solid bill and one for which we are going to be able to get strong and broad support.

Mr. President, this is the first time the agriculture appropriations bill has been on the floor of the Senate for a number of years. I think that is too

bad, but I think it is also good we are finally getting it here. The 2006 Ag appropriations bill was the last Ag appropriations bill to be on the floor of the Senate. I think it is a good development that it is here, that it will be pending. I think it also bodes well for us to be able to consider this as a separate and stand-alone bill in the final process so we don't have to put it together with a whole bunch of other appropriations bills, which, to me, is the way the process should work. It is a good way to work, and it is my hope we will be able to have a separate agriculture appropriations bill that will make it the whole way through the process.

I look forward to the debate, and I wish to encourage Members now, this evening, to come to the floor and offer amendments so we can consider this expeditiously but fully. I understand from the majority leader that we want to consider a travel and tourism bill and then the Sotomayor vote and consideration next week. I hope we could get through this bill in an expeditious manner so we could get to the Sotomayor discussion; I believe most of our colleagues will want to speak about Judge Sotomayor being considered for the Supreme Court. Whether you are for or against her, people want to be heard. To have as much time as possible for that next week, it will be important we be expeditious on this Ag appropriations bill.

Overall, the budget for food aid in the bill has increased to levels that will allow us to depend less on emergency supplemental appropriations bills that are not scored, and I think it is important we have a regular scoring process and not just do this on an emergency basis. I think that is an important improvement in this bill. By funding food aid at historical levels in the regular appropriations process, USDA and USAID will have more certainty about program resources so they can make better decisions about which situations they are able and need to commit food to.

A number of my colleagues have been to refugee camps in different parts of the world, and they have seen this food in action. It is important and it saves people's lives, and these are important food aid programs.

While I believe this is a valuable step, I am even more encouraged by the creation of two pilot programs that we have initiated in this bill. The chairman has worked on it and we have worked on it in our office. Specifically, in the area of food aid, we have created two pilot programs. The first is a nutrition fortification pilot program to develop and field test new and improved micronutrient fortified food products designed to meet the energy and nutritional needs of school-aged children, pregnant women, nursing mothers, infants, and children under 5 who are served by the McGovern-Dole Food for Education Program.

This is a program where we supply food to a number of very difficult situations in countries with poor economies around the world that is given as a school lunch. So it draws students in to go to school, and then it is a lunch for them. It has been a very successful program in both getting nutritional requirements met for children and in getting the educational needs met.

What we are talking about in this pilot program is a narrower section of it where a number of scientists around the world have said the most important thing we could fund—that any country actually could fund—to improve the health of the most people would be micronutrients in the Third World and developing countries that are having difficulty, so the children develop their mental capacity, better eyesight, and their overall health capacity.

This is a relatively low-cost, high-yield, high-benefit program. It saves lives, makes lives more productive, and it makes the United States a lot more popular around the world when we are helping people and saving lives. That is one of the pilot programs.

The second is a new food aid product development pilot program. It has been nearly 30 years since the last type of food aid was developed. Thirty years ago, we developed a corn soy blend that is used in many refugee camps and in difficult situations for individuals around the world who can't get enough food. Thirty years ago, we developed an innovative product called corn soy blend, but nutritional understanding has changed in that period of time. What we are looking at is a new wave of food aid products and can we do it better. That is in this pilot program.

A number of people working on AIDS around the world, PEPFAR funding particularly in Africa, are saying the big problem with AIDS recipients is they are getting the antiretroviral drugs, and they are using those, but their body is weakened because they do not have their nutritional needs being met. This is to target in on what can we do to make sure those vulnerable populations are getting the nutritional needs they have.

I am excited about this because I think these are the sorts of things we can do that don't cost much. Indeed, my view would be that we don't, in the future, add to the food aid program but we make it a higher nutrient program and we target it in better ways so we can get more out of this. That is the way we should be working.

If young children have access to proper nutrition, the benefits will follow them the rest of their lives. We all know that. That is what we are trying to do with these pilot programs.

Finally, the bill requires the USDA and USAID to scrutinize how the food aid programs function without seeking to change the basic structure of the Food for Peace or McGovern-Dole Food Aid. We will use the data the Secretary and the administrator provide to the subcommittee to make sure these programs are operating as effectively as possible.

I would have preferred a hard upper limit on transportation costs myself, but I recognize there are many strongly held opinions on this matter. My hope is that all parties can agree we should strive to make these programs more efficient because greater efficiency means more people will be fed.

I have cited, for several of my colleagues, an area of great concern to me, in that 60 percent of our food aid dollar presently goes for transportation or administration. Over a majority of it goes for transportation and administration. It seems to me we ought to be able to get that to a tighter position. We have worked with the chairman on this. Everybody is concerned that we try to stretch our food aid dollars and get as much food to starving people as possible.

I greatly appreciate the courtesies Chairman KOHL and his staff have shown me in my first year as ranking member. Chairman KOHL has been at this for several years and he has done a very good job.

Specifically, I thank Galen Fountain, Jessica Frederick, Dianne Nellor, and Bob Ross for their efforts on this bill and the consideration they have shown my staff. I look forward to working through the process on the floor and moving to conference.

I would urge my colleagues, again, to start getting their amendments pending because I think the more expeditious we can be, the more time we will have to consider the amendments and then also to get to the nomination of Judge Sotomayor, which I anticipate most of the body will want to speak on, and that is going to take a long time to get through.

It is a good bill, and I am looking forward to us working through the amendments to make it a better bill through the process.

I yield the floor.

AMENDMENT NO. 2230 TO AMENDMENT NO. 1908

Mr. KOHL. Mr. President, I send an amendment to the desk on behalf of Senator TESTER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. TESTER, for himself, Mr. ENZI, and Mrs. MCCASKILL, proposes an amendment numbered 2230 to amendment No. 1908.

Mr. KOHL. 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 clarify a provision relating to funding for a National Animal Identification Program)

On page 17, beginning on line 17, strike "$14,607,000" and all that follows through "program" on line 18 and insert the following: "$7,300,000 shall be for a National Animal Identification program and may only be used for ongoing activities and purposes (as of the date of enactment of this Act) relating to proposed rulemaking for that program under subchapter II of chapter 5, and

chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act')''.

Mr. KOHL. 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. KOHL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KOHL. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. 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. WHITEHOUSE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask unanimous consent to speak in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WHITEHOUSE. Mr. President, I met in my office today with Donna, a Rhode Islander who suffers from vascular disease. Donna's condition forced her to give up her job, and therefore her insurance. She cannot afford to buy it on her own, since it would cost her $650 a month—money she does not have. So she pays for her medications out of pocket. They should be $2,000 per month, but her doctor got them down to $450. But even this is no walk in the park. Donna read me a laundry list of procedures and services she needs but cannot afford, so like so many Americans, she sits waiting, struggling, hoping she does not get worse.

I want to tell my colleagues what I told Donna today: the Affordable Health Choices Act, the bill that the HELP Committee passed out last Wednesday, would mean hope and change and help for Donna. It would mean that insurance companies could not deny her a policy because of her vascular disease, as they can, and do, right now. It would mean that insurance companies could not charge her sky-high rates because of her vascular disease, as they can, and do, right now. It would mean that if Donna needed financial help to purchase a health insurance plan, she would get it. No preexisting condition exclusions, affordable premium rates, and subsidies for those who need help purchasing a plan. That is what the HELP Committee's plan offers every American in this country.

I also have heard from Madeleine, a Pawtucket resident who cannot afford health coverage despite working two jobs. Her family has a history of colorectal cancer; both her sister and mother lost their fight to this disease. Tragically, Madeleine cannot afford to get a colonoscopy. Without insurance, Madeleine waits and hopes that she doesn't get sick, because that is the only option she has.

Under the Affordable Health Choices Act, Madeleine would have the financial help she needs to buy a comprehensive, affordable plan. But even before she did that, even before everything is in place for Madeline to go to a gateway and buy a plan, she could sign up for the Right Choices program. Under Right Choices, even without insurance, Madeline would have access to all basic preventive services. She would get a chronic disease health risk assessment, a care plan, and referrals to community-based resources. Most importantly, she would get the colonoscopy she needs, so that she is not another victim of the terrible disease that took her mother and her sister. It goes without saying that preventing this disease and treating it early would, in the long run, save money for the healthcare system as well as preserve Madeleine's health.

I recently had coffee with Shirley, a Middletown resident who described her relief at turning 65. For the past 20 years, she and her husband did not have insurance. As self-employed business owners in their fifties, finding affordable insurance options was impossible, so they went without. They took their chances. Now 65 and eligible for Medicare, they finally have peace of mind. Shirley admits she and her husband were lucky to make it through those 20 years without serious health problems. During our meeting, she urged us to pass health care reform for the millions of hard-working Americans—hard-working, middle-class Americans—who are not as fortunate as she and her husband.

Under the bill passed by the HELP Committee, Shirley would not have endured 20 years of fear and uncertainty without health insurance. As a self-employed, small business owner, Shirley would be eligible for tax credits to either continue to offer health insurance to her employees, or to offer it for the first time. Shirley could also take all of her employees to the health insurance gateway, which will give small firms a choice of multiple insurance plans at a lower cost and of a higher quality than what currently exist in the small group market. If you are a small business owner, this bill is for you.

Judith from Warwick, has shared with me a story about her brother-in-law, whose lungs collapsed during an outpatient procedure. After staying in the intensive care unit for 28 days, he contracted a hospital infection and was rehospitalized four times. Thankfully, a year later, he is symptom free. However, the costs stemming from the treatment totaled over $500,000. Like her brother-in-law, Judith and her husband are retired and live off of their monthly Social Security check. She reflects that on such a limited income, if she or her husband faced a catastrophic health issue like her brother-in-law, they would be in ''dire straits.''

The HELP Committee bill creates a Patient Safety Research Center at AHRQ, which will support research, technical assistance, and process implementation grants to local providers to teach and implement best practices. No one should go through what Judith's brother-in-law did. No one should contract a hospital infection that leads to not one, not two, not three, but four rehospitalizations. We know how to prevent hospital-acquired infections; we have seen tremendous results in places like Michigan and Rhode Island for years. The HELP Committee bill finally creates a national infrastructure to support the dissemination of these proven techniques so that we can drastically improve the quality of care in our system, and in doing so, drastically lower the cost.

Finally, I recently met David, a self-employed resident from Central Falls, who described the astronomical rise in the cost of health insurance for him and his waif. Years ago, he paid $85 per month for their plan; today, he pays approximately $19,000 a year for their health insurance. Despite the dramatic jump in price, their health insurance plan does not cover as much as it used to. To keep their premiums and overall health costs down, David has been forced to drop dental coverage and increase the out-of-pocket expenses he and his wife pay on their plan. He noted, ''I'm almost afraid to get sick, because today's health plans have so many holes in them, they can nickel and dime you to death.''

The Affordable Health Choices Act would do two important things to help David. One, it would require that plans sold in the gateway offer a truly comprehensive set of benefits so that ''affordable'' does not mean ''skimpy.'' Affordable will mean inclusive, available, and accessible. Two, the bill would not allow insurance companies to ''nickel and dime you to death'' as David fears now. Insurance companies would be prohibited from imposing lifetime or annual limits on the dollar value of benefits for any enrollee. So David will not be forced to pay out-of-pocket once he exceeds certain levels of benefits, as he does now.

There is some uncertainty both in this building and around this country right now about the future of health reform. I want to remind everyone—my colleagues on both sides of the aisle, my colleagues in the House, Rhode Islanders back home, and Americans

across the country, the Senate has already put forth a health reform plan that will work for you. It will work for sill-mil businesses. It will work for Americans with pre-existing conditions. It will work for Americans struggling to pay health care premiums. It will work for Americans who are in small businesses. It will work for Americans who are one illness away from their family going into bankruptcy. It will work for Americans who are uninsured. It will work for Americans who have been victims of hospital errors. It will work for Americans who need preventive services they cannot afford.

Most importantly, it will work for Donna, for Madeline, for Shirley, for Judith, and for David, and it will work for their fellow Americans all over this country whose stories are all too similar. Heartache, frustration, exhaustion, and disgust with a health care system that has, at best, disappointed them, and at worst, turned its back on them. The Affordable Health Choices Act offers these Americans a hand up when they need it most, and I am proud to support it.

Before I yield the floor, I want to take one moment to thank the distinguished senior Senator from Iowa for his courtesy in allowing me to proceed. I know he has substantial remarks he wishes to deliver. I hope it was not too much of an inconvenience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

DEBT AND DEFICIT

Mr. GRASSLEY. Mr. President, I thank the Senator from Rhode Island for his kind remarks.

We are only 9 months into fiscal year 2009, and for the first time in American history the Federal deficit has reached and exceeded $1 trillion. This is not one of those firsts for our great Nation that calls for celebration, and there will not be any celebration.

Unfortunately, the bad fiscal news is not yet over for the year. We are still on track for a year-end deficit of over $1.8 trillion for fiscal year 2009. That is not according to this Senator, that is according to our official scorer, the Congressional Budget Office, the nonpartisan organization.

This 2009 deficit as a percentage of gross domestic product will be a staggering 13 percent, the highest rate since the end of World War II. I have a chart that shows this, a chart that puts the deficit in context.

Here is also a chart that puts the debt into context. I want to remind the Senate that I agree with President Obama that he did, in fact, inherit part of these deficits and debt. What is not often pointed out is this: The deficits and debt were bequeathed back then on a bipartisan basis because the Democrats controlled the last Congress. Starting in the year 2007 that Congress wrote the budget, it wrote the spending bills; that democratically controlled Congress wrote the financial bailout bill. A Republican President, George W. Bush, signed those spending bills. President Bush signed the financial bailout bill. The chart shows the bipartisan deficit President Obama inherited—and that would be the gray part of the deficit chart—and the chart shows the bipartisan debt President Obama inherited. That would be on the chart as well.

Today we have seen more revisionist fiscal history from many of my friends on the other side. It boils down to two very basic propositions. The first proposition is, all good economic policy and beneficial fiscal effects are due to the partisan tax hike of 1993. The second proposition is that all bad economic policy and detrimental fiscal effects of this decade are due to the bipartisan tax relief plans of 2001 and 2003.

How convenient for my friends on the other side of the aisle. If we take this fiscal revisionism to its logical extreme, the answer of some on the other side might be to tax every dollar of income earned by the American taxpayer. There seems to be an attitude that any policy that allows Americans to keep more of their own money is just automatically bad, while any policy which takes more of their money and spends it is automatically good.

I think it is fairly clear the fiscal revisionists on the other side do not have a problem with huge deficits; rather, they are threatened by the prospects of Americans deciding what they want to do with their very own money.

In fact, the deficit effects of the stimulus bill passed within a short time after Democrats assumed full control of the Federal Government exceeded the deficit impact of the 8 years of the bipartisan tax relief. Again, this is comparing the tax relief with the stimulus as you see in the chart.

Since the stimulus package spilled a lot of red ink, let's take a look at how the economy has done. Unemployment currently stands at 9.5 percent, the highest rate in the last 26 years. The economy has shed 6.4 million jobs since this recession began, and that also includes, though, 2.6 million jobs lost since President Obama took office.

Even with the passage of the massive $787 billion stimulus bill in February, the promise of jobs, jobs, jobs that went with that $787 billion stimulus bill, there is still no end in sight to the rise of unemployment and job losses.

The President himself recently said:

> My expectation is that we will probably continue to see unemployment kick up for several months.

While the short-term news is bad, I have bad news for you. The long-term news is much worse. If the Obama budget is adopted, by 2019 we will have added over $9 trillion to the national debt held by the public, and our debt as a percentage of the economy will grow in excess of 80 percent, in excess of 80 percent, a level also that has not been seen since this country was in World War II.

Let me say, the 50-year average of that national debt, according to the economy, has been about 40 percent. So we are talking about more than doubling what it has been over the last 50 years.

The huge spike in spending that we have seen over the course of the past 9 months has been advertised as temporary. But even so, the deficit as a percentage of GDP in 2019 is projected to be 5.5 percent, a level that everybody, including the President, agrees is unsustainable. You can see that on our charts as well.

Looking beyond the 10-year window paints an even bleaker picture. I have a chart from the Congressional Budget Office that projects a terrifying rise in debt held by the public as a percentage of GDP over the next 40 years. As we can see from the dotted line, the highest level of debt held by the public as a percentage of GDP, 107 percent, occurred in 1945 as a result and at the end of World War II. In either of the two scenarios outlined in the Congressional Budget Office's long-term budget outlook, shown by the red and green lines on the chart respectively, we are on a course to break this record sometime in the next 15 to 35 years and reach ratios of debt to GDP of up to 128 percent or, at the extreme, 321 percent by 2050.

The Congressional Budget Office's own words are these:

> The systemic widening of budget shortfalls projected under CBO's long-term scenarios has never been observed in U.S. history.

Some may ask: Why is this a big deal? What does debt held by the public have to do with my everyday life? The Congressional Budget Office makes three points answering this question. This is the Congressional Budget Office, a nonpartisan group of experts whose sole job is to project, at least 10 years ahead of time, what the situation is with every spending bill and the impact of the deficit. This is what they say: If the ratio of debt to GDP continues to rise, lenders may become concerned about the financial solvency of the government and demand higher interest rates to pay for the increasing riskiness of holding government debt. No. 2, if the debt-to-GDP ratio keeps increasing and the budget outlook is not improved, both foreign and domestic lenders may not provide enough funds for the government to meet its obligations. And No. 3, if the first two points happen, no matter whether the government resolves the fiscal crisis by printing money, raising taxes, cutting spending or going into default, it is certain that economic growth will be seriously disrupted.

Whenever economic growth is seriously disrupted, job growth is seriously disrupted as well. Clearly, a debt-to-GDP ratio approaching 100 percent would have a disastrous impact on everybody's everyday life.

So where do we go from here? Clearly, we are well on our way to fiscal catastrophe unless we change course. What is the best way to break out of

this recession, to start creating jobs, to reverse the mountainous growth of deficit and debt and get the economy moving again? That is a very important and long question. Let me see if I can answer. In general, Democrats and Republicans seem to have opposing viewpoints when it comes to the solution to this problem, with Republicans favoring lower taxes and lower spending, while Democrats favor higher taxes and higher spending. However, both Republicans and Democrats agree that health care reform is a crucial ingredient to solving the long-term budget crisis.

Both Republicans and Democrats agree health care reform needs to be paid for as well. The Congressional Budget Office is also on the same page, asserting that, in their words:

> In the absence of significant changes in policy, rising costs for health care will cause federal spending to grow much faster than the economy, putting the federal budget on a nonsustainable path.

Over the past few months, the rising cost of health care has been characterized by a few creative illustrations. First, we have heard the chairman of the Budget Committee refer to the rising cost of health care as ''an 800-pound gorilla.'' Second, we have heard the President describe the rising cost of health care as ''a ticking timebomb.''

Today I wish to add a third illustration. The rising cost of health care is a massive, fire-breathing debt and deficit dragon. In the King Arthur legend, the greatest knight among the Knights of the Round Table was Sir Lancelot. Sir Lancelot was also a dragon slayer. In order for Sir Lancelot to strike down the dragon, he had to be equipped with suitable weapons. The same is true today with the rising cost of health care. As Congress contemplates ways to cut down on the massive, fire-breathing debt and deficit dragon, it must wield the proper weapons.

As you can see here, we have the debt and deficit dragon.

A few weeks ago, House Democrats proposed a graduated surtax of up to 5.4 percent on taxpayers making over $280,000 to partially offset their health care reform bill. This small business surtax would push the top marginal tax rates up to between 43 percent and 46.4 percent, a rate that would jump to over 50 percent in 39 States with Medicare and State and local taxes added in. This is according to the Tax Foundation. So is this small business surtax the proper weapon to strike down the debt and deficit dragon? I have a chart that shows not Sir Lancelot but Sur Taxalot on his way to slay the debt and deficit dragon with his mighty surtax. This is Sur Taxalot, as we can see. The surtax is a large, heavy, painful weapon and lethal to America's job engine, the goose that lays the golden egg, small business America.

Take a good look at Sur Taxalot.

However, it is not effective against the debt and deficit dragon because it does nothing to slow the dragon's exponential growth. The cost of health care that the dragon feasts upon will continue to increase much faster than the revenues that Sur Taxalot can collect with his surtax.

CBO Director Doug Elmendorf testified in front of the Budget Committee 2 weeks ago. Dr. Elmendorf stated: None of the legislative changes looked at by CBO so far, including the House Democrats' small business surtax, ''represent the sort of fundamental change of the order of magnitude that would be necessary to offset the direct increase in federal health costs from the insurance coverage proposals.''

Clearly, unlike Sir Lancelot, Sur Taxalot is no dragon slayer.

Now let's look at how House Democrats' small business surtax works. In 2011 and 2012, singles making between $280,000 and $400,000 and families making between $350,000 and $500,000 will pay an extra 1-percent surtax. Singles making between $400,000 and $800,000 and families making between $500,000 and $1 million will pay an extra 1.5 percent. Finally, singles making more than $800,000 and families making more than $1 million will pay an extra 5.4 percent. Then in 2013 and after, these surtax rates go up to 2 percent, 3 percent, and 5.4 percent, respectively. The only way these rates would not go up in 2013 is if the President's adviser, the Director of OMB, determines in 2012 that there will be more than $675 billion realized in estimated health care savings by the year 2019.

That is right: The trigger mechanism is back. The House Democrats have made the surtax rate increase subject to a trigger. They have left the judgment on whether to pull the trigger in the hands of a partisan Presidential adviser, not a nonpartisan organization such as the Congressional Budget Office.

As Members of Congress, we should jealously guard our constitutional prerogatives to be the one branch of government tasked with deciding whether revenue is raised by increased taxes or revenue is reduced through decreased taxes. As the great Chief Justice John Marshall said almost 200 years ago:

> The power to tax is the power to destroy.

So why would we hand such an enormous power over to the executive branch? I recall, over the last 8 years, hearing from the other side of the aisle that the executive branch was attempting to usurp congressional authority. So where is that jealous guardian of congressional authority now? It seems to be absent.

We have seen this trigger mechanism from the Democrats before. While it has been a couple years, I have spoken at length about this trigger right here on the floor of the Senate.

I ask unanimous consent that a copy of my speech of May 9, 2007, entitled ''A Trigger and a Tax Hike on the American People'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CHUCK GRASSLEY: A TRIGGER WILL NOT PREVENT A TAX HIKE ON THE AMERICAN PEOPLE

Mr. President, press reports indicated we may be in the ninth inning of the budget season. The President sent his budget up to Capitol Hill over three months ago. The Senate Budget Committee marked up a budget resolution. It passed the Senate. That resolution lays out the Democratic Leadership fiscal priorities for the next five years. As everyone knows, the American People spoke last November and sent a Democratic Majority to both Houses of Congress. For the first time in 12 years, Democrats have the privilege and the responsibility for our budget.

The Senate spoke very clearly in support of some tax relief. The voice came in the form of the Baucus amendment. My friend, the Chairman, secured $180 billion to prevent part of the big tax increase that will go into effect on January 1, 2011. Although the Baucus amendment only provides 44 percent of the tax relief room needed, it is far superior to the House position. The House position is zero tax relief. That's right, Mr. President, zero tax relief. Zero tax relief means a total tax increase of $936 billion over 5 years. That's the largest tax increase in history and one that occurs without a vote of Congress.

That tax increase means real dollars out of the wallets of real middle income families. I've got a chart here. The chart shows a wall of tax increase. This chart shows that a family of four at $40,000 will face a tax increase of $2,052. Now, for a lot of my rich liberal friends that may not seem like a lot of money. For a hard working family of four in Iowa, that $2,052 matters.

As a senior Republican member of the Budget Committee, I've not been consulted on the budget by our Chairman, but I've made my views clear to our distinguished Chairman. What I know about the budget I've learned from press reports. If those reports are true, I'd encourage the Chairman and Senate Leadership to stand strong for the Senate position.

Press reports indicate that the Democratic Budget Committee chairmen are working on a compromise that would condition the tax relief on a surplus. That is, the Baucus amendment would be subject to a trigger. Now, Mr. President, what's a trigger?

I have another chart. This chart deals with perhaps the most famous trigger. The chart shows ''Trigger,'' the cowboy actor, Roy Rogers', horse. You can see from the chart that Trigger is a pretty impressive looking horse. Would definitely like to have Trigger on my farm to help with the chores. Am sure my grand kids would want to ride him if Trigger were stabled on my farm.

As Western movie buffs know, Trigger is no longer with us. Trigger is stuffed and on display at the Roy Rogers-Dale Evans Museum in Branson, Missouri. Although Trigger was an impressive looking horse, this trigger device the Democratic Leadership is looking at is not impressive.

The trigger notion is something that has a long history with the Democratic Leadership. Back in 1996, the Clinton Administration and Democratic Leadership argued for a trigger for the $500 per child tax credit and other family tax relief proposals. They took this position after President Clinton had vetoed the bill containing the family tax relief proposals. If the Clinton Administration and the Democratic Leadership had prevailed, millions of American families would have received the $500 per child tax credit perhaps in 1999 through 2001 only. If the President Clinton and the Democratic Leadership had won and the trigger were in place, millions of families would have lost the child tax credit in the years 2002 to now.

The same dynamic occurred in 2001. With surpluses, the Democratic Leadership opposed broad-based bipartisan tax relief, including a doubling of the $500 per child tax credit. One of the ideas the Democratic Leadership flirted with was a trigger. There were a few Republicans attracted to the idea.

The trigger was debated somewhat, but never found to be workable. It is a complicated matter. It could be suggested that the mechanics of a broad-based tax trigger are like trigonometry. Trigonometry is a division of mathematics that deals with triangles. It is simple on its face, but you can see from this text book, can become complicated quickly.

Interweaving the complexity and uncertainty of triggered tax relief with the vast American economy could lead to a new term. That new term would be ''trig-o-nomics.'' As much as folks complain about uncertainty and complexity in tax policy, I don't think the Democratic budget negotiators should want to take us to the land of trig-o-nomics.

To some degree, the current law sunset of the 2001 and 2003 is a de facto trigger. If you look at those in opposition to permanence of the bipartisan tax relief, you'll find that it is, with very few exceptions, the same folks who like triggers.

The tax system is a very complex and pervasive force in our society. It affects all Americans and all economic activity. Creating conditional tax relief through a trigger mechanism would de-stabilize an already unwieldy tax system. How are families, businesses, and investors supposed to plan their affairs with a trigger hanging over current law tax rules that keep taxes low? Think about that, Mr. President. What would we be doing to the hard working American taxpayer?

As an aside, those taxpayers, by the way, are sending record amounts of revenue to the Treasury. The bipartisan tax relief plans of 2001 and 2003 are growing the economy. Revenues are ahead of projections by double digit figures for the third year in a row. It's there in the black and white of Treasury and CBO reports. The American taxpayer is doing his and her part to reduce the deficit. I ask unanimous consent to insert in the record a couple of articles from the BNA Daily Report for Executives, one dated May 3, 2007 and another dated May 7, 2007.

So, why trigger on tax increases, when the current law tax levels are bringing in plenty of money to the federal Treasury? It makes no sense to punish the American taxpayer.

The biggest problem I have with a trigger is that it creates yet another budget process bias for higher federal spending. If Congress decides to spend more than planned, the trigger gives the American taxpayer the shaft. Spending taxpayers' money trumps future promised tax relief if a trigger is in place.

The American taxpayer need look no further than the budget resolution conference to see triggered future tax relief's futility. After winning the November elections by claiming to enforce fiscal discipline, Democrats have done three things with the budgets in conference. One, they've guaranteed new spending of at least $205 billion over the budget baseline. Two, with multiple reserve funds, they've set up many arenas of new spending and new taxes. Three, for the first time in six years, a tax hike on virtually every American taxpayer is built into the budget in future years. Did the American People know that this was how fiscal discipline would be defined after the votes were counted? Higher taxes and higher spending? Did the American People vote for this definition of fiscal discipline in last year's campaign? My guess is the answer is the American taxpayer didn't think fiscal discipline meant higher taxes and higher spending.

If fiscal discipline were the real goal of the Democratic Leadership, they'd employ a trigger on the new spending they've baked in the budget cake. Mr. President, how about that? The new spending in this budget would only be triggered if the federal budget were in surplus. Do I have any takers among the Democratic budget negotiators?

Mr. President, before the Democratic Leadership rolled out its budget, I challenged them to show a proposal with a single dollar of spending restraint dedicated to deficit reduction. It's a challenge I've issued for several years as bipartisan tax relief has been attacked on fiscal discipline grounds. My challenge has not been met. If you go back a decade, you won't find a proposal for spending restraint from the Democratic Leadership. Check the record. You won't find anything on the spending side of the ledger.

The use of a trigger is more evidence of this obsession with taxing and spending. Instead of accepting the Baucus amendment, which is supported by strongly-bipartisan votes in both bodies, the Democratic negotiators are taking a different path. They want to use a trigger as cover. The trigger will likely mean future Democratic spending proposals will gut future tax relief, thereby guaranteeing a tax increase on virtually every American taxpayer.

Mr. President, it's not too late. I suggest that, if the Democratic budgeteers want to talk the talk of fiscal discipline, they need to walk the walk of fiscal discipline. Apply the trigger. But apply it to the $205 billion in brand new spending. Don't build a wall of tax relief on America's families. Build a wall of fiscal discipline against runaway federal spending.

I yield the floor.

Mr. GRASSLEY. I have a chart here from the 2007 speech that deals with perhaps the most famous trigger. Of course, I refer to Trigger, the horse belonging to the cowboy actor Roy Rogers. As I mentioned in the past, Trigger is no longer with us. Today he is stuffed and on display at the Roy Rogers-Dale Evans Museum in Branson, MO. Even so, Trigger, in his current stuffed state, is still much more imposing than the House Democrats' trigger device.

While past Democratic trigger proposals were bad, the current House Democrats' trigger proposal is even worse because it is under the control of a partisan OMB Director and is based upon an OMB Director's estimate—I repeat, an estimate—of health care savings for the years 2013 to 2019.

I do not think anyone really expects this trigger to be pulled. Even the nonpartisan Joint Committee on Taxation, in its $544 billion revenue estimate of the House Democrats' small business surtax proposal, assumes that the estimated savings targets will not be reached and the rates will go up, for sure, in 2013.

Clearly, on the question of how to pay for health care reform, Republicans and Democrats appear to be drifting in different directions. Republicans want to pay for health care reform through changes in the health care system—mostly on the spending side but also on the revenue side—to make health care more accessible and more affordable. In contrast, House Democrats' most recent proposal to pay for health care reform—the small business surtax—goes far outside the universe of health care.

By abandoning the universe of health care in their financing scheme, House Democrats are clearly indicating that the goal of their health care reform proposal is increased coverage at any cost. Even the New York Times—now, believe this: Even the New York Times, hardly a strident critic of the Democrats in Congress or the White House, cautions against this coverage-at-any-cost approach:

> If the government simply extends subsidized insurance to millions of uninsured people but fails to force fundamental changes in the delivery or financing of health care, then federal health care costs will keep escalating at excessive rates. That will drive up deficits in subsequent decades unless new taxes are imposed or new savings found.

That is the end of the quote from the New York Times.

We need to reform our health care system, but we need to do it right. That is why I am working with Senator BAUCUS, chairman of the Senate Finance Committee, along with Senators SNOWE, ENZI, CONRAD, and BINGAMAN, to reach a bipartisan solution. My Finance Committee colleagues and our staffs have been working hours and hours each day and night, and weekends, to navigate through the numerous complex issues of health care reform. Has it been easy? Obviously not. However, I am very hopeful we can reach a bipartisan agreement that makes health care in America more accessible and more affordable, while at the same time protecting taxpayers and preventing the Federal Government from taking over health care.

President Obama, in his prime time press conference last week, expressed his agreement with these principles. While stating generally that the reform he is proposing will keep government out of health care decisions, President Obama specifically made the following promises:

> I'm not going to sign a bill that, for example, adds to our deficit. I won't sign a bill that doesn't reduce health care inflation so that families as well as government are saving money. I'm not going to sign a bill that I don't think will work.

I will take the President at his words on these promises, but I am going to hold him to them. The President is sending a clear signal that he could not sign the Pelosi bill, the Health, Education, Labor, and Pensions bill, or similar pieces of legislation. Why? Because each of those would drastically expand the Federal Government's control of the health care system, increase the deficit, and fail to reduce long-term health care inflation.

Here is the bottom line. When the long-term budget outlook warns that rising health care costs will cause Federal spending to grow so fast as to put the Federal budget on an unsustainable path, Congress needs to take action. But, at the same time, when our goal is to reform 17 percent of the economy, while facing a nearly $2 trillion annual

deficit, more than $9 trillion in new debt over the next decade, and a projected debt-to-GDP ratio of over 300 percent by 2050, we have to make sure we are doing this job right. That is what we are trying to do in the Senate Finance Committee. When we get finished, however long it takes, I hope we can send a deficit-neutral health care reform bill to President Obama that increases access, cuts costs, and puts us on a fiscally sustainable path for years to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

SOTOMAYOR NOMINATION

Mr. CHAMBLISS. Mr. President, I rise this evening to speak on the nomination of Judge Sonia Sotomayor to be the next Associate Justice of the U.S. Supreme Court.

We all know elections have consequences. Because of this, I have tried to give deference to the various nominees submitted by President Obama. I have not voted for all of his nominees, but I have voted for some even though I did not necessarily believe they were the best people he might have nominated.

The case of a nominee to the Supreme Court is unique. This is not a Cabinet member who will rotate out or leave at the end of the President's term. Supreme Court Justices are there for life and decide cases that will affect present and future generations of Americans.

With this in mind, I have reviewed opinions written or concurred in by Judge Sotomayor, reviewed speeches and writings of Judge Sotomayor, talked with lawyers who practice in New York, lawyers who have tried or argued cases before Judge Sotomayor, and others who know her by reputation, and also listened to and reviewed testimony before the Judiciary Committee in her confirmation proceeding. In addition, I spent the better part of an hour in a one-on-one conversation with the judge. Certainly, she has all the education and judicial background to be confirmed as a Supreme Court Justice. Her judicial temperament is not in question. Some lawyers felt she was not qualified for the Supreme Court, and others felt she is.

Judge Sotomayor has a very compelling personal story, and being Hispanic and being female and being nominated to the U.S. Supreme Court adds more credibility to that saga of living the American dream. As Americans, we should be proud she has been nominated. But the role of the Senate is to give the President advice and consent, and we are required to go beyond the personal side of the nominee.

After reviewing the information I have collected over and over again, I have concluded that I cannot support Judge Sotomayor's nomination. My reasoning is as follows:

First, lawyers nominated to the Supreme Court should be in a class by themselves.

My only experience as a Member of the Senate with this process is with the confirmations of Chief Justice Roberts and Justice Alito. Clearly, they are lawyers who are in a premier class. Lawyers with whom I spoke who know Judge Sotomayor do not put her in that category. Even those who say she should be confirmed do so in a less than enthusiastic way.

Second, I am a strong supporter of the second amendment, and I am concerned about the reasoning of Judge Sotomayor in cases where she has considered this issue.

In DC v. Heller, the Supreme Court left unanswered the issue of application of the second amendment to the States. This issue is likely to be decided by the Supreme Court in the next year or so. As a member of the Second Circuit, Judge Sotomayor ruled in the negative on this issue in the Maloney case without an explanation, simply citing an old Supreme Court case that is not really directly on point and is certainly outdated. This is too important an issue to give it no more than a cursory review.

Third, I am concerned about the apparent leaning of Judge Sotomayor to use foreign law to interpret U.S. laws and our Constitution.

In her April 28, 2009, speech to the Puerto Rican ACLU, Judge Sotomayor said that while foreign law should not be used as a precedent, she stated it should be ''considered.'' My question is, Why? Judge Sotomayor's answer in that same speech to that question was to align herself with Justice Ginsburg, who supports the use of foreign law and recently stated that ''foreign opinions . . . can add to the story of knowledge relevant to the solution of a question.'' Judge Sotomayor went on to say that unless American courts are more open to ideas in foreign cases, ''we are going to lose influence in the world.'' From an American jurisprudence standpoint, that line of thinking is certainly scary to me.

Lastly, the highly publicized Ricci case is very puzzling. A per curium opinion is unusual for such a complex and precedent-setting case. No analysis for the decision is very troubling to the lawyer in me.

In my conversation with Judge Sotomayor, she stated that the Second Circuit panel was simply following precedent and if the Supreme Court reversed the Second Circuit opinion, it would be establishing a new precedent. The Supreme Court, of course, did reverse the Second Circuit and clearly stated that no precedent was being followed by the lower court.

Judge Sotomayor did not adequately explain what precedent she was talking about and, in fact, did not answer this question when directly asked the question by Senator KYL at her confirmation hearing. Being less than forthcoming in every respect is very disturbing.

Mr. President, for all of the above reasons, I will cast a ''no'' vote on the confirmation of Judge Sotomayor next week.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I inquire, we are in morning business, am I correct?

The PRESIDING OFFICER. The Senator is correct, but we have 10-minute grants.

Mr. DODD. I appreciate that.

HEALTH CARE REFORM

Mr. DODD. Mr. President, what I have done every day over the last week or so is to take the floor to talk about health care, and I do so again this evening, with a note of some sadness. I have just been told there has now been a statement issued that there will be no markup of the Finance Committee bill next week on health care. I know Senator BAUCUS has worked hard at that. I know other members of that committee, in that effort, have been working to try to reach some understanding in all of that. I regret we will now leave here, I gather, next week, at the conclusion of the nomination process for Judge Sotomayor, for a month-long recess to our respective States, or whatever other obligations our colleagues may have. So I am saddened by that.

Let me try to find a good note in all of this—there are five congressional committees between the House of Representatives, the other body, and ourselves that have some jurisdiction over the health care debate. Three of those committees reside in the other body, the House of Representatives; that is, the Energy and Commerce Committee, the Education and Labor Committee, and the Ways and Means Committee. I am told that by tomorrow those three committees will have completed their jobs. They will have reported out a bill. There are two committees in the U.S. Senate with jurisdiction. Jurisdiction over some of the most major components of health care resides in the committee chaired by our colleague from Massachusetts, Senator KENNEDY, who is not with us, as most Americans know, because of his ongoing battle today with brain cancer. In his absence, I have been asked to act as the acting chair of that committee. Two weeks and 2 days ago, we completed our work in that committee. So the only committee remaining to do some work is the Finance Committee. So of the five committees, four, by the end of business tomorrow, will have completed their jobs.

That does not mean the work is completed. Obviously, a lot of work remains in melding these bills together to try to come up with answers to the thorny questions that remain on how we structure the health care system in our Nation to go from a sick care system, which it is today, to truly a

health care system, to deal with the issues of cost, to try to manage these issues so we bend that cost in the coming decades and beyond in a different direction than we are headed today—I will talk about that in a minute—obviously, to improve the quality of health care, which all of us care about. And while we have great quality of health care in many areas of our country, there are still numerous areas where the outcome, the overall health condition, the life expectancy of our fellow citizens, is far less than it ought to be. So accessibility, quality of care, and affordability are still the primary goals. We are all working very hard to try to reach that point.

So four out of five committees will have acted. The fifth, we hope, will achieve that result at some point here or in some manner in which we can move forward with this critical debate in our Nation.

So this evening, I want to spend a few minutes talking about where we are on a couple of these issues. I have discussed, on previous gatherings, my thoughts on aspects of the legislation. Let me share where this debate is.

There is a strong case to be made—we know the economic argument. I am going to get to that in a minute. But there is a moral case to be made as well for health care reform, and it is a very strong one.

Maybe that impresses economists or actuaries, but there is a moral obligation, it seems to me, in a nation as blessed as ours, with great resources and wealth and abundance of resources, natural and otherwise. We live in the wealthiest Nation in the history of mankind. Our generation is an inheritor of incredible work that was done by those who have come before us, who sacrificed greatly, including their very lives, to produce the kind of Nation we live in today. It has been a remarkable story for little more than two centuries, which has resulted in one of the great miracles in world history—to produce a nation where the vast majority of our population can live with financial security, with job opportunities, with the ability to raise families with security, despite what we have gone through in recent years in certain instances. Nonetheless, there is a sense of stability and security about being an American.

In many ways, we are the envy of a good part of the world. So it is important, as we think of the debate on health care, to remind ourselves what others have given to produce the kind of results that leave us with a level of lifestyle that is unmatched anywhere around the globe. In spite of that great news, we should note that also 45 million of our fellow citizens, many of whom are children, go to bed every night without health care coverage. In the wealthiest Nation in the history of mankind, nobody should be denied coverage for health care because they have some preexisting condition. What is that? That is some determination that you had a problem, a healthcare problem, before. Therefore, that insurance company will deny you coverage because of that preexisting condition, especially when that excuse is used by so many insurance companies to avoid covering victims of domestic violence, for instance, or those suffering from the most painful of long-term illnesses—those preexisting conditions.

In the wealthiest Nation in the history of mankind, nobody should have to choose between paying their electric bill or taking a sick child to the doctor. I wish that were just in minor cases, small anecdotes. It is not. Regardless of which State we represent, every one of us represents families who, every single day, make those kinds of choices, such as paying that electric bill or cutting back on the family budget because they have to make a choice about whether they can care for that sick family member.

Nobody should have to lose their home and go into bankruptcy because their medical bills are too high. I know the Presiding Officer has heard me on previous occasions in recent times talk about the statistics. Let me repeat them quickly: 62 percent of all bankruptcies in the last several years are health care crisis related—62 to 65 percent. Of that 62 percent, 75 percent of those people had health insurance. When I first saw those numbers that 60 to 65 percent of bankruptcies are due to the health care crisis, I assumed that the overwhelming majority of people in that situation must be those without health care coverage. It pained me to learn that 75 percent of those people actually had health care coverage. Despite that, they ended up in financial ruin, having to go into bankruptcy to survive economically.

In the wealthiest Nation in the world, the one that spends far more on health care than anybody else—some $2.5 trillion a year, and we now rank 37th in the world in medical outcomes—that is in terms of our overall condition, healthwise, as a people, life expectancy. We now have the first generation of Americans who will live shorter, less healthy lives than their parents. That has never happened before in the history of our country. Each generation of Americans has been able to improve the quality of the health care of their children. Even in that 19th century and throughout the difficulties of the 20th century, every generation did better on that score. We are about to be the first generation whose children will be less well off—not financially, although that may be the case, but in terms of their health care.

I don't know of anyone in this generation who wants to leave a legacy like that, where because we could not figure out how to deal with health care we left our children in a condition where they will have less healthy lives than we have had. I don't think any one of us—I don't care what our politics are, or where we are from—wants to be part of a generation that gets referred to in history because we could not take better care of our children.

There is a moral case for health care that I know gets dispelled by some because people don't want to take it seriously or don't want to talk about that. Let's just talk about the economics. I think, as a people, we ought to talk about it. I think it motivates us. I think all of us share that common concern that we believe in this great country of ours we ought to be able to do a better job taking care of our fellow citizenry when it comes to the basic right of being provided for when a health care crisis comes.

Today I want to make the case for reform, in addition to being the right thing to do, is also the smart thing to do, the very smart thing to do. It is the smart thing to do for our Federal deficit—and my colleague from Iowa talked about the deficit. I think he is right that we need to confront that issue. Six months ago, an American President assumed office—how quickly we forget—having inherited the largest deficit accumulated not just by any President but by every previous President combined. That is a remarkable track record. It is one thing to have a larger deficit than your predecessor, but over the previous 8 years the administration that just left town, and the Congresses that supported them, accumulated a deficit in 8 years that exceeded the deficits accumulated by all previous 42 Presidents in our American history.

All of a sudden, President Obama arrives in town on January 20 and he gets handed this ''gift'' from the previous administration: a mountain of accumulated debt. All of a sudden, now this is the big issue we hear about. Where were those voices over the past 8 years as that debt accumulated day after day? All of a sudden they want to lay this at the doorstep of a new President arriving in town.

If they are concerned about it—and I believe my colleagues are—then one certain way to add to it is to do nothing about health care. Let's just leave town for another month, without having addressed this issue in any concrete and thoughtful manner because, clearly, if we do that, the amount of deficit this country will accumulate—Mr. President, we spend 16 cents of every dollar on health care today. I don't know of a single expert who would tell us that by 2040 we will be spending as much as 30 to 40 cents out of every dollar on health care if we do nothing, with inaction, if the status quo dominates. There is a danger of that. We are all painfully aware of that.

The bill that passed our committee 2 weeks and 2 days ago—by the way, it took a long time, 5 weeks. We had 23 sessions and went through some 60 hours—it was 4 weeks from start to finish, actually, almost 60 hours, 23 sessions, on 13 days. We actually considered 287 amendments over that month-long process day in and day out. We accepted 161 amendments offered by our

friends on the Republican side. Many were technical and many were substantive amendments.

So we went through a long process and considered it at length, with long debates, with 23 of us, one-quarter of the Senate, sitting on the committee chaired by Senator KENNEDY to consider various ideas within our jurisdiction.

Under that bill we established a very large and robust marketplace where small business owners can go to comparison shop for various health care packages for their employees or themselves. Our bill is the smart thing to do for businesses which often today find themselves choosing between reducing coverage for their employees or laying off workers because they cannot afford to provide it.

In our bill—the one we passed—if our bill would be adopted, as I believe it will be, no longer will small businesses in our country be forced to act as health insurance experts. No longer would they be denied affordable insurance options. No longer would small businesses be discriminated against because they employ someone with a preexisting condition or one who suffers a sudden unexpected health crisis, thus driving up the premiums for every employee, either making it too costly or making it impossible to provide them coverage.

In our bill we passed not only do we give small businesses somewhere to turn for insurance options, we give them the financial assistance to pay for it—$1,000 for individuals and $2,000 for families. Every small business could get that to assist them in that very business of trying to provide for their families.

That has been in our bill. It is written in there. If we can pass that bill, I am confident the other body would adopt it.

We give employers a healthier, more productive workforce. I point out in many parts of our country employers only have one choice or two choices for health care coverage for their employees. That is all that exists for them, and they want to shop to find out what is available. Under our marketplace in the bill, they would have a wide range of options to choose from of private carriers offering different packages and different levels of cost, allowing the employer to shop on behalf of their employees, and we give them the credit to make it available, financially, to do so. Our bill does more than anything else—certainly, when it comes to small businesses.

Importantly, for those employers who are happy, as many are, with the insurance they have—maybe they are a large employer who has invested heavily in prevention, or they have negotiated low prices and a wide network of providers as exists in some parts of our country. Under our bill nothing changes for them. They can keep the insurance as long as they choose to renew it. That is their business. We change none of that.

If you like what you have, you keep that. If you are a smaller employer and you want to change that and you want better plans, we provide the credits to do so and the option for you to have more choices.

Most of all, we believe reform is the smart thing to do for the American consumer, for those employers and employees. Some of our fellow citizens are getting a good deal when it comes to their insurance. They like the doctor they have, they like the hospital they go to when they need one, and they like the insurance plan they have. They don't want anything about their health care to change. They should not have to worry about that. Our bill protects that. If you like your doctor, your hospital, and your health care coverage, you can keep that, just as that business who wants the plan they have, they can keep that under our bill, which we wrote 2 weeks and 2 days ago—the 900 pages we worked on for almost 5 weeks and on which we considered 300 amendments.

Some of our colleagues have tried to scare our fellow Americans into believing our bill would force change upon them. That is just not true. That is a falsehood. It is being dishonest with the American people. The bill that was crafted in the HELP committee won't make anyone change their doctor or their insurance plan. If they like what they have, they get to keep it. The only change they may see is that there may be more money back in their pocket as a result of what we provided in the options available to people to make better choices at lower costs.

Here is what our opponents won't tell you: If we don't take action—if it is just the status quo and we go back to our States and walk away from all of this and never deal with this issue, you may very well lose the ability to see the doctor you like. That is at risk with inaction. If we don't take action, you may lose that good insurance plan you have. If we don't take action, you may well find yourself unable to get the kind of care you need when you need it.

If we don't take action in the Congress, families with insurance will continue to pay that hidden tax of $1,100 that the average family pays every single year to cover the costs of the uninsured who show up at hospitals.

In our country, you will get care. If you walk into the emergency room, we take care of you. But there is a cost for doing so. The cost is, on average, $1,100 per family a year. That is the tax we pay today because of the failure to provide the kind of plans we adopted in our bill. So that cost falls on families.

Further, Mr. President, if we don't take action, premiums will continue to rise faster than wages. If you don't believe me, look what happened to my State of Connecticut a few weeks ago when an insurance company proposed to raise their rates by 32 percent. I wish that were uncommon. The rates in my States in the last 6 years have gone up 45, 46 percent, and since 1996 in the country, they have gone up 86 percent, vastly outstripping the rate of inflation, with no end in sight.

For those who say we can wait, we don't need to do this now, we ought to postpone all this, it is not necessary, we ought to deal with the deficit or other issues, then consider what is going to happen if we don't move and if we don't come together and get this job done. On every one of these issues, if we don't take action, no matter how secure you may feel today, you may lose that insurance, you may lose that coverage, you may find yourself unable to go to that doctor or hospital you believe you would like to and you continue to pay a rising cost in premiums to cover the uninsured.

Mr. President, 2 weeks and 2 days ago, since our committee acted, 210,000 of our fellow citizens have lost health care coverage. These are people who had insurance 2 weeks ago. Every single day we delay taking action on legislation, 14,000 of our fellow citizens lose health care coverage—every day. So since 2 weeks and 2 days ago, 210,000 of our fellow citizens lost their health care coverage, and we are about to leave for another month. Do the math on a daily basis.

While we as Members of this body go back to our respective States, we have our health care coverage, we have very good health care coverage—very good health care coverage. None of us have to worry about that as we go back and walk away, unfortunately, from a set of issues with which we should be grappling. But we can do so with the assurance, the certainty, and the stability as elected officials in this body that if something happens to any one of us, we are going to be fine because we have great health care coverage. But, unfortunately, for 210,000 of our fellow citizens in the last 2 weeks, that is not the case.

Imagine tonight that you are one of those 210,000 and you wake up in the middle of the night because your child is very sick and you rush them to the hospital, or a spouse or loved one who needs that kind of care because of an accident. These things happen with the least predictability. Every one of us knows what happens. We have all had it happen to us with a child, a spouse, where all of a sudden there is a tragedy, an accident, an injury, there is an illness, and all of a sudden we need that coverage to protect us. Tonight there are 210,000 more people since 2 weeks ago who are in that free-fall hoping that nothing happens until they get back on their feet again, maybe get that new job, find that insurance company that will cover them and provide those benefits.

Imagine yourself being in that spot—think about that—that lack of stability, that lack of certainty, that lack of comfort knowing that if something happens to my family, I cannot help them.

I hope we can get them back on their feet again. I hope they get to see a

good doctor, and they will have the drugs they need or care they need to restore their health. But you never get to that question if you cannot even approach it because you don't have the coverage any longer to pay for it.

Those 14,000 a day are going to continue to mount up under the present circumstances. I am disappointed, to put it mildly, that we find ourselves leaving here without continuing to do work. Not that we are going to solve all the problems in the week before we leave, and no one, of course, argues that we shouldn't do this right and we shouldn't be careful to make sure we are doing it right. It is a silly argument to suggest there are people here who don't care about crafting responsible legislation. I will not accept the argument it is too hard and that is the reason we cannot get it done. That is why reforming our health care system is so important, for all those reasons.

Even if you are satisfied with your personal health care situation, you ought not have too much comfort and believe it will be there when you may need it the most.

The bill we passed provides stability so that care that is available to you stays available day after day and provides cost savings that you will see in your family budget. Our bill eliminates entirely the annual and lifetime caps on benefits. So even if you suddenly develop a serious illness or get into a bad accident, you will be able to get the treatment you need, and it does put limits on how much money out of your income you could be forced to spend on insurance.

Today there are no limits. Our bill provides those limits so your expenses will never be more than you can afford to pay.

Our bill we passed prohibits insurance companies from discriminating against people with preexisting conditions. That is gone forever in our bill. That argument about preexisting conditions is absolutely gone. If we do nothing, it is still there, and so that certainty you think you have is not certain at all with preexisting conditions that exist today. Our bill eliminates those.

You don't have to stay in a job just because you have an illness that would keep you from getting coverage elsewhere. I cannot tell you how many stories I have heard about that, where people have miserable jobs with miserable pay, but they don't dare leave it because they know if they do and they have a preexisting condition, they will be denied the kind of coverage they need to have.

Our legislation also prohibits insurance companies from changing or dropping coverage or refusing to renew it if you get sick. It mandates that these companies cover the things that will help you stay well, such as mammograms or annual checkups, at no additional charge to you as a patient.

The truth is that too many Americans are getting a bad deal, even those who are operating with a comfort that they believe that what they have will be there whenever they need it, and the ones who are getting a good deal might not be able to keep it unless we take action to provide the kind of stability people are looking for.

Even those who somehow are able to ignore the urgent moral imperative of reform I think should support the legislation we crafted simply because it is a better deal for American consumers, and it is the smart thing to do.

It has now been, as I said, more than 2 weeks since our HELP Committee passed its legislation. It is a good bill. It is not a perfect bill, and more work needs to be done. All of us acknowledge that. But it is one that I think every Member of this body can get behind. Every single member of that committee, all 23 of us, every single member added contributions to the original draft. Every Democrat, every Republican added amendments that were adopted to our bill.

By the end of this week, as I pointed out earlier, four of the five committees with health reform bills will have completed their work. I know the Finance Committee, as I said earlier, is working hard to produce a bill as well. When their work is complete, I look forward to sitting down with them to merge our efforts, which is clearly going to happen. We are going to merge our efforts. We are going to take what we have done and merge it with what the Finance Committee has done. So the Senate will have two committees on equal footing dealing with health care issues. I know the leaders guaranteed that, the President has spoken about it, and I am sure my colleagues will support that effort.

I heard some of my colleagues mention that now is not the time to plow ahead. I disagree. I can't think of a more urgent issue for all the reasons I mentioned this evening and how important it is. I said it may not be as much an urgency for those of us with the stability and certainty of our own health care policies, but for so many of the people we represent—those who are uninsured or underinsured—they have a right to insist we do the job, face the difficult questions, and have the courage to lead on this issue, to be leaders. That is what we are asked to be when people chose us to represent them.

I know it is the case in my own State, as it is across the country. A lot of the choices we have to make are tough ones and hard to explain, in some cases, because they will involve the shared responsibility that all Americans must be involved in if this is going to work. That is why we get sent here. Occasionally, there are matters that require us to stand and make tough choices. We are at such a moment. For us to do less, to walk away from this, I think, will be one of the great tragedies of our time.

I regret we will not be working on this legislation in the coming weeks, although we will in our own way—our staffs will be working and we will be back in our respective States listening to our constituents. I hope when we come back in September, we will have a renewed sense of purpose and get the job done. We have a President who cares about this deeply. We have Members of both bodies who were elected and ran on this issue of reforming our health care system. Major industries, the insurance industry, the providers, the doctors, nurses, the pharmaceutical industry, all today are on the side of getting something done. There are disagreements on how to do this, but wonderful people in public and outside public life are committed to this. It is different than it was 14 years ago. We ought to be able to take advantage of that new alignment, if you will, and get this job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I appreciate the opportunity to speak after Chairman DODD, who has probably, more than anybody else this year, led the health care effort. As he pointed out, in our committee, it was the longest markup of any bill I have ever seen in my years in the House and Senate.

I spoke today to a Washington Post reporter who said she had never seen a markup so thorough. We faced 160 Republican amendments, either passed or accepted, many of them substantive, some of them not but certainly a major bipartisan effort. In the HELP Committee, we went over it section by section. This is a very good work product.

We are joined by three committees in the House of Representatives—the Ways and Means Committee and the Education and Labor Committee, which have already completed their work on a similar bill, and another committee is working on it tonight, the Energy and Commerce Committee, a committee on which I sat in my years in the House of Representatives.

All four of these bills are similar. They all protect what works in our health care system, and they fix what is broken. They all provide that, if you are happy with your insurance, you can keep what you have. But in addition, your premium is much more likely to stabilize because, as Chairman DODD said, you are no longer subsidizing to the tune of $1,100, $1,200 a year uncompensated care for others. You are paying for your health insurance, but others in society will be paying for their own health insurance rather than what is called cross-subsidies. This legislation obviously covers millions of Americans who are not insured.

All that aside for a moment, I have come to the floor to read letters from people, which I have done every day for the last several days and will continue. We use words such as ''market exclusivity, gateway, exchange, cross-subsidies,'' and all these kinds of terms. When it gets right down to it, it is how this affects people individually in our country and our State. Whether they

are in West Haven or Hartford, whether they are in New London, CT, or New London, OH, people are hurting, and these are some letters from constituents I have received.

I would like to share five, six letters with my colleagues and with the Presiding Officer.

Diana from Seneca County in Ohio writes:

I am a middle-aged widow who returned to college. Next month, I will graduate. I have no health insurance and have been seeking employment for a year. Please help the good citizens of Ohio get health care, many of whom have found themselves in a terrible predicament through no fault of their own. Please help me help myself.

This is an example of people working hard, doing the right thing. Chairman DODD said 14,000 Americans lose their health insurance every day now, and people such as Diana from the Tiffin area in northwest Ohio cannot get ahead of the game, cannot get ahead of the curve, cannot get insurance, has not found a job. In economic times such as these, there are an awful lot of people similar to Diana from Seneca County. That is why it is so important we pass legislation when we come back in September.

Ian from Franklin County—that is central Ohio, the Columbus area:

I am a 31 year old without health insurance. I have a 4-year degree but work part time. I have no sick days, no vacation days, or personal days. I'm sick and tired of being scared of getting sick. . . . Health care should be based on need rather than ability to pay. Enough.

Just think of how many people in this country live that way. They think about being sick. They think: What happens if I am sick? I am barely making a living. I know if I get sick, I will have to choose between my medical bills and paying my rent or choose between my medicine or sufficiently heating my home in the winter.

Those kinds of choices are very real choices to hundreds of thousands—more than that—Americans every single day.

Lee from Cuyahoga County writes:

I have worked in health insurance in some form or another since 1973. I know Medicare and Medicaid as well as private health insurance. I have seen health insurance from just about all angles and could probably write a book on it. Many times I have told potential clients that ''shopping around for health insurance is like going to a casino and betting against the house—where the house is making up the rules, changing the rules, and not letting you know that the rules have been changed.''

This is an expert who made his living by dealing with health care issues. He knows what happens with insurance companies. That is why we did consumer protection in this legislation—no more preexisting conditions, no more dropping coverage indiscriminately, no more caps on coverage, no more gaming the community rating system, no more discrimination. That is what this legislation is all about.

If you have insurance and you like what you have, you can keep it. Absolutely our bill guarantees that. But you also will have these consumer protections because plenty of people who are satisfied with their insurance get sick and find their insurance has been canceled. No more of that under this legislation.

Susan from central Ohio, from Franklin County, writes:

I am in my mid-50s and have been unemployed for over a year, looking for a new job the entire time. Living without health insurance at this point in my life is terrifying.

I am 56. This woman is in her midfifties. She has been unemployed for a year. She is living without health insurance. It sounds like she is healthy but always thinking about it, always scared.

My father was a physician in private practice in Columbus from the 1950s through the 1980s, in the days when the physicians made the diagnoses and the health care providers trusted them to do so. Please fix the health care system, and make it possible for everyone to have access to good medical care.

Susan is somebody who understands the health care system from within. She is the daughter of a physician and understands, in her words:

. . . living without health insurance at this point in my life is terrifying.

Think about that. With all the worries someone has when they are in their mid-fifties and thinking about what happens if they get sick.

Libby, also from Franklin County, says:

I need a follow-up CT scan for kidney cancer, but I can't afford the co-pay. I have to take early retirement, but can't wait 2 years for disability. I hope having to wait doesn't kill me, but I am one of many. Please fix our broken health care system.

We hear stories every day about health care denied and health care delayed—which really is health care denied—and what happens to people when they have to delay. Libby, from this letter, sounds to me as if she is hoping, hoping, hoping that we can move quickly so she can get insurance and can have the follow-up CT Scan for her kidney cancer.

Claudia, from Franklin County in central Ohio, says:

My husband and I have owned our own successful business for 21 years. Our health insurance costs have escalated to the point where we barely can pay the bill and our coverage is truly awful. With a $5,000 deductible per person, we are insuring against catastrophic illness only. Little money is available for regular checkups, recommended annual tests, or dental care. I never thought we would be in this position and there is no relief in sight. Many self-employed people are now discontinuing health care because of the cost. We need help.

Claudia and her husband are like small business owners all over this country—people who are self-employed, who have maybe 5 to 10 employees. They can no longer afford health insurance, particularly if they are a business of 30, 40 or 50 people and 2 or 3 of those employees get very sick and they need Remicade or they need Perceptin or one of those biologic drugs that cost $10,000, $20,000, sometimes $50,000 or even $100,000 a year. What happens to that small business, if they have 20 or 30 employees and a couple of those employees end up with drug costs of $50,000 or $100,000 a year? That may cause the employer to have to cancel their insurance because the insurance premiums go so high as a result of three or four or five sick people.

This legislation, as Chairman DODD points out, has specific provisions to help small business. It lets them go to the health exchange so they can spread out their costs among the larger numbers of people than the small employers of 10, 15 or 20 people—or in the case of self-employed people such as Claudia from Columbus and her husband—who simply don't have any chance of getting insurance. They know people with insurance in small businesses will no longer have to pay the cost of the uninsured—the extra $1,100, $1,200 a year they have to pay. They will get additional tax credits so they can insure themselves and insure their employees.

Almost every employer I know wants to insure their employees. They want to insure their employees. So many simply can't afford it. This bill will make a difference for small business. It will make a difference with the consumer protections that will help those people who are happy with their insurance but are always anxious about perhaps their insurance being canceled or caps being put on their insurance or all of those issues that happen to people.

That is why this legislation is so important. That is what is reflected in these letters from individual people, whether they are from Zanesville or Mansfield or Urbana or Youngstown. People all over my State are hurting. People all over this country are hurting. People in the State of the Presiding Officer—in Boulder, in Denver. Anywhere in Colorado or in Connecticut we know these problems are every bit as severe as they are in my State. That is why we need to take action.

We have 14,000 Americans every day losing health insurance, and I am hearing from a lot of them. I am hearing from people who are looking for work and can't find work and can't find insurance. It is time we move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Ohio. He has been a member of our committee, and as I mentioned earlier, he has done a tremendous job, as others have as well. SHERROD BROWN brings a wealth of experience. He has been dealing with these issues, obviously, in the other body.

And I think in talking about real people with these issues, there is a tendency of all of us to kind of discuss these matters from about 30,000 feet, using the language we are familiar with to describe what is going on, and too often I think for people across the country, they wonder if anybody is

talking about them. I think by reading letters from citizens in Ohio and what they are wrestling with every day, it brings this back down to a level that we need to think of more often when we debate these issues, and that is that every single day, of those 14,000 people who are losing their health insurance, there are many who do confront a health care crisis and lack the ability to respond to it other than showing up in an emergency room or hoping there will be free health care for them because they do not have the capacity to pay for it.

So I appreciate tremendously Senator BROWN's contribution, not only during those long days we spent day in and day out crafting the legislation that is now before us, but now, when we need to do more talking about what is in that bill. Because from a small business perspective, as well as the insured, the prevention, the quality of care, or workforce issues, they are all very significant contributions to our debate.

The Class Act, which allows individual people, at no government expense, to contribute to their own long-term care needs is one of the most innovative and creative ideas in our bill. That will provide not only substantial resources, but the ability of people to lead independent lives who have disabilities under what might otherwise force them to live under more expensive care or tapping into Medicare. In fact, the projections under the Congressional Budget Office is that we have saved $2 billion in Medicare costs just by having the Class Act—that is the long-term care provisions in the bill.

I invite all my colleagues to read the bill and to go to the briefings. I spent a little more than an hour today with my colleague from California, DIANNE FEINSTEIN, who requested that I come by with staff, with her staff, and go through the various sections of the bill and how it would work; how it would affect people in their State; how these various provisions would work.

I don't want to speak for her, but I think she was pleased to hear what we had done. Obviously, there is more to be done out of the Finance Committee, and I don't have answers for that because there is no bill out of the Finance Committee as yet, but on the part of the effort we have made, as our Members and colleagues look at what we have done, I think they will be pleasantly pleased about the efforts we have made to assist the insured with preexisting conditions, the caps, as I have mentioned, the credits we provide to small businesses to allow them to make that health care insurance available to their employees—as many would like to be able to do—at a cost they can afford, without crippling them because one employee ends up with a serious health condition thus raising the cost of every other employee and the cost of overall health care. That is gone as a result of what we have written in our legislation.

So I urge my colleagues to read the bill, to talk with us, to raise the questions you have, particularly over these weeks between now and the time we come back. I think you will again be pleased at the effort our colleagues have made to vastly improve the status quo and, I think, contribute significantly to where we need to be going with regard to health care reform.

So I am very grateful to Senator SHERROD BROWN of Ohio for his contribution.

Mr. President, I yield the floor.

HONORING OUR ARMED FORCES

LIEUTENANT BRIAN N. BRADSHAW

Mr. CHAMBLISS. Mr. President, I rise today to honor the life and selfless commitment of LT Brian N. Bradshaw to the U.S. Army and to our Nation.

Lieutenant Bradshaw died as a result of an improvised explosive device on June 25 in Kheyl, Afghanistan. He was 24 years old.

Coincidentally, Lieutenant Bradshaw's life was taken the same day that pop star Michael Jackson died. A Google News search reveals that the number of news stories in the past month filed about Michael Jackson is 142,929, the number filed about Lieutenant Bradshaw? Twenty-six.

It is time the American people know a bit more about this young man who sacrificed for his country his life, his family, and all his potential, giving up all he had and all he was going to be.

In his youth, Lieutenant Bradshaw served his community in Steilacoom, WA, as a search-and-rescue volunteer, as an altar boy, and as a summer camp counselor. Family and friends describe him as a man with ''a wry sense of humor'' and a deep love for American history.

He graduated from Pacific Lutheran University in the spring of 2007 and joined the Army and began service in Afghanistan in March of 2009. As a member of the U.S. Army, Lieutenant Bradshaw served in the 1st Battalion, 501st Parachute Infantry Regiment, 4th Airborne Brigade Combat Team, 25th Infantry Division, and was stationed at Fort Richardson, AK.

Described as a man who found more meaning in actions than words, it is no surprise that Lieutenant Bradshaw found meaning in his service in Operation Enduring Freedom. In the course of his deployment, he sought to help the less fortunate people of Afghanistan and to improve life for the children there, frequently writing home for packages of gifts to give to local children.

Lieutenant Bradshaw found his voice in the honor and patriotism of the Army. With a father who is a retired National Guard helicopter pilot and a mother who is a retired Army nurse, Lieutenant Bradshaw was a man with the military in his blood.

Thus, it is only fitting the transfer of his remains on June 25 to Bagram Air Force Base was carried out in a ceremony of honor and patriotism that typifies the ideals of the U.S. Armed Forces.

Sent to retrieve Lieutenant Bradshaw's body were members of the Air National Guard from my home State of Georgia. On their sad mission, they landed their C–130 using night-vision goggles in blackout conditions. What appeared to be hundreds of his fellow soldiers in his company stood in formation in the dark as Lieutenant Bradshaw's body was carried aboard the plane.

In a letter to Lieutenant Bradshaw's family, CPT James Adair and MSG Paul Riley of the Georgia Air National Guard, who were present at the ceremony, described the experience:

> Everyone we talked to spoke well of him—his character, his accomplishments and how well they liked him. Before closing up the back of the aircraft, one of Brian's men, with tears running down his face, said, ''That's my platoon leader, please take care of him.''

The world may have been occupied with other things, the media with other stories. But for one brief moment, the war stopped to honor LT Brian Bradshaw.

Mr. President, it is my honor and privilege today to pay tribute to Lieutenant Bradshaw, who illustrates the commitment to excellence, honor, and courage that exemplifies our Nation. It is thanks to citizens such as him that America has been and will continue to be a great and free Nation.

HEALTH CARE REFORM

Mr. REID. Mr. President, we have come so very far.

But there are some who think we should scrap everything we have accomplished and go back to square one. The truth is that throwing out all the great work we have done until now would be a terrible waste of time, energy and hard work.

There are some who do not think now is the right time to reform health care. In reality, for many who feel that way, there will never be a good time to reform health care.

It is easy to talk only about the part of the road we have yet to cover. As any parent knows, for some, the only question is, ''Are we there yet?''

But it would be a mistake not to also acknowledge and appreciate the great distance we have traveled.

For generations, we have been working to fix our broken health care system. This has been the No. 1 issue on our agenda for a long time now. Throughout this year alone, we have explored numerous proposals in numerous bipartisan roundtables, committee hearings and constituent meetings.

Harry Truman recognized long ago that we must do more to make it easier to live a healthy life in America. Shortly after the Second World War, he lamented the fact that millions of our own lack ''a full measure of opportunity to achieve and enjoy good health.'' He knew it was wrong that

Americans had no security against what he called ''the economic effects of sickness.''

Truman knew in 1945 that ''the time has arrived for action to help them attain that opportunity and that protection.''

Senator KENNEDY—the man who, more than any other, has dedicated his life to our fight for fair health care—echoed Truman's call. He said:

> One of the most shameful things about modern America is that in our unbelievably rich land, the quality of health care available to many of our people is unbelievably poor, and the cost is unbelievably high.

Senator KENNEDY did not give this speech last month, though it would have been very timely if he had. He did not give it last year, though it would have been equally relevant and true. He did not even give it last decade, or the decade before that.

It was in 1978 when Senator KENNEDY decried our shameful system. Yet his words and his cause are as urgent today as ever. In fact, since then our need for reform has gotten significantly worse.

Today we are closer than ever to getting it done. But I know Senator KENNEDY agrees that it should not have taken more than 30 years for Truman's call to compel his echo, that it should not have taken another 30 years for us to come as far as we have today. And I know we cannot afford to wait another 30 years—or even 1 more year—to act.

But for some, more than 60 years of work to stabilize health care for those who have it and secure it for those who don't is ''rushing it.''

Someone who was born when Harry Truman first called for reform in 1945, but lived his or her entire life without the ability to afford health care as it got more and more expensive every year, would today—finally—be just months away from becoming eligible for Medicare. I don't think that's ''rushing it.''

For too many, the interests of the insurance rackets still outweigh the interests of the American people.

The difference is that those of us who know we cannot wait any longer know that the American people must come first.

Those who oppose the reform we so desperately need like to talk about it in the abstract.

They use code words, scare tactics and sound bites. They rely on misinformation—like the myth that your government wants to control your health—and misrepresent the real issues.

But reforming health care is not about the abstract, because health care isn't just theoretical. Neither is it about rhetoric or politics. It is about people.

Unlike just about any issue we debate and discuss in this body, health care affects every single living, breathing American citizen.

So I find it curious that in the weeks and months we have talked about health care this year, I haven't heard our opponents say a single word about real families with real problems—families with real diseases, real medical bills and real fears.

This is what health care is about: It is about people like Lisa, in Gardnerville, NV. Lisa lost her job and with it her health care. Now she can't afford to take her sick daughter to the doctor to find out why she gets seizures.

It is about people like Braden in Sparks, NV. Braden owes a hospital $12,000 for a trip to the emergency room—the only place he could afford to go for medical care because he doesn't have health insurance.

It is about people like Alysia from Las Vegas, NV. Alysia has suffered with a kidney disease since birth, but she can't get coverage because in the language of the insurance business, her lifelong disease is a preexisting condition.

It is about people like Steve in Henderson, NV. No health insurance company will cover Steve because he has Parkinson's disease. That doesn't just mean he can't get the care he needs to help him cope with this terrible illness—it also means that if Steve gets the flu, or breaks his arm or needs a prescription, he can't afford any medicine or treatment at all.

It is about people like Caleb, a high school student from outside Reno, NV. Caleb was born without legs, and needs new pairs of prosthetics as he grows bigger in his teen years. But his insurance company has decided it knows better than Caleb's doctors, and has decided that last year's legs will have to do.

When we say we are fighting for health care reform that lowers costs, we aren't talking about a balance sheet—we are talking about people like Lisa, Braden, Alysia, Steve and Caleb.

When we say we are fighting for reform that brings security and stability back to health care, we aren't talking about policies and contracts—we are talking about people like Lisa, Braden, Alysia, Steve and Caleb.

When we say we are fighting for reform that will no longer let insurance companies use preexisting conditions as an excuse to deny you the coverage you need, we aren't talking about fine print—we are talking about people like Lisa, Braden, Alysia, Steve and Caleb.

We are talking about the hundreds of thousands just like them across Nevada, and the millions like them across the country.

This cannot be about politics. This must be about them.

Nearly half a century ago, America fearlessly confronted the most confounding medical and economic issue of its day. And a former Senate majority leader reminded us that we must resist the temptation to let the legislation on the written page distract us from its application in the real world. We were asked to look beyond policy and look instead to the people it affects.

It was 44 years ago today—July 30—that President Johnson signed into law the bill that would create the Medicare Program. And on this day in 1965, in Truman's hometown and with the former President at his side LBJ said the following:

> Many men can make many proposals. Many men can draft many laws. But few have the piercing and humane eye which can see beyond the words to the people that they touch.
>
> Few can see past the speeches and the political battles to the doctor over there that is tending the infirm, and to the hospital that is receiving those in anguish, or feel in their heart painful wrath at the injustice which denies the miracle of healing to the old and to the poor. And fewer still have the courage to stake reputation, and position, and the effort of a lifetime upon such a cause when there are so few that share it.
>
> But it is just such men who illuminate the life and the history of a Nation.

Today, each of us can be that leader. We each can fulfill the vision of Harry Truman and Lyndon Johnson—each of whom brought honor to this Senate chamber—and of TED KENNEDY, who still does.

Today, if we can each look past our partisan passions and see the patients, the parents, the people who need our help, we can once again renew the life and history of America, and of all Americans.

ENERGY AND WATER APPROPRIATIONS

Mr. KYL. Mr. President, I rise today to speak on my amendment to the fiscal year 2010 Energy and Water Appropriations bill.

This amendment prevents the Department of Energy from spending taxpayer dollars on companies that invest significant resources or do business in Iran's energy sector to fill the Strategic Petroleum Reserve.

Earlier this year, the Department signed contracts with energy giants Shell, Vitol, and Glencore to add almost 17 million barrels to the Strategic Petroleum Reserve. Open source material indicates that these three companies make up a majority of Iran's gasoline imports.

Companies that sell gasoline to Iran should not receive the support of the American taxpayers, and this body has now gone on record multiple times opposing government contracts with companies that have substantial investment in or do business with Iran's energy sector.

My amendment does not penalize the Department of Energy for this activity, but prevents this sort of thing from happening again. Ending taxpayer support for Iran's energy sector is a commonsense step and crucially important. Most major importers of gasoline to Iran have substantial ties to the U.S. Government, and unanimous adoption of my amendment sends a clear message to those involved in Iran's energy sector: You can do business with us, or you can do business with Iran—not both.

MODELING AND SIMULATION R & D

Mr. WARNER. Mr. President, during yesterday's consideration of the fiscal year 2010 Energy and Water Development Appropriations bill, I noted that the managers included certain report language related to modeling and simulation capabilities for an unconventional fossil fuels program. I would like to ask the chairman and ranking member of the subcommittee if their intent was to improve modeling and simulation for unconventional fossil energy technologies, by working in collaboration with universities and industry to establish joint programs for research and development.

Mr. DORGAN. Yes, that is our intent. This legislation would spur innovation and improve modeling and simulation efforts.

Mr. WARNER. I am pleased to learn that, because the Virginia Modeling and Simulation Center—VMASC—at Old Dominion University has extensive experience in modeling, simulation, and visualization of complex systems and events. Its capabilities include a complete suite of visualization software that can incorporate geospatial information with simulation and analysis of energy-related systems and the impact of those systems on various aspects of the environment. It also has extensive experience modeling critical infrastructure components of fossil fuel, electric and natural gas systems. VMASC has also developed capabilities for modeling policy aspects of global warming that can be adapted specifically to fossil fuel systems, and help to identify unconventional oil, natural gas, and coal resources.

VMASC has developed capabilities to model the production of unconventional resources using a combination of computational techniques that can be adapted to simulate a wide variety of scenarios associated with the fossil fuel industry and its relationship to environmental impacts.

Mr. BENNETT. Mr. Chairman, I worked to develop this initiative to incorporate a capability that the Department has failed to cultivate, yet offers tremendous potential to develop our domestic fossil energy potential. The University of Utah's Simulation and Computing Institute which has worked with both the Office of Science and NNSA computing programs is a leading computing program with tremendous potential to contribute to this effort. This outstanding computing capability is coupled with the vast oil and gas production capabilities at the 25 year-old Energy and Geoscience Institute. This organization operates on seven continents and shares research and technology with its 66 corporate members that all have energy production experience. The goal of this program will be to facilitate the development of unconventional fossil energy resources utilizing state of the art computing simulation and modeling capabilities.

Mr. DORGAN. I agree that high performance computing applications are important research tools that can help lead to breakthroughs in energy production. North Dakota State University, NDSU, uses computational modeling and simulations to help analyze theories and validate experiments that are dangerous, expensive or impossible to conduct. Through its Center for High Performance Computing, NDSU is collaborating with the Department of Energy and its national laboratories on a number of energy research projects.

The capabilities of VMASC, University of Utah, North Dakota State University and other institutions should receive due consideration as the Department of Energy executes this provision.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

EXECUTIVE ACCOUNTABILITY ACT OF 2009

• Mr. BYRD. Mr. President, I draw the attention of the Senate to a bill I recently introduced, S. 1529, the Executive Accountability Act of 2009. This legislation is similar to H.R. 473, introduced in the House of Representatives in January by Mr. JONES of North Carolina.

''Those who cannot learn from history are doomed to repeat it.'' That is Santayana's Law of Repetitive Consequences, and it is the reason I introduced this legislation—that we might learn from history so that we do not repeat it.

The Executive Accountability Act certainly addresses lessons learned from the debate leading to the Iraq conflict, but it is also a lesson we should have learned, and should have corrected, as a result of executive branch actions leading to and during the Vietnam conflict, World War II, the Mexican War, the Spanish-American War and other points in our history when Presidents have distorted the facts, withheld critical information, or exaggerated circumstances in order to sway public opinion and congressional will.

History is replete with examples that know no partisan allegiance. Presidents from both parties have fallen into the trap of inflating fear and distorting facts, if not resorting to outright fabrication, in order to win approval for or justify using military force.

Democratic President Lyndon Johnson misled Congress during the Gulf of Tonkin incident in 1964, publicly announcing that a second attack had occurred. On the same day, however, a naval commander in the Gulf of Tonkin cabled that a review of the second attack was doubtful, calling for a complete evaluation before any further action was taken. Without the complete facts, Congress passed the Gulf of Tonkin resolution, leading the United States in to a war that ultimately took more than 55,000 American lives.

Republican President Richard Nixon expanded the Vietnam conflict in 1969 by authorizing bombing operations in Cambodia and directing that they be conducted clandestinely. Operational reports of the bombings were either not made or were falsely described as having occurred over South Vietnam rather than Cambodia. A few Members of Congress were informed, secretly, of the bombings, but the remainder of Congress was deceived about the secret bombing campaign over a nation with which the United States was not at war.

Most recently, of course, another President, his Vice President, and other Cabinet officials, used scare-mongering tales of ''smoking guns'' and ''mushroom clouds''; of non-existent weapons of mass destruction; dubious tales of mobile biological laboratories; fictional African trips to buy yellowcake; and, improbable and unsupported rumors of alliances between dictators and terrorists to stampede a fearful nation and a spineless Congress into a so-called ''preemptive'' invasion of another sovereign nation.

President Abraham Lincoln, an opponent of the Mexican-American War during his service in the House of Representatives, well understood the dangers of preemptive war and the need for the constitutional check on executive power inherent in the requirement for a congressional declaration of war or an authorization to use military force. Lincoln condemned President Polk for driving the U.S. into war with Mexico by putting U.S. forces in danger on disputed territory. Polk then inflamed public and congressional anger by asserting that Mexican soldiers had shed U.S. blood on U.S. soil. Lincoln explained his concerns with his usual eloquence:

> Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, ''I see no probability of the British invading us,'' but he will say to you, ''be silent; I see it, if you don't.''

Lincoln went on to say,

> The provision in the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.

Lincoln's insight considered preemptive wars only against neighbors. One can only imagine what he would think of the global reach that the current military might of the United States

gives to an unfettered executive. One can only wonder if Lincoln would think the ''good of the people'' has been served by a war that has climbed to more than $845 billion in direct costs, with a total cost to the U.S. economy estimated by some to be more than $3 trillion. What good has been served that is worth the more than 4,000 U.S. combat deaths and more than 31,000 U.S. casualties?

S. 1529 is a simple piece of legislation that applies only in the most limited but most important intergovernmental communications—the warmaking power. It prohibits the President, Vice President, and other executive branch officials from deliberately misleading Congress in an effort to persuade the Congress to authorize the use of force by the Armed Forces of the United States.

Officials are not prohibited from being wrong or having incomplete facts, but they may not knowingly and willfully falsify, conceal, or cover up by any trick, scheme, or device a material fact, or make any materially false, fictitious, or fraudulent statement or representation. They may not make or use any false writing or document that they know to contain any materially false, fictitious, or fraudulent statement. If the Congress finds that it has been deceived or lied to, the official can be referred to the Attorney General by either House of Congress for investigation and judicial action, if warranted.

The Executive Accountability Act is limited to executive branch officials only, and only with regard to lying to Congress and only about decisions on the use of force. Therefore, its penalties are unlikely to inhibit the normal flow of intergovernmental communications by creating a fear that any statement made before Congress might result in the threat of prosecution.

To those who say that there are already laws that prohibit individuals from making false statements to Congress, rendering the Executive Accountability Act unnecessary, I urge them to read the history of the False Statements Act, section 1001 of Title 18, U.S. Code.

In 1995, the Supreme Court ruled in Hubbard v. United States that section 1001 covered only false statements made to the executive branch, not to the judiciary or to Congress. Congress then moved to reverse the ruling by legislating changes to section 1001 in 1996. However, that bill, as enacted, applies only to administrative matters within Congress and any investigation or review conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress.

The Executive Accountability Act clarifies the requirement for honest testimony and discussion with the Congress about the most important question debated by Congress and provided by the most authoritative officials of the government.

The Framers were absolutely clear about the warmaking power: they gave the President the authority to lead troops after war was declared and to repel invasions of the United States, but only the Congress could authorize the use of force—the ability to send troops into battle. The Framers were well aware of the dangers inherent in vesting the warmaking decision with a single executive, having the history of the world's kings and emperors as their foundation.

Our recent history has shown us that a powerful and persuasive executive can, and too often has, used his command of the intelligence and information gathering and dispensing functions of government to paint a distorted picture designed to frighten and sway Congress into ceding even more power to him. Presidents of all political parties have shown themselves to be equally susceptible to the lure of absolute power, making the Executive Accountability Act a non-partisan solution to a deep-seated problem.

S. 1529 restores balance to the system of checks and balances by reinforcing the role of Congress in decisions to use force. Congress does not have millions of civil servants working for it. It does not have its own intelligence community or its own diplomatic corps. Congress must rely upon the executive branch for those missions and for the product of those missions. So Congress must be confident that the information it receives is complete and factual—particularly when that information is used to inform a decision to commit U.S. troops and U.S. treasure to any foreign battlefield. Testimony and communications from the White House and the executive branch must be reliable—not fictional, not distorted, not embellished, not cherry-picked for the purpose of supporting only the decisional outcomes desired by the President.

I urge my colleagues to support S. 1529. It is not retroactive. It will not reach back to affect any statements made by previous administrations. We can learn from the past, make this necessary correction, and move into the future with greater assurance that the most difficult and consequential decisions made by Congress—those involving the use of military force—will be made on the basis of open and frank discussion based on all of the facts.●

CONGRESSIONALLY DIRECTED SPENDING ITEMS

Mr. INOUYE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies S. 1406 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 248, passage of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010. Had I been present, I would have voted ''yea.''

STENNIS CENTER PROGRAM

Mr. KOHL. Mr. President, for 7 years now, the John C. Stennis Center for Public Service Leadership has conducted a program for summer interns working in congressional offices. This 6-week program is designed to enhance their internship experience by giving them an inside view of how Congress really works. It also provides an opportunity for them to meet with senior congressional staff and other experts to discuss issues ranging from the legislative process to the influence of the media and lobbyists on Congress.

The program is a joint effort of the Stennis Center and a number of current and former senior congressional staff who have completed the Stennis Congressional Staff Fellows leadership program. These Stennis Senior Fellows use their experience and expertise to design the program and to participate in each of the interactive sessions and panel discussions.

Interns are selected for this program based on their college record, community service background, and interest in a career in public service. This year, 21 outstanding interns, most of them juniors and seniors in college, who are working for Democrats and Republicans in both the House and Senate, participated.

I congratulate the interns for their participation in this valuable program, and I thank the Stennis Center and the Senior Stennis Fellows for providing such a unique experience for these interns and for encouraging them to consider a future career in public service.

I ask unanimous consent to have a list of 2009 Stennis congressional interns and the offices in which they work be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Matthew Blake, attending the University of South Dakota, interning in the office of Rep. Stephanie Herseth Sandlin, Jennifer Brody, attending the University of Wisconsin-Madison, interning in the office of Sen. Herb Kohl, Benjamin Eachus, attending Pitzer College of the Claremont Colleges, interning in the House Committee on Science and Technology, Tyler Ernst, attending Michigan State University, interning in the office of Sen. John Barrasso, Susan Gleiser, attending Vanderbilt University, interning

in the House Committee on Science and Technology, Zack Hester, attending North Carolina State University, interning in the House Committee on Science and Technology, Ashley McCabe, attending Florida State University, interning in the office of Sen. Robert Menendez, Chase Neely, attending George Mason University, interning in the office of Rep. Sam Farr, Christopher Neuman, attending the University of Pennsylvania, interning in the office of Rep. Robert A. Brady, Dwayne Petersen, attending the University of the Virgin Islands, interning in the office of Rep. Donna Christensen, Beersheba, Philippe, attending Boston University, interning in the office of Rep. Donald Payne, Jeleesa Randolph, attending Morgan State University, interning in the office of Rep. Donna Christensen, Ted Ratchford, attending Tulane University, interning in the office of Rep. Michael N. Castle, George Read, attending Amherst College, interning in the office of Sen. John Barrasso, Tyler Roth, attending the University of Wisconsin-Madison, interning in the office of Sen. Herb Kohl, Twaun Samuel, attending the University of Mississippi, interning in the office of Rep. Maxine Waters, Mary Lynn Seery, attending the Catholic University of America, interning in the office of Rep. Donald Payne, Niki Shah, attending Rutgers University, interning in the office of Rep. Donald Payne, Ken Story, attending Minot State University, interning in the office of Sen. Kent Conrad, Zachary Wittchow, attending Northwestern University, interning in the office of Rep. Thomas E. Petri, Alina Zarr, attending the University of Texas, interning in the office of Rep. Lynn Woolsey.

ADDITIONAL STATEMENTS

REMEMBERING ROBERT ROSAS

• Mrs. BOXER. Mr. President, I am honored to remember U.S. Border Patrol agent Robert Rosas, who was killed in the line of duty at the age of 30.

On July 23, 2009, Agent Rosas was shot and killed after responding to a call in Campo, CA. Every day he placed duty ahead of his personal safety while protecting our Nation's Southwest border. In spite of the known dangers, Agent Rosas and thousands like him answer the call to service.

Agent Robert Rosas was born and raised in El Centro, a border city in Imperial County. He joined the U.S. Border Patrol in May 2006, and was assigned to the Campo Station in the San Diego sector. Agent Rosas was also a reserve officer for the El Centro Police Department, known as an outstanding officer and a positive role model in the community.

Agent Rosas is survived by his wife Rosalie, a son, Robert, age 2, and a daughter, Kayla Alisa, 11 months.

My thoughts and prayers are with Rosalie, Robert, and Kayla Alisa Rosas at this tragic time. They have lost a husband and father. I also send my deepest condolences to Agent Rosas' colleagues in the Border Patrol service. Theirs is a difficult and too often dangerous job. I commend their service, protecting our Nation, and our people.•

COMMENDING DR. GARY V. WHETSTONE

• Mr. KAUFMAN. Mr. President, I wish to honor Dr. Gary V. Whetstone, the senior pastor and founder of Victory Christian Fellowship and of Gary Whetstone Worldwide Ministries. He is a Delawarean who, over the past quarter century, has touched the lives of thousands through his proactive and inspirational ministry.

This week marks the 25th anniversary of Pastor Whetstone's ministry, and it will be celebrated in Wilmington this Thursday through Sunday at the Riverfront Center. The festivities will include renowned gospel preachers, including T.D. Jakes, Donnie McClurkin, Martha Munizzi, and Rod Parsley.

A man of great charity, Pastor Whetstone established over 85 outreach ministries throughout Delaware and the surrounding area. This includes the very successful ''Blessings, Dressings, and More'' program, begun more than a decade ago, which serves over 2,500 Delawareans in need with food and clothing each week.

His work with victims of HIV/AIDS, substance and alcohol abuse, and the incarcerated are testament to his mission to improve lives.

His hands-on approach to ministry has not stopped at the State line. Internationally, Pastor Whetstone has founded over 400 Bible schools in countries as far and varied as Ireland, Nigeria, and India. His vision to spread the teachings of his faith across the globe has undoubtedly been furthered by his comprehensive Bible learning programs.

Pastor Whetstone recently presented ''Murder What's Next,'' an original dramatic production that teaches about effects on children of being raised in a fatherless home. This show, with its large cast and professional quality, delivers a powerful message about the benefits of involved fathers and of a strong spiritual foundation. Over the past 2 years, the production has been seen by over 35,000 people and has received local and national acclaim, including from the premiere Christian periodical, Charisma Magazine.

I am proud to offer Dr. Gary V. Whetstone my congratulations on the 25th anniversary of his ministry. I also wish him and his wife, Pastor Faye Whetstone, all the best as they continue in their noble work.•

RECOGNIZING COUNTY SUPER SPUDS

• Ms. SNOWE. Mr. President, 2 weeks ago, residents in Aroostook County took part in the 62nd Annual Maine Potato Blossom Festival, a weeklong celebration of the indispensible role agriculture has played in Northern Maine's economy. Indeed, early in the 20th century, Northern Maine was known as the Potato Capital of America. While the times have changed and varieties of crops have expanded, potato farming remains a prevalent way of life in rural Aroostook County. With this in mind, I wish to recognize a fifth-generation family-owned small potato company from Mars Hill, County Super Spuds, whose owners, the McCrum family, have been harvesting potatoes in Northern Maine since the mid-1880s.

It was Lemuel McCrum who, in 1886, moved across the border from New Brunswick, Canada, to the small town of Mars Hill in order to establish a future for his family in potato farming. Lemuel and his wife Ada had 14 children, teaching them the value of good stewardship of the land and work ethic, thus ensuring that future McCrums would harvest bountiful crops on the same land. In the 1960s, Dana McCrum, a member of the family's third generation, moved to a new location in Mars Hill, where County Super Spuds has been situated ever since. The fourth generation of McCrums Jay and David began their farming in the early 1970s, and they were joined by their sister's husband, Bobby Lunney, in 1981. By 2004, the family's fifth generation, Jay's sons, Darrell and Wade, and David's sons, Nicholas and Jonathan, began cultivating their own futures at County Super Spuds.

Since its founding, County Super Spuds has grown into a thriving business that now encompasses three subsidiaries: JDR Transport, a family trucking firm launched in 1992; Penobscot McCrum, LLC, a potato processing plant in Belfast that supplies spuds to customers and restaurants around the world; and Sunday River Farms, a 500-acre farming operation in Rumford Point. McCrum family members all operate and manage these firms, which stretch across the State of Maine. Additionally, the McCrum principle of seeking and finding resolutions to issues of quality assurance with their crops was epitomized by their decision in 2006 to begin utilizing a new GPS system. This technique assists the McCrums in accurate equipment placement within its fields in order to maintain the highest quality product for the Nation's dinner tables.

A proud family with a rich tradition of potato farming, the McCrums have been lauded with prestigious awards on numerous occasions. Jay McCrum was named Young Farmer of the Year in 1986 by the Maine Potato Board, the State's foremost advocate for the potato industry, and a decade later was also named as the Farmer of the Year. And in 2001, County Super Spuds received the Maine Potato Board's highest honor, as they were recognized as the Farm Family of the Year. These awards exemplify that this family has been and continues to be an example of the dedication and determination of the McCrum spirit to succeed within this prestigious profession through every season and every economic and environmental trial and tribulation.

However, many across Maine, and indeed the Nation, may know County

Super Spuds best for its most recent work. The company was one of five potato growers selected from farms across the Nation by FritoLay to star in a nationwide advertising campaign for Lay's Potato Chips, including television and print media, as well as on-pack and in-store displays. In fact, County Super Spuds has been working with Lay's for 23 years, and in that time, the firm has sold approximately 2,300 trailer loads of its delicious potatoes to FritoLay. In the television advertisement, Darrell McCrum, manager for the company's Northern Maine Farm Operations, states that, ''We grow potatoes in New England, and Lay's makes potato chips in New England, so that's a pretty good fit.'' As part of the ad campaign's rollout, Darrell was invited to New York City in mid-May to join the four other farmers and ring the opening bell at the New York Stock Exchange. This was a well-placed honor for a truly distinguished family-owned business with such deep roots in the local community. He simultaneously discusses a photograph showing nearly two dozen family members, once again showcasing that Lemuel and Ada McCrum planted their feet firmly in Aroostook County in 1886 with high hopes for their future and their family and over 12 decades later a legacy of 5 generations stand firmly on the foundation they built.

With annual growth of between 11 and 18 percent in recent years, County Super Spuds and the McCrum family have certainly made a positive impact not only within the Maine economy but across this Nation. Their high business acumen and work ethic have distinguished them as a profitable and trusted company. As the McCrum family continues in the footsteps of their forefathers, they remain an invaluable asset in one of Maine's most prestigious and vital industries. I congratulate the McCrums and everyone at County Super Spuds for their work to promote Maine potatoes across the country, and I wish them continued success in the decades to come.●

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS OF CERTAIN PERSONS TO UNDERMINE THE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES AND INSTITUTIONS—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2009.

In the past 6 months, the United States has used dialogue with the Syrian government to address concerns and identify areas of mutual interest, including support for Lebanese sovereignty. Despite some positive developments in the past year, including the establishment of diplomatic relations and an exchange of ambassadors between Lebanon and Syria, the actions of certain persons continue to contribute to political and economic instability in Lebanon and the region and constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared on August 1, 2007, to deal with that threat and the related measures adopted on that date to respond to the emergency.

BARACK OBAMA.

THE WHITE HOUSE, *July 30, 2009*.

MESSAGES FROM THE HOUSE

At 9:58 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3357. An act to restore sums to the Highway Trust Fund and for other purposes.

ENROLLED BILL SIGNED

At 10:14 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1513. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H.R. 838. An act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD)

At 11:51 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. 1665. An act to structure Coast Guard acquisition processes and policies, and for other purposes.

H.R. 2034. An act to permit refinancing of certain loans under the Rural Housing Service program for guaranteed loans for rural housing, and for other purposes.

H.R. 2093. An act to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.

H.R. 2529. An act to amend the Federal Deposit Insurance Act to authorize depository institutions and depository institution holding companies to lease foreclosed property held by such institutions and companies for up to 5 years, and for other purposes.

H.R. 2623. An act to amend the Federal securities laws to clarify and expand the definition of certain persons under those laws.

H.R. 3072. An act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''.

H.R. 3139. An act to extend the authorization of the National Flood Insurance Program, and for other purposes.

H.R. 3330. An act to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to provide more effective reviews of losses in the Deposit Insurance Fund and the Share Insurance Fund by the Inspectors General of the several Federal banking agencies and the National Credit Union Administration Board, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 159. Concurrent resolution recognizing the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan.

At 1:44 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1107. An act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 29. Concurrent resolution expressing the sense of Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

S. Con. Res. 35. Concurrent resolution authorizing printing of the pocket version of the United States Constitution.

At 5:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 172. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1665. An act to structure Coast Guard acquisition processes and policies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2034. An act to permit refinancing of certain loans under the Rural Housing Service program for guaranteed loans for rural housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2529. An act to amend the Federal Deposit Insurance Act to authorize depository institutions and depository institution holding companies to lease foreclosed property held by such institutions and companies for up to 5 years, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2623. An act to amend the Federal securities laws to clarify and expand the definition of certain persons under those laws; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3072. An act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3139. An act to extend the authorization of the National Flood Insurance Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3330. An act to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to provide more effective reviews of losses in the Deposit Insurance Fund and the Share Insurance Fund by the Inspectors General of the several Federal banking agencies and the National Credit Union Administration Board, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 159. Concurrent resolution recognizing the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1552. A bill to reauthorize the DC opportunity scholarship program, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 30, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1513. An act to provide for an additional temporary extension of programs under the Small Business Investment Act of 1958, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2527. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 121 Pilot Age Limit'' ((RIN2120–AJ01)(7–16/7–15)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2528. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–102, DHC–8–103, DHC–8–106, DHC–8–201, DHC–8–202, DHC–8–301, DHC–8–311, and DHC–8–315 Airplanes Equipped with a Cockpit Door Electronic Strike System Installed in Accordance with Supplemental Type Certificate (STC) ST02014NY'' ((RIN2120–AA64)(7–20/7–20/0313/NM–144)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2529. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Series Airplanes'' ((RIN2120–AA64)(7–20/7–21/1201/NM–007)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2530. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment 3331'' ((RIN2120–AA65)(7–20/7–21/30677/3331)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2531. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Amendment 3330'' ((RIN2120–AA65)(7–20/7–21/30676/3330)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2532. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Ankeny, Iowa'' ((RIN2120–AA66)(7–23/7–28/0187/ACE–3)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2533. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Minneapolis, Minnesota'' ((RIN2120–AA66)(7–23/7–28/0062/AGL–2)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2534. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aerospatiale Model SN–601 (Corvette) Airplanes'' ((RIN2120–AA64)(7–23/7–21/0646/NM–055)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2535. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A380–841, –842, and –861 Airplanes'' ((RIN2120–AA64)(7–23/7–21/0644/NM–059)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2536. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–301, –321, –322, –341, and –342 Series Airplanes, and Airbus Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes'' ((RIN2120–AA64)(7–23/7–21/0645/NM–034)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2537. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Airplanes'' ((RIN2120–AA64)(7–23/7–21/0398/NM–193)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2538. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes'' ((RIN2120–AA64)(7–23/7–21/0645/NM–358)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2539. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64)(7–23/7–21/1365/NM–076)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2540. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–400 and –400D Series Airplanes'' ((RIN2120–AA64)(7–23/7–21/28988/NM–047)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2541. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc., T5313 and T5317 Series Turboshaft Engines'' ((RIN2120–AA64)(7–23/7–21/1311/NE–48)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2542. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 Airplanes'' ((RIN2120–AA64)(6–25/6–24/0570–CE–033)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2543. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives; Airbus Models A330–200 and –300, and A340–200 and –300 Series Airplanes'' ((RIN2120–AA64)(7–13/7–15/0137/NM–201)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2544. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt & Whitney JT9D–7 Series Turbofan Engines; Correction'' ((RIN2120–AA64)(6–25/6–25/0758/NE–02)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2545. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Kona, Hawaii'' ((RIN2120–AA66)(7–9/7–10/0002–AWP–1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2546. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and Class E Airspace, Modification of Class E Airspace; Ocala, Florida'' ((RIN2120–AA66)(6–25/6–24/0326/ASO–15)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2547. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Floydada, Texas'' ((RIN2120–AA66)(6–25/6–30/1367/ASW–1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2548. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Fort Worth, Texas'' ((RIN2120–AA66)(6–25/6–30/0283/ASW–8)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2549. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation Route Q–42; East–Central United States'' ((RIN2120–AA66)(6–25/6–30/1026/AEA–17)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2550. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Montrose, Colorado'' ((RIN2120–AA66)(7–2/7–7/0042/ANM–1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2551. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Twin Falls, Idaho'' ((RIN2120–AA66)(7–2/7–7/0253/ANM–2)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2552. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Port Clinton, Ohio'' ((RIN2120–AA66)(7–2/7–6/0188/AGL–5) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2553. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Devine, Texas'' ((RIN2120–AA66)(7–2/–6/0089/ASW–4)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2554. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Coleman, Texas'' ((RIN2120–AA66)(7–13/5–15/1139/ASW–23)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2555. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Natchitoches, Louisiana'' ((RIN2120–AA66)(6–25/6/24/1229/ASW–26)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2556. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Ord, Nebraska'' ((RIN2120–AA66)(6–25/6–30/0066/ACE–1)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2557. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Ada, Oklahoma'' ((RIN2120–AA66)(6–25/6–30/0051/ASW–3)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2558. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Mansfield, Ohio'' ((RIN2120–AA66)(6–25/6–30/1271/AGL–18)) received in the Office of the President of the Senate on July 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2559. A communication from the General Counsel of the Department of Commerce, transmitting the report of proposed legislation relative to the Fiscal Year 2010 Budget; to the Committee on Commerce, Science, and Transportation.

EC–2560. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Annual Report for Fiscal Year 2008 of the Department of Commerce's Bureau of Industry and Security; to the Committee on Commerce, Science, and Transportation.

EC–2561. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper–grouper Fishery of the South Atlantic; Closure of the 2009 Commercial Fishery for Golden Tilefish in the South Atlantic'' (RIN0648–XO54) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2562. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson–Stevens Fishery Act Provisions; Fisheries of the Northeastern United States; Final Rule'' (RIN0648–AW70) received in the Office of the President of the Senate on July 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2563. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XQ25) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2564. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fishery; Amendment 12 to the Coastal Pelagic Species Fishery Management Plan'' (RIN0648–AU26) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2565. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XQ18) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2566. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Final Interim Action'' (RIN0648–AW87) received in the Office of the President of the Senate on July 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2567. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

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–68. A joint resolution adopted by the Senate of the State of Tennessee relative to enacting the ''Honor the Written Intent of our Soldier Heroes Act''; to the Committee on Armed Services.

SENATE JOINT RESOLUTION NO. 352

Whereas, federal law under 10 U.S.C. 1482(c) prohibits a service member from designating

a person other than a surviving spouse, blood relative, or adoptive relative to direct the disposal of a service member's remains; and

Whereas, before deploying on a combat operation, a service member is asked to designate a person who will be responsible for arranging the service member's memorial services and overseeing the service member's burial arrangements; and

Whereas, service members fill out DD Form 93, on which they express their last wishes with the expectation that their last wishes regarding memorial services and burial arrangements will be honored; and

Whereas, since 2003, more than 4,000 service members who have served their country honorably have given their lives in combat; and

Whereas, a service member deploying on a combat operation in defense of our country should be allowed to designate any person the service member wishes to direct the disposition of the service member's remains; and

Whereas, H.R. 1633 of the 111th U.S. Congress, the ''Honor the Written Intent of our Soldier Heroes Act'', also referred to as the Honor the WISH Act, amends 10 U.S.C. 1482(c) to allow a service member to designate any person the service member wishes to direct the disposition of the service member's remains, regardless of the designated person's relationship to the service member; now, therefore, be it

Resvolved by the Senate of the one hundred sixth General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby urges the United States Congress to enact H.R. 1633 of the 111th U.S. Congress, the ''Honor the Written Intent of our Soldier Heroes Act''; and BE IT FURTHER

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and each member of Tennessee's Congressional Delegation.

POM–69. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to maintain the private, dual charter banking system as well as to preserve the thrift charter and mutuality; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 114

Whereas, the United States currently uses a dual banking system that allows FDIC insured financial institutions to choose between state and federal bank charters and multiple regulators when organizing their business; and

Whereas, the architecture of this dual banking system has been developed over a long period of time, adapted to changing markets, needs and innovations at the national and state level, and has proven remarkably efficient and effective; and

Whereas, FDIC insured banks and thrifts in Louisiana are safe and strong, highly regulated, and have not experienced many of the issues being encountered in the financial services industry at the national level; and

Whereas, Louisiana banks and thrifts have remained true to their core business and have greatly outperformed their United States counterparts as a whole, especially in the areas of loan growth, deposit growth, and asset growth; and

Whereas, many of the problems experienced in the financial services industry at the national level were the result of unsound lending practices by loosely regulated, non-FDIC insured institutions; and

Whereas, as a result of the problems experienced by the financial services industry at the national level and in the economy as a whole, Congress has and will continue to explore ways to restructure the financial services industry; and

Whereas, in 2008 the United States Department of the Treasury proposed, under its ''Blueprint for a Modernized Financial Regulatory Structure,'' ending the dual banking system by requiring all state chartered banks and state and federally chartered thrifts to convert to federally chartered banks, thereby eliminating the state bank and thrift charters entirely; and

Whereas, eliminating the dual charter banking system would require a large percentage of Louisiana banks and thrifts to change charters, thereby reducing regulator options and forcing many financial institutions to accept a federal regulator that may not have the same familiarity, as a state regulator, with the specific needs of a particular financial institution or with the local banking environment; and

Whereas, abolishing remarkably efficient state banking regulatory regimes in favor of one, consolidated federal regulator just does not make sense when federal oversight of Government Sponsored Entities (GSEs), such as Fannie Mae and Freddie Mac, and Wall Street investment firms have proven to be an utter failure; and

Whereas, the Office of Thrift Supervision (OTS) regulates federally chartered thrift institutions; and

Whereas, the idea of eliminating the OTS has also been discussed as part of regulatory restructuring of the financial services industry; and

Whereas, eliminating OTS would serve to eliminate charter and regulator choice for thrifts operating in Louisiana; and

Whereas, some thrifts operating in Louisiana organize as mutual institutions, whereby the depositors are also the owners of the institution; and

Whereas, a financial institution's ability to organize as a mutual institution should be preserved by Congress. THEREFORE, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to take such actions as are necessary to maintain the private, dual charter banking system as well as to preserve the thrift charter and mutuality; and 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–70. A resolution adopted by the Senate of the State of Louisiana memorializing Congress to protect Louisiana consumers and competition by opposing efforts to interfere with free markets in order to artificially regulate payment system interchange fees; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 145

Whereas, credit and debit cards are held and used by tens of millions of Americans; and

Whereas, the development of the electronic payment card system in the competitive environment has benefitted consumers, merchants, and the United States economy; and

Whereas, the current payment card system has greatly enhanced consumer convenience, merchant sales, and overall commerce in Louisiana and in this country; and

Whereas, interchange fees paid by merchants for use of the payment card system help defray the extensive infrastructure costs, increasing fraud losses, and non-payment possibility that are assumed by Louisiana financial institutions involved in the payment card system; and

Whereas, for merchants, interchange fees are a legitimate cost of doing business that entitle them to all of the benefits they receive from the payment card system, including fast and guaranteed payment while bearing little, if any, risk; and

Whereas, consumers and merchants are free to choose from a selection of payment options to complete their transactions, including cash, checks, ACH, prepaid cards, debit cards, credit cards, and alternative online payment options; and

Whereas, merchants are free to choose not to accept credit cards, debit cards, cash or checks or other payment methods; and

Whereas, merchants are free to offer discounts or incentives for the use of cash and checks; and

Whereas, merchant groups have had various interchange fee proposals introduced in Congress in an attempt to shift their legitimate costs of doing business and to pass such costs on to consumers and financial institutions; and

Whereas, such proposals would seriously disrupt the proper functioning of our nation's electronic payment system to the detriment of consumers, businesses, and the broader economy; and

Whereas, one such merchant proposal that recently failed in Congress would have created a new federal bureaucracy that had the ability to price fix interchange fees paid by merchants to financial institutions for access to the payment card system; and

Whereas, consumers could be harmed if the protection of antitrust laws were removed to allow for anti-competitive behavior in connection with negotiation of payment card acceptance and interchange fees; and

Whereas, government imposed price controls on the payment system would make many Louisiana financial institutions less competitive and potentially make them unable to afford issuing payment cards to Louisiana customers, thereby likely decreasing competition and increasing the cost of obtaining credit for consumers; and

Whereas, the United States Department of Justice has strongly warned that antitrust exemptions should be strongly disfavored by Congress, and cautioned that strong antitrust laws are critical to promoting and protecting consumer welfare; therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to protect Louisiana consumers and competition by opposing efforts to interfere with free markets in order to artificially regulate payment system interchange fees; and 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–71. A resolution adopted by the House of Representatives of the Legislature of the State of Texas urging Congress to enact legislation facilitating the ability of cities to access appropriate financing for critically needed municipal projects; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION NO. 1085

Whereas, Deteriorating conditions in the credit markets have severely diminished the ability of cities to access traditional sources of funding for projects that meet critical local needs; consequently, many municipal projects today are in jeopardy or are being delayed, with prospects for their future realization highly uncertain; and

Whereas, Municipal projects provide important, effective economic stimulus and are worthy of partnership with the federal government; civic projects instantly create and

cause the retention of multiple thousands of jobs in many different industries; city projects often include partnerships with the private sector that create a leveraging of mutual interests and maximum economic benefit for the greater community; many city projects are transit oriented, which spurs additional economic benefit; moreover, when projects involve the enhancement or development of public mass transit, they result in reduced highway congestion, reduced air pollution, and reduced dependence on foreign oil; and

Whereas, Projects supported by municipal bonds are vetted locally, approved in elections by local voters, and administered locally, conditions that promote the highest level of transparency and accountability; and

Whereas, Recently passed amendments to the Troubled Assets Relief Program (TARP) legislation that are contained in H.R. 384, Section 402, clarify the authority of the U.S. Treasury regarding municipal securities; exercising the authority to directly purchase such bonds, and/or provide credit enhancements for them, would provide an opportunity to realize immediate, significant contributions to our economic recovery; and

Whereas, Directly purchasing municipal securities at appropriate interest rates, or providing credit enhancements that allow cities access to traditional market interest rates for bonds, would give the federal government the opportunity to be repaid, with interest, the entire sum it furnishes through the partnership; in addition, providing this relief in the municipal credit markets would result in a significant tax reduction for local taxpayers in the form of dramatically reduced publicly funded interest costs; and

Whereas, Working together to construct an efficient application of the authorization provided in H.R. 384, Section 402, would greatly enhance our country's progress toward economic recovery; now, therefore, be it

Resolved, That the House of Representatives of the 81st Texas Legislature hereby respectfully urge the United States Congress to enact legislation facilitating the ability of cities to access appropriate financing for critically needed municipal projects; and, be it further

Resolved, That the chief clerk of the house forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–72. A resolution adopted by the House of Representatives of the Legislature of the State of Texas expressing opposition to any federal legislation that would create an optional federal charter for insurers; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION NO. 798

Whereas, For more than 150 years, state insurance regulators have provided effective consumer protection and industry oversight; some members of the United States Congress, however, have proposed to undermine this time-tested regulatory system by allowing insurance companies to opt out of state oversight and into a new federal system of chartering, licensing, regulation, and supervision; and

Whereas, State lawmakers have a unique understanding of the needs of their constituents and of the specific conditions and characteristics that apply in their insurance marketplace; they are able to assess and respond to changing circumstances specific to their states with appropriate modifications to regulations; and

Whereas, A federal charter system would permit companies to circumvent carefully crafted consumer protection laws and strong solvency requirements that have been put in place by individual states; proponents of such a federal system have cited the recent collapse of the American International Group as justification for a federal charter, but in fact, the insurance subsidiaries of AIG that are regulated at the state level have generally retained their value while federal oversight failed to prevent the meltdown of the parent company; and

Whereas, Given the faltering economy, it is more important than ever for state officials to exercise strong oversight of the insurance industry for the benefit of consumers and to maintain the stability of insurance companies; moreover, premium taxes on insurance are a significant source of revenue for the general funds of all states, providing more than two percent of state tax revenues according to the United States Census; experts estimate that an optional federal charter could eventually draw away from the states more than $14 billion in premium taxes and fees; and

Whereas, The bifurcation of the insurance regulation system is unnecessary and likely to promote confusion, ambiguity, and fragmentation; it would create an expensive new federal bureaucracy that would inevitably be less nimble and responsive than state regulatory systems, while weakening the ability of the states to protect the interests of their residents; the McCarran-Ferguson Act of 1945 affirmed the role of states as principal regulators of insurance, and there is no compelling reason to make a change in the regulatory rights and responsibilities of the states: Now, therefore, be it

Resolved, That the House of Representatives of the 81st Texas Legislature hereby express its opposition to any federal legislation that would create an optional federal charter for insurers; and, be it further

Resolved, That the chief clerk of the Texas House of Representatives forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, to the members of the U.S. House Financial Services Committee, to the members of the U.S. House Banking Committee, to the U.S. secretary of the treasury, and to all members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–73. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing Congress to consider appropriate legislation that would require the Federal Communications Commission to prescribe auditory volume standards for commercial advertisements broadcast on television; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 106

Whereas, network television plays a prevalent part in society and, to retain that competitive edge amongst the plethora of digital media and other telecommunication advancements, must be sensitive to consumer preference and choice; and

Whereas, commercial advertisers spend millions of dollars annually to purchase brief intervals of broadcast time in which to promote the purchase of their products and to influence consumer behavior in a positive manner; and

Whereas, to capitalize on these fleeting and costly time periods, many advertisers resort to an excessive increase in the decibel level of commercials during a telecast in comparison to the programming in which each advertisement is embedded, all in an effort to grab the attention of the viewer and to market the product; and

Whereas, these erratic, excessive volume levels sometimes have an adverse effect on the well-being of consumers and often have a negative effect on consumer behavior, purchasing decisions, and viewing preferences; and

Whereas, proposed legislation introduced in the 111th Congress for 2009–2010, H.R. 1084: Commercial Advertisement Loudness Mitigation Act (CALM), referred to the House Committee on Energy and Commerce, addresses this controversial issue; and

Whereas, implementation of CALM would order the Federal Communications Commission (FCC), to create and to enforce governmental regulations that require that the volume level of commercials on television is broadcast at an equal auditory level as the programming in which it is embedded; and

Whereas, commercial advertisement makes the entertainment and information of over-the-air free television possible, offers a myriad of products and services to public view, and sustains mass communication as an integral part of market-driven economics; and

Whereas, control of decibel levels for advertisements broadcast over commercial airwaves falls within the purview of federal regulation, and that control is essential to the comfort and sensibilities of the viewing public: Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to consider appropriate legislation that would require the Federal Communications Commission to regulate auditory volume standards for commercial advertisements broadcast on television; and, 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–74. A concurrent resolution adopted by the Senate of the State of Louisiana urging and requesting support and assistance in providing funding for the Wood to Electricity Program; 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: Now, 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; and 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–75. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing Congress to support the American Clean Energy and Security Act of 2009; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 158

Whereas, a federally mandated energy efficiency and renewable energy standard for utilities is currently being debated in Congress; and

Whereas, federal standards for the regulation of climate change gases, primarily carbon dioxide, are also being actively debated in Congress; and

Whereas, Louisiana's coast is comprised of forty percent of the nation's coastal wetlands and it recognizes the importance of coordinated and effective actions to reduce the emissions of climate change gases; and

Whereas, in areas of the country with limited wind and hydroelectric resources, renewable energy standards, if improperly implemented, can have significant adverse impacts on non-participating ratepayers; and

Whereas, renewable energy resources that are non-dispatchable and non-reliable do not reduce capacity requirements of utilities and thus present an undue adverse impact on non-participating ratepayers; and

Whereas, energy efficiency can produce energy and demand savings for a fraction of the cost of most forms of renewable energy; and

Whereas, renewable portfolio standards are traditionally based solely on electrical energy production; and

Whereas, in air conditioning-dominated climates, electrical energy usage is a much larger component of total energy use compared to heating dominated climates; and

Whereas, heating energy sources such as heating oil pose both environmental and national security risks as they contribute to air pollution emissions and increased oil imports: Now, therefore be it

Resolved, that the Senate of the Legislature of Louisiana memorializes the Congress of the United States to support the American Clean Energy and Security Act of 2009; and, be it further

Resolved, that the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation to take appropriate action to insure the following:

(1) Any federally mandated renewable portfolio standard contain provisions whereby states with limited, currently available, affordable renewable energy resources, such as Louisiana, be allowed to utilize verifiable energy efficiency improvements to existing loads to meet a minimum of sixty percent of any such standard.

(2) That the state be allowed to set up a mechanism whereby Louisiana utility companies taking action in advance of the imposition of the standard be allowed to bank any energy efficiency savings and renewable energy production achieved in order to help meet the requirements under any such standard.

(3) That tax credits and rebates offered by the state of Louisiana or any local jurisdiction within the state be declared by the United States Internal Revenue Service to be nontaxable income and will not reduce the tax credit basis of any federal energy efficiency or renewable energy tax credit.

(4) That mandates for renewable energy production that is not dispatchable and reliable be limited to no more than ten percent of the required production standard.

(5) That any energy efficiency and renewable energy standard be based on a percentage of total energy consumption, not just electrical energy consumption, regardless of how it is implemented and collected; and, be it further

Resolved, that a copy of this Resolution 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–76. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing Congress to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 32

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefit for any person who also receives a federal, state, or local retirement or pension benefit; and

Whereas, the intent of Congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, or local government employment might receive a public pension in addition to the same Social Security benefit as a person who had worked only in employment covered by Social Security throughout his career; and

Whereas, the purpose of Congress in enacting these reduction provisions was to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement or pension benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

Whereas, the WEP reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in employment not covered under Social Security: and

Whereas, because of these calculation characteristics, the GPO and the WEP have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

Whereas, because the Social Security benefit statements do not calculate the GPO and the WEP, many public employees in Louisiana are unaware that their expected Social Security benefits shown on such statements will he significantly lower or nonexistent due to the service in public employment through which they are required to be members of a Louisiana public retirement or pension system, plan, or fund; and

Whereas, these provisions also have a greater adverse effect on women than on men because of the gender differences in salary that continue to plague our nation and the longer life expectancy of women; and

Whereas, Louisiana is making every effort to improve the quality of life of its citizens and to encourage them to live here lifelong: Now, therefore, be it

Resolved, that the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the GPO and the WEP Social Security benefit reductions and to consider eliminating or reducing them by enacting the Social Security Fairness Act of 2009 (H.R. 235 or R.S. 484) or a similar instrument; and 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. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 774. A bill to designate the facility of the United States Postal Service located at 46–02 21st Street in Long Island City, New York, as the ''Geraldine Ferraro Post Office Building''.

H.R. 987. A bill to designate the facility of the United States Postal Service located at

601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office''.

H.R. 1271. A bill to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the ''Elijah Pat Larkins Post Office Building''.

H.R. 1397. A bill to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the ''Caroline O'Day Post Office Building''.

H.R. 2090. A bill to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the ''Frederic Remington Post Office Building''.

H.R. 2162. A bill to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the ''Herbert A Littleton Postal Station''.

H.R. 2325. A bill to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the ''Laredo Veterans Post Office''.

H.R. 2422. To designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the ''Kile G. West Post Office Building''.

H.R. 2470. A bill to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the ''Lieutenant Commander Roy H. Boehm Post Office Building''.

S. 748. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''.

S. 1211. A bill to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the ''Jack F. Kemp Post Office Building''.

S. 1314. A bill to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''.

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. CORKER (for himself and Mr. WARNER):

S. 1540. A bill to provide for enhanced authority of the Federal Deposit Insurance Corporation to act as receiver for certain affiliates of depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN:

S. 1541. A bill to amend title IV of the Higher Education Act of 1965 to authorize private education loan refinancing under the Federal student loan program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. SANDERS, Ms. KLOBUCHAR, Mr. FEINGOLD, Mrs. MURRAY, and Mrs. SHAHEEN):

S. 1542. A bill to impose tariff-rate quotas on certain casein and milk protein concentrates; to the Committee on Finance.

By Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, and Mr. LIEBERMAN):

S. 1543. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. BENNET, Mrs. MCCASKILL, and Mr. FEINGOLD):

S. 1544. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the composition of the board of directors of the Pension Benefit Guaranty Corporation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1545. A bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 1546. A bill to provide for the conveyance of certain parcels of land to the town of Mantua, Utah; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mr. BOND, Mrs. MURRAY, Mr. JOHNSON, Mr. KERRY, and Mr. DURBIN):

S. 1547. A bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARDIN (for himself and Mr. BURR):

S. 1548. A bill to improve research, diagnosis, and treatment of musculoskeletal diseases, conditions, and injuries, to conduct a longitudinal study on aging, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. KENNEDY, and Mrs. GILLIBRAND):

S. 1549. A bill to protect United States citizens from unlawful arrest and detention; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself and Mrs. GILLIBRAND):

S. 1550. A bill to ensure that individuals detained by the Department of Homeland Security are treated humanely, provided adequate medical care, and granted certain specified rights; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. REED, and Mr. KAUFMAN):

S. 1551. A bill to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. VOINOVICH, Mr. BYRD, and Mr. ENSIGN):

S. 1552. A bill to reauthorize the DC opportunity scholarship program, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENNETT (for himself, Mr. WYDEN, Mr. WICKER, Mr. JOHANNS, Mr. COBURN, and Mr. CRAPO):

S. Res. 231. A resolution expressing the sense of the Senate that any health care reform proposal should slow the long-term growth of health costs and reduce the growth rate of Federal health care spending; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 232. A resolution celebrating the 100th anniversary of the Tillamook County Creamery Association; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. Res. 233. A resolution commending Russ Meyer on his induction into the National Aviation Hall of Fame; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 252

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 446

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 446, a bill to permit the televising of Supreme Court proceedings.

S. 493

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 581

At the request of Mr. BENNET, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 601

At the request of Mrs. HUTCHISON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as

a cosponsor of S. 601, a bill to establish the Weather Mitigation Research Office, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 694

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was withdrawn as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 694, supra.

S. 714

At the request of Mr. WEBB, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 765

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 941

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAPO) 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. 1066

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1071

At the request of Mr. CHAMBLISS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1071, a bill to protect the national security of the United States by limiting the immigration rights of individuals detained by the Department of Defense at Guantanamo Bay Naval Base.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1222

At the request of Mrs. LINCOLN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1222, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mrs. LINCOLN) 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. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from Georgia (Mr. CHAMBLISS) 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. 1379

At the request of Mr. WHITEHOUSE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1379, a bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities.

S. 1401

At the request of Mr. MARTINEZ, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. WICKER), the Senator from North Carolina (Mr. BURR), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. THUNE), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1401, a bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. CON. RES. 36

At the request of Mrs. LINCOLN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Con. Res. 36, a concurrent resolution supporting the goals and ideals of ''National Purple Heart Recognition Day''.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 1907

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 1907 proposed to H.R. 3357, a bill to restore sums to the Highway Trust Fund, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORKER (for himself and Mr. WARNER):

S. 1540. A bill to provide for enhanced authority of the Federal Deposit Insurance Corporation to act as receiver for certain affiliates of depository institutions, and for other purposes; to the

Committee on Banking, Housing, and Urban Affairs.

Mr. CORKER. 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. 1540

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 ''Resolution Reform Act of 2009''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to allow the Federal Deposit Insurance Corporation (in this Act referred to as the ''Corporation'') to resolve the holding companies, affiliates, and subsidiaries of failed or failing insured depository institutions, consistent with the statutory mission of the Corporation, recognizing that depository institution holding companies serve as a source of strength for their subsidiary institutions, and that their affiliates and subsidiaries may provide critical services for such institutions; and

(2) to provide a clear and cohesive set of rules to address the increasingly complex and interreliant business structures in which insured depository institutions operate in order to promote efficient and economical resolution.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) AFFILIATE.—The term ''affiliate'' has the same meaning as in section 2(k) of the Bank Holding Company Act of 1956.

(2) BRIDGE DEPOSITORY INSTITUTION HOLDING COMPANY.—The term ''bridge depository institution holding company'' means a new depository institution holding company organized by the Corporation pursuant to section 53(b) of the Federal Deposit Insurance Act.

(3) CORPORATION.—The terms ''Corporation'' and ''Board'' mean the Federal Deposit Insurance Corporation and the Board of Directors thereof, respectively.

(4) COVERED AFFILIATE OR SUBSIDIARY.—The term ''covered affiliate or subsidiary'' means any affiliate or subsidiary of a depository institution holding company, or any subsidiary of an insured depository institution that is a subsidiary of that depository institution holding company, as to which the Corporation is appointed receiver.

(5) COVERED DEPOSITORY INSTITUTION HOLDING COMPANY.—The term ''covered depository institution holding company'' means a depository institution holding company with one or more affiliated or subsidiary insured depository institutions for which grounds exist to appoint a receiver pursuant to section 11(c) of the Federal Deposit Insurance Act.

(6) FOREIGN.—The term ''foreign'' means any country other than the United States and includes any territory, dependency, or possession of any country other than the United States.

(7) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the same meaning as section 3(c)(2) of the Federal Deposit Insurance Act.

SEC. 4. HOLDING COMPANY RESOLUTION AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

''SEC. 51. RESOLUTION OF COVERED DEPOSITORY INSTITUTION HOLDING COMPANIES, AFFILIATES, AND SUBSIDIARIES.

''(a) IN GENERAL.—Notwithstanding any other provision of Federal or State law, except section 52(c), it shall be the responsibility of the Corporation to resolve depository institution holding companies of failed or failing insured depository institutions and the affiliates and subsidiaries of a depository institution holding company, including any subsidiary of an insured depository institution that is a subsidiary of the depository institution holding company, using the powers and authorities conferred upon it by this Act.

''(b) DEFINITIONS.—For purposes of this section and sections 52 and 53, the following definitions shall apply:

''(1) BRIDGE DEPOSITORY INSTITUTION HOLDING COMPANY.—The term 'bridge depository institution holding company' means a new depository institution holding company organized by the Corporation pursuant to section 53(b).

''(2) COVERED AFFILIATE OR SUBSIDIARY.—The term 'covered affiliate or subsidiary' means any affiliate or subsidiary of a depository institution holding company, or any subsidiary of an insured depository institution that is a subsidiary of that depository institution holding company, as to which the Corporation is appointed receiver under section 52.

''(3) COVERED DEPOSITORY INSTITUTION HOLDING COMPANY.—The term 'covered depository institution holding company' means a depository institution holding company with one or more affiliated or subsidiary insured depository institutions for which grounds exist to appoint a receiver pursuant to section 11(c).

''(4) FUNCTIONALLY REGULATED AFFILIATE OR SUBSIDIARY.—The term 'functionally regulated affiliate or subsidiary' means any company—

''(A) that is not a depository institution holding company or a depository institution; and

''(B) that is—

''(i) a broker or dealer that is registered under the Securities Exchange Act of 1934;

''(ii) a registered investment adviser, properly registered by or on behalf of either the Securities and Exchange Commission in accordance with the Investment Advisers Act of 1940, or any State, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

''(iii) an investment company that is registered under the Investment Company Act of 1940;

''(iv) an insurance company that is subject to supervision by a State insurance regulator, with respect to the insurance activities of the insurance company and activities incidental to such insurance activities; or

''(v) an entity that is subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.

''(5) FUNCTIONAL REGULATOR.—The term 'functional regulator' means the Federal or State regulator responsible for regulating the types of activities engaged in by the depository institution holding company, its subsidiary institutions, or other affiliates and subsidiaries. The 'functional regulators' are—

''(A) the Securities and Exchange Commission, if the depository institution holding company, any subsidiary institution, or other affiliate thereof, is a broker or dealer registered with the Commission under section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) in conjunction with the authorities granted to the Securities Investor Protection Corporation, as created by the Securities Investor Protection Act in resolution of brokers or dealers;

''(B) the Commodity Futures Trading Commission, if the depository institution holding company, its subsidiary institution, or other affiliate thereof, is a futures commission merchant or a commodity pool operator registered with the Commodity Futures Trading Commission under the Commodity Exchange Act; and

''(C) a State insurance commission or other board or authority, if the depository institution holding company, or an affiliate or subsidiary thereof, is an insurance company.

''SEC. 52. APPOINTMENT OF THE CORPORATION AS RECEIVER.

''(a) DEPOSITORY INSTITUTION HOLDING COMPANIES.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law, the law of any State, or the constitution of any State, and subject to subsection (c), the Corporation shall accept appointment, and shall act as the receiver of a covered depository institution holding company upon such appointment, in the manner provided in paragraph (2) or (3), if the Corporation determines, in its sole discretion, that such appointment will reduce the cost to the Deposit Insurance Fund, and that grounds specified in subsection (f) exist. If the Corporation determines that such appointment will not reduce the cost to the Deposit Insurance Fund, the Corporation may decline the appointment, as provided in subsection (c).

''(2) APPOINTMENT BY THE APPROPRIATE FEDERAL BANKING AGENCY.—Whenever the appropriate Federal banking agency appoints a receiver for a depository institution holding company, the Federal banking agency shall tender the appointment to the Corporation, and the Corporation shall accept such appointment, unless the Corporation declines the appointment, as provided in subsection (c).

''(3) APPOINTMENT OF THE CORPORATION BY THE CORPORATION.—The Board of Directors may appoint the Corporation as receiver of a depository institution holding company, after consultation with the appropriate Federal banking agency, if the Board of Directors determines that, notwithstanding the existence of grounds specified in subsection (f), the appropriate Federal banking agency having supervision of a covered depository institution holding company has declined to appoint the Corporation as receiver.

''(4) FUNCTIONALLY REGULATED DEPOSITORY INSTITUTION HOLDING COMPANIES.—When the appropriate Federal banking agency appoints the Corporation as receiver of a covered depository institution holding company, or the Board of Directors appoints the Corporation as receiver of a covered depository institution holding company, the appropriate Federal banking agency or the Corporation shall consult with the covered depository institution holding company's functional regulator, if any.

''(b) AFFILIATES AND SUBSIDIARIES.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law, the law of any State, or the constitution of any State, and subject to paragraph (2) and subsection (c), in any case in which the Corporation is appointed under this section as receiver for a depository institution holding company, the Corporation may appoint itself as the receiver of any affiliate or subsidiary of the insured depository institution or depository institution holding company that is incorporated or organized under the laws of any State, if the Corporation determines that such action would facilitate the orderly resolution of the insured depository institution or depository institution holding company, and is consistent with the purposes of this Act.

''(2) FUNCTIONALLY REGULATED SUBSIDIARIES.—The Corporation shall consult with the appropriate Federal or State functional

regulator when the Corporation appoints itself as the receiver of any functionally regulated affiliate or subsidiary.

''(c) BANKRUPTCY OR STATE INSURANCE RESOLUTION OPTION.—

''(1) BANKRUPTCY GROUNDS FOR DECLINING APPOINTMENT.—The Corporation may decline to accept appointment for a covered depository institution holding company, when, in its sole discretion, the Corporation determines that the resolution of that holding company would be better accomplished under title 11, of the United States Code, or under applicable State insurance law.

''(2) RULEMAKING REQUIRED.—The Corporation shall, not later than 180 days after the date of enactment of this section, adopt regulations that establish criteria pursuant to which the Corporation will make the determination described in paragraph (1).

''(d) SEPARATE ENTITIES.—

''(1) IN GENERAL.—Subject to paragraph (2), each separate legal entity for which the Corporation is appointed receiver shall constitute a separate receivership.

''(2) APPLICABILITY.—Paragraph (1) shall not apply to any insured depository institution subsidiary for which the Corporation has appointed itself as receiver.

''(e) CORPORATION NOT SUBJECT TO ANY OTHER AGENCY.—When acting as the receiver pursuant to an appointment described in subsection (a) or (b), the Corporation shall not be subject to the direction or supervision of any other agency or department of the United States or any State in the exercise of its rights, powers, and privileges.

''(f) GROUNDS FOR APPOINTMENT.—The grounds for appointing the Corporation as receiver of a depository institution holding company, affiliate, or subsidiary are that one or more grounds exist under section 11(c) to appoint a receiver for one or more affiliated insured depository institutions.

''(g) TERMINATION AND EXCLUSION OF OTHER ACTIONS.—The appointment of the Corporation as receiver for a depository institution holding company or an insured depository institution that is an affiliate or subsidiary of a depository institution holding company shall immediately, and by operation of law, terminate any case commenced with respect to the depository institution holding company or any affiliate or subsidiary under title 11, United States Code, or any proceeding under any State insolvency law with respect to the depository institution holding company or affiliate or subsidiary. No such case or proceeding may be commenced with respect to the depository institution holding company or any affiliate or subsidiary of the insured depository institution at any time while the Corporation acts as receiver of the depository institution holding company or any affiliate or subsidiary, without the written agreement of the Corporation.

''(h) JUDICIAL REVIEW.—

''(1) IN GENERAL.—If the Corporation is appointed (including the appointment of the Corporation by itself) as receiver of a depository institution holding company under subsection (a), the depository institution holding company may, not later than 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such depository institution holding company is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the receiver (regardless of how such appointment was made), and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the receiver.

''(2) OTHER APPOINTMENT.—If the Corporation appoints itself as receiver of any affiliate or subsidiary of the insured depository institution or depository institution holding company under subsection (b), the affiliate or subsidiary of the insured depository institution or depository institution holding company may, not later than 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such any affiliate or subsidiary of the insured depository institution or depository institution holding company is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the receiver, and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the receiver.

''SEC. 53. POWERS AND DUTIES OF CORPORATION AS RECEIVER.

''(a) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such regulations as the Corporation determines appropriate regarding the orderly resolution and conduct of receiverships of covered depository institution holding companies or any affiliate or subsidiary, in accordance with section 52.

''(b) RECEIVERSHIP, BACK-UP EXAMINATION, AND ENFORCEMENT POWERS.—Except as provided in subsections (c) and (e), the Corporation shall have the same powers and rights to carry out its duties with respect to depository institution holding companies, or affiliates and subsidiaries, as the Corporation has under sections 8(t), 10(b), 11, 12, 13(d), 13(e), 15, and 38, with adaptations made, in the sole discretion of the Corporation, that are appropriate to the differences in form and function among depository institution holding companies, insured depository institutions, and their affiliates and subsidiaries.

''(c) AUTHORITY TO OBTAIN CREDIT.—

''(1) IN GENERAL.—A bridge depository institution holding company with respect to which the Corporation is the receiver may obtain unsecured credit and issue unsecured debt.

''(2) INABILITY TO OBTAIN CREDIT.—If a bridge depository institution holding company is unable to obtain unsecured credit or issue unsecured debt, the Corporation may authorize the obtaining of credit or the issuance of debt by the bridge depository holding company—

''(A) with priority over any or all of the obligations of the bridge depository holding company;

''(B) secured by a lien on property of the bridge depository holding company that is not otherwise subject to a lien; or

''(C) secured by a junior lien on property of the bridge depository holding company that is subject to a lien.

''(3) LIMITATION.—The Corporation may authorize the obtaining of credit or the issuance of debt by a bridge depository holding company that is secured by a senior or equal lien on property of the bridge depository holding company that is subject to a lien, only if—

''(A) the bridge depository holding company is unable to otherwise obtain such credit or issue such debt; and

''(B) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

''(d) DISPOSITION OF CERTAIN DEPOSITORY INSTITUTION HOLDING COMPANIES, AFFILIATES, AND SUBSIDIARIES.—Notwithstanding any other provision of law (other than a conflicting provision of this Act), the Corporation, in connection with the resolution of any insured depository institution with respect to which the Corporation has been appointed as receiver, shall—

''(1) in the case of any depository institution holding company, or a covered affiliate or subsidiary for which the Corporation is appointed receiver, that is a member of the Securities Investor Protection Corporation (in this section referred to as 'SIPC'), coordinate with SIPC in the liquidation, if any, of the company, to facilitate the orderly and timely payment of claims under the Securities Investor Protection Act; and

''(2) in the case of any other depository institution holding company, or covered affiliate or subsidiary, that is functionally regulated, coordinate with the appropriate Federal or State functional regulator in the disposition of the company, to facilitate the orderly and timely payment of claims under applicable guaranty plans, including State insurance guaranty plans.

''(e) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

''(1) IN GENERAL.—Allowed claims (other than secured claims to the extent of any such security) against a covered depository institution holding company or any covered affiliate or subsidiary that are proven to the satisfaction of the receiver for such covered depository institution holding company, affiliate, or subsidiary shall have priority in the following order:

''(A) Administrative expenses of the receiver.

''(B) Any obligation of the covered depository institution holding company, or covered affiliate or subsidiary, to the Corporation.

''(C) Any general or senior liability of the covered depository institution holding company, or covered affiliate or subsidiary (which is not a liability described in subparagraph (D) or (E)).

''(D) Any obligation subordinated to general creditors which is not an obligation described in subparagraph (E).

''(E) Any obligation to shareholders, members, general partners, limited partners, or other persons with interests in the equity of the covered depository institution holding company, or covered affiliate or subsidiary, arising as a result of their status as shareholders, members, general partners, limited partners, or other persons with interests in the equity of the covered depository institution holding company, or covered affiliate or subsidiary.

''(2) CREDITORS SIMILARLY SITUATED.—All claimants of a covered depository institution holding company, or covered affiliate or subsidiary, that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the receiver may take any action (including making payments) that does not comply with this subsection, if—

''(A) the Corporation determines that such action is necessary to maximize the value of the assets of the covered depository institution holding company, or covered affiliate or subsidiary, to maximize the present value return from the sale or other disposition of the assets of the covered depository institution holding company, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the covered depository holding company, or covered affiliate or subsidiary; and

''(B) all claimants that are similarly situated under paragraph (1) receive not less than the amount provided in section 11(i)(2).

''(f) RULE OF CONSTRUCTION.—Nothing in the Resolution Reform Act is intended to supersede the administration of claims under applicable State laws governing insurance guaranty funds or the Securities Investor Protection Act of 1970.

''(g) RULEMAKING.—The Federal Deposit Insurance Corporation shall conduct a rulemaking to be completed within 180 days of enactment that will lay out specific guidelines and priority of all secured and unsecured claims as well as where the resources to satisfy those that will be satisfied will be derived.''.

SEC. 5. OTHER SPECIFIC MODIFICATIONS TO FEDERAL DEPOSIT INSURANCE CORPORATION AUTHORITY.

(a) RECORDKEEPING.—Section 11(e)(8)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(H)) is amended to read as follows:

''(H) RECORDKEEPING.—The Corporation, after consultation with the appropriate Federal banking agencies, may prescribe regulations requiring that any insured depository institution or depository institution holding company maintain such records with respect to qualified financial contracts (including market valuations) as the Corporation determines to be necessary or appropriate to enable it to exercise its rights and fulfill its obligations under this Act.''.

(b) GOLDEN PARACHUTE PAYMENTS.—Section 18(k)(4)(A)(ii)(III) of the Federal Deposit Insurance Act (12 U.S.C. 1828(k)(4)(A)(ii)(III)) is amended—

(1) by striking ''institution's'';

(2) by inserting ''or covered company'' after ''insured depository institution''; and

(3) by inserting before the semicolon: '', except that the Corporation may define and make a determination of troubled condition for any covered company that does not have an appropriate Federal banking agency''.

SEC. 6. CROSS-BORDER CLAIMS.

(a) PURPOSE AND SCOPE.—

(1) PURPOSE.—The purpose of this section is to provide effective mechanisms for dealing with cases of cross-border insolvency, with the objectives of—

(A) facilitating cooperation between the Corporation, acting in its capacity as receiver of a covered depository institution holding company or covered affiliate or subsidiary of an insured depository institution and the courts and other authorities of foreign countries involved in cross-border insolvency cases; and

(B) facilitating the orderly resolution of insured depository institutions, covered depository institution holding companies, or covered affiliates or subsidiaries, in receivership.

(2) SCOPE.—This section applies in any case in which—

(A) the Corporation seeks assistance from a foreign court, foreign representative, or foreign regulatory or supervisory authority in connection with the resolution of a depository institution holding company, or covered affiliate or subsidiary thereof;

(B) the assistance of the Corporation is sought by a foreign court, foreign representative, or foreign regulatory or supervisory authority in connection with a foreign proceeding or with a resolution under this Act; or

(C) a foreign proceeding and a case under this Act with respect to the same covered depository institution holding company, or covered affiliate or subsidiary, are pending concurrently.

(b) COORDINATION AND COOPERATION.—In regard to matters of insolvency and insolvency proceedings, the Corporation may—

(1) cooperate and coordinate with foreign courts, foreign representatives, and foreign regulatory or supervisory authorities, either directly or through a designated representative, as the Corporation deems appropriate; and

(2) communicate directly with, or to request information or assistance directly from, foreign courts, foreign representatives, and foreign regulatory or supervisory authorities.

(c) CLAIMS BY FOREIGN REPRESENTATIVES.—The Corporation, in its capacity as receiver of a covered depository institution holding company, or covered affiliate or subsidiary, may allow a foreign administrator or representative to file claims.

(d) COORDINATION OF PAYMENTS.—

(1) LIMITATION.—Notwithstanding any other provision of Federal law, a creditor who has received payment with respect to a claim in a foreign insolvency proceeding may not receive a payment for the same claim brought in a United States insolvency proceeding under this Act against the same depository institution, depository institution holding company, or covered affiliate or subsidiary.

(2) SUBROGATION.—A claimant in an insolvency proceeding under this Act that has received payment on its claim shall agree to the subrogation of the Corporation, to the extent of such payment, to any claim or right of claim, arising from the same loss.

(e) PUBLIC POLICY EXEMPTION.—Nothing in this section prevents the Corporation from refusing to take an action governed by this section if the action would be contrary to the public policy of the United States or if it would increase losses to the Deposit Insurance Fund.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) BANKRUPTCY CODE AMENDMENTS.—Section 109(b)(2) of title 11, United States Code, is amended by inserting before ''homestead association'' the following: ''covered depository institution holding company and covered affiliate or subsidiary, as those terms are defined in section 51(b) of the Federal Deposit Insurance Act (except if the Federal Deposit Insurance Corporation exercises its authority under section 52(c) of that Act),''.

(b) AUTHORITY TO APPOINT RECEIVER.—

(1) FEDERAL RESERVE ACT.—Section 11(o) of the Federal Reserve Act (12 U.S.C. 248(o)) is amended—

(A) by striking ''The Board'' and inserting the following:

''(1) STATE MEMBER BANKS.—The Board''; and

(B) by adding at the end the following:

''(2) COVERED DEPOSITORY INSTITUTION HOLDING COMPANIES.—The Board may appoint the Federal Deposit Insurance Corporation as receiver for a covered depository institution holding company (as those terms are defined in section 51(b) of the Federal Deposit Insurance Act) under section 52 of the Federal Deposit Insurance Act.''.

(2) HOME OWNERS' LOAN ACT.—Section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a) is amended—

(A) by redesignating subsection (t) as subsection (u); and

(B) by inserting after subsection (s) the following:

''(t) APPOINTMENT OF FDIC AS RECEIVER.—The Director may appoint the Federal Deposit Insurance Corporation as receiver for a covered depository institution holding company (as those terms are defined in section 51(b) of the Federal Deposit Insurance Act) under section 52 of the Federal Deposit Insurance Act.''.

By Mr. DODD (for himself, Mr. KENNEDY, Mrs. MURRAY, and Mr. LIEBERMAN):

S. 1543. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to provide leave for family members of members of regular components of the Armed Forces, and leave to care for covered veterans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce The Supporting Military Families Act of 2009.

The sacrifices made by our soldiers, sailors, airmen, Marines, and Coast Guard are matched only by those made by their families. When a loved one is serving abroad, and in cases where he or she returns wounded, it can take an immense emotional toll on a family.

But it does not have to take an equally staggering economic toll.

The bill I introduce today clarifies and improves upon provisions included in the National Defense Authorization Act of 2008, which provided important benefits for family members of our brave service men and women.

More than 20 years ago, I began the effort to bring job protection to hard-working Americans so they wouldn't have to choose between the family they love and the job they need. This effort, after more than seven years, three presidents, and two vetoes, eventually led to the enactment of the Family Medical Leave Act, FMLA, which provides 12 weeks of unpaid leave for eligible employees so they may care for a newborn or adopted child, their own serious illness, or that of a loved one. Since its passage, I have worked to expand this Act to cover more workers and to provide for paid leave, so that more employees can afford to take leave when necessary.

We must also ensure that we care for the health and well-being of our war heroes, many of whom return from deployment with serious injuries and illnesses. Two years ago, I introduced legislation to provide up to 6 months of FMLA leave for primary caregivers of servicemembers who suffer from a combat-related injury or illness. The FMLA currently provides three months of unpaid leave to a spouse, parent, or child acting as a caregiver for a person with a serious illness. However, some of those injured in service to our country rely on other family members or friends to care for them as they recover, and many of these injuries take longer than 3 months to heal from. That is why, following a recommendation of the President's Commission on Care for America's Returning Wounded Warriors, headed by former Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala, I offered this legislation. It was included in the 2008 National Defense Authorization Act, along with another provision providing exigency leave for servicemembers' families, which allows the families of deployed servicemembers to take leave to manage their family or personal affairs.

These two provisions were important steps toward giving our servicemembers and their families the support they need during extremely challenging times. The legislation I introduce today builds on those efforts and will accomplish three things. First, a number of service-related illnesses and injuries may not manifest themselves until after a servicemember has left the military, including traumatic brain injury and post traumatic stress disorder. This bill extends the annual 26 weeks of unpaid leave to family members of veterans for up to five years after a veteran leaves service, if the

veteran develops a service-related serious injury or illness that he or she needs time to recover from. Second, this legislation extends eligibility for exigency leave to those deployed to a foreign country, and not only in support of a contingency operation, in order to provide the benefit to all of those families who struggle with the challenges of a deployment. Finally, the DOL regulations limited access to exigency leave to Reserve and National Guard members only. This was not the intent of the initial legislation, and this bill extends exigency leave to cover all active duty members who are deployed to a foreign country.

I am pleased that my colleagues Senators KENNEDY, LIEBERMAN, and MURRAY are joining me in introducing the Supporting Military Families Act of 2009.

By Mr. REED (for himself, Mr. BOND, Mrs. MURRAY, Mr. JOHNSON, Mr. KERRY, and Mr. DURBIN):

S. 1547. A bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Zero Tolerance for Veteran Homelessness Act. This comprehensive bill enhances and expands the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of becoming homeless.

It is one of our Nation's great tragedies that on any given night, 131,000 veterans are homeless. The Department of Veterans Affairs estimates that more than 200,000 veterans experience homelessness each year and that nearly 1/5 of all homeless people in the United States are veterans. These numbers are expected to climb as our servicemembers fighting in Iraq and Afghanistan return home to face tough economic conditions.

We know that veterans are often at greater risk of becoming homeless. Some return from deployments to discover that the skills they have honed in their military service can be difficult to transfer to jobs in the private sector. Others struggle with physical or mental wounds of war. Still others return to communities that lack safe, affordable housing.

Our veterans have made great sacrifices to serve our country, and it is especially important to honor our commitment to them. The Department of Veterans Affairs is certainly a part of that commitment, providing benefits, medical care, support, and a sense of community to homeless veterans. However, a number of other federal agencies provide service to veterans, including the Department of Housing and Urban Development, and this legislation builds on that existing infrastructure.

Many programs through HUD and the VA are already helping homeless veterans with transitional housing, health care and rehabilitation services, and employment assistance. However, a more comprehensive and coordinated approach would strengthen these programs and prevent more at-risk veterans from becoming homeless.

That is why I have joined with my colleagues Senators BOND, MURRAY, and JOHNSON to introduce this much-needed legislation. The Zero Tolerance for Veterans Homelessness Act seeks to merge housing programs and support services for veterans from the start so that there is an integrated approach to address their risk of homelessness.

First, this bill would create a new Homelessness Prevention program that would enable the VA to keep at-risk veterans in stable housing and offer increased assistance to veterans who have fallen into homelessness. Specifically, the VA could provide short-term rental assistance, housing relocation and stabilization services, services to resolve personal credit issues, payments for security deposits or utility costs, and assistance for moving costs. These up-front expenses can be the major obstacle that puts low-income or unemployed veterans at risk of becoming homeless. These homelessness prevention and rapid re-housing techniques have been successfully used in numerous communities to significantly reduce family homelessness, and this bill would give the VA resources to put these strategies into practice.

Second, this bill would authorize additional housing vouchers through the HUD-Veterans Affairs Supportive Housing, VASH, program. This collaborative program provides homeless veterans with vouchers to rent apartments in the private rental market, as well as case management and clinical services at local VA medical centers. In this way, veterans receive the supportive housing they need to recover and thrive.

The HUD–VASH program has grown in recent years. Twenty thousand vouchers were funded in the last two appropriations cycles, and 10,000 more will likely be funded–in Fiscal Year 2010. However, more homeless veterans could benefit from this important resource. As such, the Zero Tolerance for Veterans Homelessness bill authorizes up to 10,000 additional vouchers each year to reach a maximum of 60,000 vouchers by 2013.

Third, this legislation would make it easier for non-profits to apply for capital grants through the VA's grants and per diem program to build transitional housing and other facilities for veterans. This would streamline the process for non-profit organizations to be able to use financing from other sources to break ground on new housing construction. This is particularly important in the current economy, when non-profits are stretched and have to be more creative than ever to fund new capital projects.

The Zero Tolerance for Veterans Homelessness Act would also create a Special Assistant for Veterans Affairs within HUD. The Special Assistant would ensure that veterans have access to HUD's existing programs and work to remove any barriers. The Special Assistant would also serve as a liaison between HUD and the VA, helping to connect and coordinate the services the two departments provide.

Additionally, this legislation recognizes the need to measure progress of efforts to combat homelessness. It establishes a new Homeless Veterans Management Information System, to be developed by the VA, in consultation with HUD and the United States Interagency Council on Homelessness. This data collection system will be used to provide annual reports to Congress on the number of homeless veterans and they types of assistance they receive. This information will help illustrate how programs are performing and inform future policy.

Finally, the bill would require the Secretary of Veterans Affairs, in consultation with other agencies, to analyze existing programs and develop a comprehensive plan with recommendations on how to end homelessness among veterans. Establishing a plan with appropriate benchmarks will enable the VA to more easily track progress towards this important goal.

This bipartisan bill also complements a bill that I am cosponsoring with Senator MURRAY to enable programs at the VA and the Department of Labor to better serve homeless women veterans and homeless veterans with children.

Only by working together, across the federal government and in partnership with non-profits and local housing authorities, will we be able to comprehensively help homeless veterans and reach those in danger of becoming homeless. We owe it to our veterans to ensure that they and their families have safe, affordable places to live and to provide the services and benefits they have earned. The nation's brave veterans deserve nothing less.

I hope my colleagues will join in supporting this important, bipartisan 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. 1547

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 ''Zero Tolerance for Veterans Homelessness Act of 2009''.

SEC. 2. FINDINGS.

Congress finds that—

(1) veterans are at a greater risk of becoming homeless than other people in the United States, because of characteristics that include—

(A) having employment-related skills that are unique to military service and that can be difficult to transfer to the civilian sector;

(B) combat-related health issues;

(C) earning minimal income or being unemployed; and

(D) a shortage of safe, affordable housing;

(2) the Department of Veterans Affairs estimates that—

(A) 131,000 veterans are homeless on any given night;

(B) more than 200,000 veterans experience homelessness each year; and

(C) veterans account for nearly ⅕ of all homeless people in the United States;

(3) approximately 1,500,000 veterans, nearly 6.3 percent of the veterans in the United States, have an income that falls below the Federal poverty level, and approximately 634,000 veterans have an income below 50 percent of the Federal poverty level;

(4) the Department of Veterans Affairs is only adequately funded to respond to the health, housing, and supportive services needs of approximately ⅓ of the veterans in the United States; and

(5) it is expected that significant increases in services will be needed to serve the aging veterans of the Vietnam war and members of the Armed Forces returning from Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 3. PROGRAM ON PREVENTION OF VETERAN HOMELESSNESS.

(a) PROGRAM ON PREVENTION OF VETERAN HOMELESSNESS.—

(1) IN GENERAL.—Subchapter VII of chapter 20 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2067. Prevention of veteran homelessness

''(a) PREVENTION OF VETERAN HOMELESSNESS.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a program within the Veterans Benefits Administration to prevent veteran homelessness by—

''(1) identifying in a timely fashion any veteran who is homeless or at imminent risk of becoming homeless; and

''(2) providing assistance sufficient to ensure that each veteran identified under paragraph (1) does not become or remain homeless.

''(b) TYPES OF ASSISTANCE.—The assistance provided under subsection (a)(2) may include the following:

''(1) The provision of short-term or medium-term rental assistance.

''(2) Housing relocation and stabilization services, including housing search, mediation, and outreach to property owners.

''(3) Services to resolve personal credit issues that have led to negative credit reports.

''(4) Assistance with paying security or utility deposits and utility payments.

''(5) Assistance with covering costs associated with moving.

''(6) A referral to a program of another department or agency of the Federal Government.

''(7) Such other activities as the Secretary considers appropriate to prevent veterans homelessness.

''(c) NO DUPLICATION OF SERVICES.—The Secretary may provide assistance under subsection (a)(2) to a veteran receiving supportive services from an eligible entity receiving financial assistance under section 2044 of this title only to the extent that the assistance provided under subsection (a)(2) does not duplicate the supportive services provided to such veteran by such entity.

''(d) STAFFING.—The Secretary shall assign such employees at such locations as the Secretary considers necessary to carry out this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2010 through 2014.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''2067. Prevention of veteran homelessness.''.

(b) RESPONSIBILITIES OF HOMELESS VETERANS PROGRAM COORDINATORS.—Section 2003(a) of such title is amended—

(1) in paragraph (3), by striking ''The housing'' and inserting ''Any housing'';

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following new paragraph (7):

''(7) The program under section 2067 of this title.''.

(c) REPORT.—Not later than 180 days after the date of the establishment of the program required by section 2067 of title 38, United States Code, as added by paragraph (1), the Secretary of Veterans Affairs shall submit to Congress a report on the operation of such program.

SEC. 4. ENHANCEMENT OF COMPREHENSIVE SERVICE PROGRAMS.

(a) ENHANCEMENT OF GRANTS.—Section 2011 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''Subject to the availability of appropriations provided for such purpose, the'' and inserting ''The'';

(2) in subsection (b)(1)(A), by inserting ''new construction,'' before ''expansion''; and

(3) in subsection (c)—

(A) in the first sentence, by striking ''A grant'' and inserting ''(1) A grant'';

(B) in the second sentence of paragraph (1), as designated by subparagraph (A), by striking ''The amount'' and inserting the following:

''(2) The amount''; and

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

''(3)(A) The Secretary may not deny an application from an entity that seeks a grant under this section to carry out a project described in subsection (b)(1)(A) solely on the basis that the entity proposes to use funding from other private or public sources, if the entity demonstrates that a private nonprofit organization will provide oversight and site control for the project.

''(B) In this paragraph, the term 'private nonprofit organization' means the following:

''(i) An incorporated private institution, organization, or foundation—

''(I) that has received, or has temporary clearance to receive, tax-exempt status under paragraphs (2), (3), or (19) of section 501(c) of the Internal Revenue Code of 1986;

''(II) for which no part of the net earnings of the institution or foundation inures to the benefit of any member, founder, or contributor of the institution or foundation; and

''(III) that the Secretary determines is financially responsible.

''(ii) A for-profit limited partnership or limited liability company, the sole general partner of which is an organization that is described by subclauses (I) through (III) of clause (i).

''(iii) A corporation wholly owned and controlled by an organization that is described by subclauses (I) through (III) of clause (i).''.

(b) STUDY AND REPORT ON PER DIEM PAYMENTS.—

(1) STUDY AND DEVELOPMENT OF PAYMENT METHOD.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) complete a study of all matters relating to the method used by the Secretary to make per diem payments under section 2012(a) of title 38, United States Code; and

(B) develop an improved method for adequately reimbursing recipients of grants under section 2011 of such title for services furnished to homeless veterans.

(2) CONSIDERATION.—In developing the method required by paragraph (1)(B), the Secretary may consider payments and grants received by recipients of grants described in such paragraph from other departments and agencies of Federal and local governments and from private entities.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on—

(A) the findings of the Secretary with respect to the study required by subparagraph (A) of paragraph (1);

(B) the method developed under subparagraph (B) of such paragraph; and

(C) any recommendations of the Secretary for revising the method described in subparagraph (A) of such paragraph and any legislative action the Secretary considers necessary to implement such method.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 2013 of such title is amended by striking ''subchapter $150,000,000'' and all that follows through the period and inserting the following: ''subchapter—

''(1) $200,000,000 for fiscal year 2010; and

''(2) such sums as may be necessary for each of fiscal years 2011 through 2014.''.

SEC. 5. HUD VETERANS AFFAIRS SUPPORTIVE HOUSING VOUCHERS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended to read as follows:

''(19) RENTAL VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.—

''(A) RENTAL VOUCHERS.—The Secretary shall make available to public housing agencies described in subparagraph (C) the amounts described in subparagraph (B), to provide rental assistance through a supported housing program administered in conjunction with the Department of Veterans Affairs.

''(B) AMOUNT.—The amounts specified in this subparagraph are the amounts necessary to ensure that—

''(i) not more than 30,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2010;

''(ii) not more than 40,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2011;

''(iii) not more than 50,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2012; and

''(iv) not more than 60,000 vouchers for rental assistance under this paragraph are outstanding at any one time during fiscal year 2013 and each fiscal year thereafter.

''(C) PUBLIC HOUSING AGENCIES.—A public housing agency described in this subparagraph is a public housing agency that—

''(i) has a partnership with a Department of Veterans Affairs medical center or an entity determined to be appropriate by the Secretary of Veterans Affairs;

''(ii) is located in an area that the Secretary of Veterans Affairs determines has a high concentration of veterans in need of assistance;

''(iii) has demonstrated expertise in providing housing for homeless individuals; and

''(iv) meets any other criteria that the Secretary, in consultation with the Secretary of Veterans Affairs may prescribe.

''(D) CASE MANAGEMENT.—The Secretary of Veterans Affairs shall ensure that the case managers described in section 2003(b) of title 38, United States Code, provide appropriate case management for each veteran who receives rental assistance under this paragraph that—

''(i) assists the veteran in—

''(I) locating available housing;

''(II) working with the appropriate public housing agency;

''(III) accessing benefits and health services provided by the Department of Veterans Affairs and other departments and agencies of the Federal Government;

''(IV) negotiating with landlords; and

''(V) other areas, as the Secretary determines is necessary to help the veteran maintain housing or avoid homelessness; and

''(ii) ensures that a veteran with a severe disability, including a veteran that has been homeless for a substantial period of time, is referred to sufficient supportive services to provide the veteran with stable housing, including—

''(I) mental health services, including treatment and recovery support services;

''(II) substance abuse treatment and recovery support services, including counseling, treatment planning, recovery coaching, and relapse prevention;

''(III) integrated, coordinated treatment and recovery support services for co-occurring disorders;

''(IV) health education, including referrals for medical and dental care;

''(V) services designed to help individuals make progress toward self-sufficiency and recovery, including job training, assistance in seeking employment, benefits advocacy, money management, life-skills training, self-help programs, and engagement and motivational interventions;

''(VI) parental skills and family support; and

''(VII) other supportive services that promote an end to chronic homelessness.''.

SEC. 6. SPECIAL ASSISTANT FOR VETERANS AFFAIRS IN OFFICE OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

''(g) SPECIAL ASSISTANT FOR VETERANS AFFAIRS.—

''(1) ESTABLISHMENT.—There shall be in the Department a Special Assistant for Veterans Affairs, who shall be in the Office of the Secretary.

''(2) APPOINTMENT.—The Special Assistant for Veterans Affairs shall be appointed by the Secretary, based solely on merit and shall be covered under the provisions of title 5, United States Code, governing appointments in the competitive service.

''(3) RESPONSIBILITIES.—The Special Assistant for Veterans Affairs shall be responsible for—

''(A) ensuring that veterans have access to housing and homeless assistance under each program of the Department providing such assistance;

''(B) coordinating all programs and activities of the Department relating to veterans; and

''(C) carrying out such other duties as may be assigned to the Special Assistant by the Secretary or by law.''.

SEC. 7. HOMELESS VETERANS MANAGEMENT INFORMATION SYSTEM.

(a) IN GENERAL.—Subchapter VII of chapter 20 of title 38, United States Code, as amended by section 3(b), is further amended by adding at the end the following new section:

''§ 2068. Homeless Veterans Management Information System

''(a) METHOD FOR DATA COLLECTION AND AGGREGATION.—(1) Not later than one year after the date of the enactment of this section, the Secretary shall, in consultation with the Special Assistant for Veterans Affairs of the Department of Housing and Urban Development and the United States Interagency Council on Homelessness established under section 201 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311), establish a method for the collection and aggregation of data on homeless veterans participating in programs of the Department of Veterans Affairs and the Department of Housing and Urban Development, including the following:

''(A) The age, race, sex, disability status, marital status of the veteran, income, employment history, and whether the veteran is a parent.

''(B) If the veteran received housing assistance, the number of days that the veteran resided in such housing, and the type of housing in which the veteran resided.

''(C) If the veteran is no longer participating in a program, the reason the veteran left the program.

''(2) The method required by paragraph (1) shall be established in a manner that ensures that each veteran is counted only once.

''(b) ANNUAL DATA COLLECTION AND AGGREGATION.—Not later than one year after the method is established under subsection (a), and annually thereafter, the Secretary shall collect and aggregate data using the method established under subsection (a).

''(c) ANNUAL REPORTS.—Not later than two years after the date of enactment of this section and annually thereafter, the Secretary shall submit to Congress a report on the data collected and aggregated under subsection (b).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2010; and

''(2) such sums as may be necessary for fiscal years 2011 through 2014.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''2068. Homeless Veterans Management Information System.''.

SEC. 8. PLAN TO END VETERAN HOMELESSNESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a comprehensive plan to end homelessness among veterans that includes—

(1) an analysis of programs of the Department of Veterans Affairs and other departments and agencies of the Federal Government that are designed to prevent homelessness among veterans and assist veterans who are homeless;

(2) an evaluation of whether and how partnerships between the programs described in paragraph (1) would contribute to ending homelessness among veterans;

(3) recommendations for improving the programs described in paragraph (1), creating partnerships between such programs, or eliminating programs that are no longer effective;

(4) recommendations for new programs to prevent and end homelessness among veterans, including an estimation of the cost of such programs;

(5) a timeline for implementing the plan; and

(6) such other information as the Secretary determines necessary.

(b) CONSIDERATION OF VETERANS LOCATED IN RURAL AREAS.—The analysis, evaluation, and recommendations included in the report required by subsection (a) shall include consideration of the circumstances and requirements that are unique to veterans located in rural areas.

By Mr. SPECTER (for himself, Mr. REED, and Mr. KAUFMAN):

S. 1551. A bill to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President. I have sought recognition to urge support for the legislation I just introduced, the Liability for Aiding and Abetting Securities Violations Act of 2009. My legislation would overturn two errant decisions of the Supreme Court—*Central Bank of Denver* v. *First Interstate Bank of Denver*, 511 U.S. 164, 1994, and *Stoneridge Investment Partners, LLC* v. *Scientific-Atlanta, Inc.*, 522 U.S. 148, 2008, by amending the Securities Exchange Act of 1934 to authorize a private right of action for aiding-and-abetting liability.

The Act's main anti-fraud provision, § 10(b), makes it ''unlawful for any person, directly or indirectly,'' to commit acts of fraud ''in connection with the purchase or sale of any security.'' Nearly fifty years ago the Court implied a private right of action under § 10(b). The result was that investors could recover financial losses caused by violations of 10(b) and the companion regulation issued by the SEC commonly known as ''Rule 10b–5.''

Until Central Bank, every circuit of the Federal Court of Appeals had concluded that § 10(b)'s private right of action allowed recovery not only against the person who directly undertook a fraudulent act—the so-called primary violator—but also anyone who aided and abetted him. A five-Justice majority in Central Bank, intent on narrowing § 10(b)'s scope, held that its private right of action extended only to primary violators.

When Congress debated the legislation that became the Private Securities Litigation Reform Act of 1995, PSLRA, then-SEC chairman Arthur Levitt and others urged Congress to overturn Central Bank. Congress declined to do so. The PSLRA authorized only the Securities and Exchange Commission, SEC, to bring aiding-and-abetting enforcement litigation.

It is time for us to revisit that judgment. The massive frauds involving Enron, Refco, Tyco, Worldcom, and countless other lesser-known companies during the last decade have taught us that a stock issuer's auditors, bankers, business affiliates, and lawyers—sometimes called ''secondary actors''—all too often actively participate in and enable the issuer's fraud. Federal Judge Gerald Lynch recently observed in a decision calling on Congress to reexamine Central Bank that secondary actors are sometimes ''deeply and indispensably implicated in wrongful conduct.'' In re Refco, Inc. Sec. Litig., 609 F. Supp. 2d. 304, 318 n.15, S.D.N.Y.

2009. Professor John Coffee of Columbia Law School, a renowned expert on the regulation of the securities markets, has even laid much of the blame for the major corporate frauds of this decade on the ''acquiescence'' of the ''outside professionals''—especially accountants, securities analysts, and corporate lawyers—responsible for ''preparing, verifying, or certifying corporate disclosures to the securities markets.'' Coffee, ''Gatekeeper Failure and Reform: The Challenge of Fashioning Relevant Reforms,'' 84 Boston University Law Review 301, 304, 2004.

The immunity from suit that Central Bank confers on secondary actors has removed much-needed incentives for them to avoid complicity in and even help prevent securities fraud, and all too often left the victims of fraud uncompensated for their losses. Enforcement actions by the SEC have proved to be no substitute for suits by private plaintiffs. The SEC's litigating resources are too limited for the SEC to bring suit except in a small number of cases, and even when the SEC does bring suit, it cannot recover damages for the victims of fraud.

Last year's decision in Stoneridge made matters still worse for defrauded investors. Central Bank had at least held open the possibility that secondary actors who themselves undertake fraudulent activities prescribed by §10(b) could be ''held liable as . . . primary violator[s].'' Stoneridge has largely foreclosed that possibility. A divided Court held that §10(b)'s private right of action did not ''reach'' two vendors of a cable company that entered into sham transactions with the company knowing that it would publicly report the transactions in order to inflate its stock price. The Court conceded that the suppliers engaged in fraudulent conduct prescribed by §10(b), but held that they were not liable in a private action because only the issuer, not they, communicated the transaction to the public. That remarkable conclusion put the Court at odds with even the Republican Chairman of the SEC.

My legislative response would take the limited, but important, step amending of the Exchange Act to authorize a private right of action under §10(b) (and other, less commonly invoked, provisions of the Act) against a secondary actor who provides ''substantial assistance'' to a person who violates §10(b). Any suit brought under my proposed amendment would, of course, be subject to the heightened pleading standards, discovery-stay procedures, and other defendant-protective features of the PSLRA.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. VOINOVICH, Mr. BYRD, and Mr. ENSIGN):

S. 1552. A bill to reauthorize the DC opportunity scholarship program, and for other purposes; read the first time.

Mr. LIEBERMAN. Mr. President, I rise along with my colleagues, Senators COLLINS, FEINSTEIN, VOINOVICH, BYRD and ENSIGN to introduce the Scholarships for Opportunity and Results Act, SOAR, which seeks to reauthorize the DC Opportunity Scholarship Program, OSP, also known as the DC voucher program. This important initiative offers scholarships to low-income students, especially those from failing schools, to attend better private schools. In doing so, the program gives parents of economically disadvantaged children a choice that's available to the more affluent, including many of us in Congress and in the White House. This program offers DC students a choice that has improved the quality of their education and lives; it is a program that works. I urge my colleagues in the Senate to support the reauthorization of this important program.

Since 2003, Congress has supported a tri-sector approach to improving education in the District of Columbia. This has included funding the DC Opportunity Scholarship Program, which provides low income students in the District with scholarships of up to $7,500 to attend private schools, as well as new funding for ongoing efforts to reform and improve public schools and public charter schools in the District.

Critics of this program argue that it takes away funds from public schools. This is simply not the case. I remind my colleagues that we intentionally designed the scholarship program to ensure that any funding for opportunity scholarships would not reduce funding for public schools. We provided additional new money for the DC Public Schools and for DC Public Charter Schools. We have not changed the three part-funding design of the initiative. The tri-partite funding is central to the compromise approach that originally brought Democrats and Republicans together in support of the Opportunity Scholarship Program. This bill preserves that important requirement. It is our intent that any funding for DC Opportunity Scholarships will result in continued additional new money in support of public charter and public schools.

This funding mechanism is an important point as it reflects the goal of the Opportunity Scholarship Program: to be supportive of the reforms that are helping to improve education in the District of Columbia. There is absolutely no intention to undermine the public schools—quite to the contrary. But as Ronald Holassie, one of the students receiving a scholarship, told us at a recent hearing on the program before the Homeland Security and Governmental Affairs Committee: ''public schools in the District did not go bad over night and they won't get better over night.'' That's the point: despite having amongst the highest per pupil expenditure for public school districts in the country, the public school students in the District score at the bottom on national tests. Ronald and others cannot wait for reforms to take effect in the worst of DC's public schools. They deserve a good education today and the Opportunity Scholarships respond to that need.

Much progress has been made in improving DC schools over the years but even school Chancellor Michelle Rhee admits that much remains to be done. According to the Washington Post, Chancellor Rhee was asked recently to give herself a grade for her efforts. She said she would give herself a failing grade as long as any children were in schools that were not providing a quality education. That's a modest answer that obscures the progress she has made. DC test scores are up in the most recent study of academic performance. Undoubtedly, we will see additional improvements in the years to come. Chancellor Rhee will continue to have my full support and I am confident that Ms. Rhee will soon be able to claim the ''A'' grade that I believe she already deserves. In the new bill, we have made the connection between the scholarship program and the ongoing reform effort more explicit. Our bill acknowledges an intent to reexamine the program when DC public school students are testing at the national average in reading and math.

The bill also responds to early criticisms of the Opportunity Scholarships with some important changes. It requires all participating schools to have a valid certificate of occupancy and to ensure that teachers in core subjects have an appropriate college degree. It continues to target students from lower income families who are attending those DC schools most in need of improvement but it increases the tuition amounts slightly to levels consistent with the tuition charged at a typical participating school, and adds an inflation adjustment. The new amounts are still well below the per pupil cost of educating a child in the DC public schools. While we have kept the income ceiling for entry into the program unchanged, we have increased slightly the income ceiling for those already participating in the program to ensure that parents are not forced to choose between a modest raise in their income and the scholarship, or marriage and the scholarship.

It is very important to recognize that the Opportunity Scholarship schools are producing impressive results. Opportunity Scholarship students attending private schools showed a five month advantage in reading levels compared to students attending public schools who applied but did not receive the scholarship, in the most recent study of the program conducted by the Department of Education's Institute of Education Sciences. The study showed significantly higher levels of parental satisfaction with regards to safety and the quality of the school for those in the program. The study has not yet even looked at the effect of the program on graduation rates and attrition though studies of other voucher programs indicate this impact could very well be significant. We will see those results in next year's study.

It is also imperative to put the results of the program in context. Rarely are there statistically significant results with any educational innovations, particularly those targeted at low income students. Of the eleven recent educational innovations studied under the auspices of the Department of Education using the same rigorous testing designs, only three showed any statistically significant achievement results. The Opportunity Scholarship was one of the three. Dr. Patrick Wolf, an education specialist and the lead researcher in the IES study, testified at a recent hearing on the scholarship program that in his professional opinion the results were exceptional and warranted continued study of the program. According to Dr. Wolf, ''by demonstrating statistically significant impacts overall in reading based on an experimental evaluation, the DC OSP has met a tough standard for efficacy in serving low-income inner-city students.''

Academic programs should be evaluated in terms of their impact on students' progress and achievement. In his speech before the Hispanic Chamber of Commerce earlier this year, President Obama laid down that marker as a guideline for considering which education programs should be funded. On that basis, it is clear that we should continue to fund the DC Opportunity Scholarship Program—a program that has been good for students, good for parents and even good for public and charter schools in the District. Let us do the right thing for kids in DC and reauthorize the DC Opportunity Scholarship Program.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator LIEBERMAN and my Senate colleagues in introducing legislation to reauthorize the District of Columbia's pilot scholarship program for 5 more years.

This important program currently provides scholarships to 1,700 low-income children who attend 49 private schools in the District. The scholarships of up to $7,500 help these students pay for tuition and transportation expenses to school.

However, if the program is not extended soon, children will not be able to continue their education at the schools of their choice.

This legislation would:

Extend the life of the District of Columbia's pilot scholarship program for five more years.

Increase the program's funding to $20 million for fiscal year 2010 and as may be necessary the following four years to allow new students to participate in the program and provide a higher scholarship.

Increase the scholarship amount to $9,000 for children in kindergarten through 8th grade, and $11,000 for youngsters in high school—this amount is still lower than the $15,500 cost of educating a public school student in the District and will help low-income families afford the high cost of private school tuition.

Protect low-income families whose children are already in the program from ''earning out'' of it by setting the maximum income level for them at 300 percent of the Federal poverty level, about $63,000 for a family of four.

However, it maintains the current income eligibility requirement for students to enter the program of 185 percent of poverty, $41,000 for a family of four.

It would improve evaluation by assessing students' college admission rates, school safety, and the reasons why parents choose to participate in program to better learn about its impact on children's lives and their families.

It would give priority for awarding scholarships also to students whose household includes a sibling or other child already participating in the program.

When students entered the program 5 years ago, they were performing in the bottom third on reading and math tests.

Students are now improving academically—despite the many challenges that these children face outside the classroom living in some of the District's toughest neighborhoods.

The most recent evaluation from this past April by the Education Department's Institute of Education Sciences found that although math test scores have not increased so far, there are significant gains being made in reading test scores.

Specifically, pilot program students scored 4.5 points higher in reading on the SAT-9 national standardized test with a total score of 635.4 when compared to the District's public school students' score of 630.9.

This means students are making gains in reading test scores by the equivalent of 3 months of additional schooling, and moved to the 35th percentile on the SAT-9 from the 33rd percentile where they were before entering the program.

These youngsters still have much more catching up to do, but they are improving and this is important.

I believe the results of the more comprehensive evaluation of student performance that will be released next spring are critical.

Next year's evaluation will also include important data on the program's impact on students' college enrollment and how the District's public schools are changing in response to the pilot program.

I would like to share two examples of how the program has helped to change the lives of the District's most disadvantaged youngsters and give them a chance to succeed.

Shirley-Ann Tomdio is the 8th grade Valedictorian at Sacred Heart Middle School, located in the District's neighborhood of Columbia Heights.

The scholarship allowed Shirley-Ann to attend Sacred Heart School for the past four years since 5th grade.

She will be attending Georgetown Visitation in September for high school.

She wants to go to college and become a surgeon.

Shirley-Ann said at her 8th grade graduation speech this past June:

> The D.C. OSP [Opportunity Scholarship Program] is important to me because without it I wouldn't be able to receive the best education possible. It should continue so that my brother, sister, and other students get the same chance. Every child should get the chance to go to a good school.

Oscar Machado is a graduate of Archbishop Carroll High School where he was on Honor Roll.

Oscar is attending Mount Saint Mary's University in Maryland in the fall and plans to major in biology. He received three college scholarships that will cover nearly all of this tuition.

He was in the pilot program for 4 years.

At Archbishop Carroll High, he was President of the Robotics Team where he used pre-engineering skills to build robots, and also played the saxophone in the school band.

When speaking of his experience as a D.C. Opportunity Scholarship recipient Oscar said:

> The scholarship was great. It gave me the opportunity to attend a school I otherwise couldn't have attended.

Oscar hopes that the same opportunity should be available to other students.

We should listen to students like Oscar and Shirley-Ann, and continue to provide this important program to the District's neediest children.

I look forward to working with my Senate colleagues to pass this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 231—EXPRESSING THE SENSE OF THE SENATE THAT ANY HEALTH CARE REFORM PROPOSAL SHOULD SLOW THE LONG-TERM GROWTH OF HEALTH COSTS AND REDUCE THE GROWTH RATE OF FEDERAL HEALTH CARE SPENDING

Mr. BENNETT (for himself, Mr. WYDEN, Mr. WICKER, Mr. JOHANNS, Mr. COBURN, and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 231

Whereas health care spending has risen close to 2.4 percentage points faster than gross domestic product (GDP) since 1970; and

Whereas the Centers for Medicare & Medicaid Services projects health care spending to be 17.6 percent of GDP in 2009 and 20.4 percent of GDP by 2018: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) any health care reform proposal should reduce total spending on health care in the United States during the next decade to below current projections by the Centers for Medicare & Medicaid Services; and

(2) any health care reform proposal should reduce the growth rate of Federal health care spending.

Mr. President, today I am submitting a resolution on the future of health care spending. It is both simple and straightforward. It states that health care reform shouldn't cost the Federal Government more money. As health care proposals have received their scores from the Congressional Budget Office, we have seen figures ranging from $597 billion to over $1 trillion. In fact, when asked point blank in a Senate Budget Committee hearing if the current reform proposals would help bend the cost-curve of health care spending in this country, CBO Director Elmendorf replied that it would worsen an already bleak budget outlook, increase deficit projections and drive the nation further into debt. It would raise, instead of lower, the cost-curve of health care spending and, simply iterated, this nation cannot afford it.

Already this year Congress has spent $787 billion on a stimulus package with diminutive effects, passed an omnibus appropriations package and an emergency supplemental appropriations with a price tag of $105.9 billion. We cannot continue to spend as if there is an endless supply of resources and as if this spending doesn't affect American families.

I am an advocate for health reform. I have cosponsored the Healthy Americans Act with Senator WYDEN because we need to reform our country's health care system. However, I believe we need to do it in a way that does not significantly increase the federal responsibility for health care costs.

This resolution expresses the Sense of the Senate that health care reform proposals should reduce total spending on health care in the United States during the next decade to levels below current projections by the Centers for Medicare & Medicaid Services and reduce the growth rate of Federal health care spending. Not only is this feasible, but it should be our goal. Health care reform at the expense of our economy is not reform we should support.

SENATE RESOLUTION 232—CELEBRATING THE 100TH ANNIVERSARY OF THE TILLAMOOK COUNTY CREAMERY ASSOCIATION

Mr. WYDEN (for himself and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 232

Whereas the Tillamook County Creamery Association is celebrating its 100th anniversary as a world-famous, farmer-owned cooperative dedicated to producing the highest quality cheeses and other products from local dairies;

Whereas the members of the Tillamook County Creamery Association are great supporters of the local and State dairy industries and are committed stewards of the environment;

Whereas the Tillamook County Creamery Association has won hundreds of awards, including 6 awards at the 2009 Oregon Dairy Industries products contest and 6 awards at the 2008 National Milk Producers Federation annual cheese contest;

Whereas for the third year in a row, the Tillamook County Creamery Association was recognized by the Portland Business Journal as one of Oregon's ''Most Admired Companies'';

Whereas the Tillamook County Creamery Association has earned a reputation as one of the Nation's premier makers of cheese; and

Whereas for these reasons, the Tillamook County Creamery Association, known throughout the world for its Tillamook cheddar cheese, is an Oregon icon: Now, therefore, be it

Resolved, That the Senate supports the 100th anniversary celebration of the Tillamook County Creamery Association.

SENATE RESOLUTION 233—COMMENDING RUSS MEYER ON HIS INDUCTION INTO THE NATIONAL AVIATION HALL OF FAME

Mr. BROWNBACK submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 233

Whereas the leadership of Russ Meyer, former chairman and chief executive officer of Cessna Aircraft Company and a leading proponent of general aviation, has had a dramatic impact on the continued growth of the aviation industry in Kansas and throughout the United States;

Whereas Russ Meyer was one of the principal architects of the General Aviation Revitalization Act of 1994 (Public Law 103–298; 108 Stat. 1552);

Whereas Russ Meyer was instrumental in the development of the ''Be A Pilot Program'', which has resulted in tens of thousands of new pilots and contributed more than $200,000,000 to the United States economy through general aviation operations;

Whereas Russ Meyer was the originator of the Citation Special Olympics Airlift, in which hundreds of owners of Citation aircrafts transport athletes from around the country to the Special Olympics National Games; and

Whereas Russ Meyer will join fellow residents of Kansas Olive Beech and Walter Beech, Lloyd Stearman, Clyde Cessna, Amelia Earhart, and Joe Engle in the National Aviation Hall of Fame: Now, therefore, be it

Resolved, That the Senate—

(1) commends Russ Meyer for being inducted into the National Aviation Hall of Fame;

(2) recognizes the achievements of Russ Meyer during his lifetime of service to the aviation industry; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Russ Meyer.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1908. Mr. KOHL (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

SA 1909. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1910. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1911. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1912. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1913. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1914. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1915. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1916. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1917. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1918. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1919. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1920. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1921. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1922. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1923. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1924. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1925. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1926. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1927. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1928. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1929. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1930. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1931. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1932. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1933. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1934. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1935. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1936. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1937. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1938. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1939. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1940. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1941. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1942. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1943. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1944. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1945. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1946. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1947. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1948. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1949. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1950. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1951. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1952. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1953. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1954. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1955. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1956. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1957. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1958. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1959. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1960. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1961. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1962. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1963. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1964. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1965. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1966. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1967. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1968. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1969. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1970. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1971. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1972. Mr. McCAIN submitted an amendment intended to be proposed to amendment

SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1973. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1974. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1975. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1976. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1977. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1978. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1979. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1980. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1981. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1982. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1983. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1984. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1985. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1986. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1987. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1988. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1989. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1990. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1991. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1992. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1993. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1994. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1995. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1996. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1997. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1998. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 1999. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2000. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2001. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2002. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2003. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2004. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2005. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2006. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2007. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2008. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2009. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2010. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2011. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2012. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2013. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2014. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2015. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2016. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2017. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2018. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2019. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2020. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2021. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2022. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2023. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2024. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2025. Mr. MCCAIN submitted an amendment intended to be proposed to amendment

SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2026. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2027. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2028. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2029. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2030. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2031. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

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SA 2036. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2037. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2038. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

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SA 2041. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2042. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2043. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2044. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2045. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2046. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2047. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

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SA 2189. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2190. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

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SA 2199. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2200. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

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SA 2202. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

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SA 2209. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2210. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2211. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2212. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2213. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2214. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2215. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2216. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2217. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2218. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2219. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2220. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2221. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2222. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.; which was ordered to lie on the table.

SA 2223. Mr. SESSIONS proposed an amendment to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes.

SA 2224. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2225. Mrs. MURRAY (for herself and Mr. BAUCUS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2226. Mr. NELSON, of Florida (for himself, Mr. REID, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2227. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2228. Mr. NELSON, of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.; which was ordered to lie on the table.

SA 2229. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr . BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2230. Mr. KOHL (for Mr. TESTER (for himself, Mr. ENZI, and Mrs. MCCASKILL)) proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra.

SA 2231. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

SA 2232. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1908. Mr. KOHL (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,285,000: *Provided*, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, $1,000,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $13,032,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $15,219,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $9,436,0000.

OFFICE OF HOMELAND SECURITY

For necessary expenses of the Office of Homeland Security, $1,859,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $63,579,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $6,566,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $895,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $23,422,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $806,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $274,482,000, to remain available until expended, of which $168,901,000 shall be available for payments to the General Services Administration for rent; of which $13,500,000 for payment to the Department of Homeland Security for building security activities; and of which $92,081,000 for buildings operations and maintenance expenses: *Provided*, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $5,125,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $41,319,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That of the amount appropriated, $13,000,000 is for stabilization and developmental activities to be carried out under the authority provided by title XIV of the Food and Agriculture Act of 1977 (7 U.S.C. 3101 et seq.) and other applicable laws.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,968,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, $9,722,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $88,025,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $43,551,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, $895,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $82,078,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $161,830,000, of which up to $37,908,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,181,632,000, of which $35,512,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the report to accompany this Act: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual

for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $47,027,000, of which $47,027,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the report to accompany this Act, to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $757,821,000, of which $61,406,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the report to accompany this Act, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $215,000,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $30,000,000; for payments to eligible institutions (7 U.S.C. 3222), $49,000,000, provided that each institution receives no less than $1,000,000; for special grants (7 U.S.C. 450i(c)), $50,456,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), $16,423,000; for competitive grants (7 U.S.C. 450(i)(b)), $295,181,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), $1,000,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $850,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,083,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $2,000,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), $5,000,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,654,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $981,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $7,737,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,200,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $983,000; for aquaculture grants (7 U.S.C. 3322), $3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,500,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $16,500,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $800,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), $750,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), $2,000,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), $1,500,000; and for necessary expenses of Research and Education Activities, $25,111,000, of which $2,704,000 for the Research, Education, and Economics Information System and $2,136,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $491,292,000, of which $7,898,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the report to accompany this Act, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $300,000,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $4,000,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $68,139,000; payments for the pest management program under section 3(d) of the Act, $10,085,000; payments for the farm safety program under section 3(d) of the Act, $4,863,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, $2,000,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $18,540,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,427,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $493,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,128,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,090,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,705,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,738,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $41,354,000, provided that each institution receives no less than $1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, $1,767,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, $1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, $500,000; and for necessary expenses of Extension Activities, $16,463,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $56,864,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $41,990,000, including $12,649,000 for the water quality program, $14,596,000 for the food safety program, $4,096,000 for the regional pest management centers program, $4,388,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,365,000 for the crops affected by Food Quality Protection Act implementation, $3,054,000 for the methyl bromide transition program, and $1,842,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $732,000, to remain available until September 30, 2011, for the critical issues program; $1,312,000 for the regional rural development centers program; and $9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2011.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $895,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $911,394,000, of which $18,059,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the report to accompany this Act, of which $2,058,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $23,390,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $14,607,000 shall be for a National Animal Identification program; of which $60,243,000 shall be used to prevent and control avian influenza and shall remain available until expended: *Provided*, That funds provided for the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, grasshopper and mormon cricket program, the plum pox program, the National Veterinary Stockpile, the National Animal Identification System, up to $1,500,000 in the scrapie program for indemnities, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program shall remain available until expended: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any

segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2010, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,712,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $90,848,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $64,583,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $20,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $41,564,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $813,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,018,520,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than 150 full-time equivalent positions shall be employed during fiscal year 2010 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That of the amount available under this heading, $3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, $895,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,253,777,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,369,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $5,000,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), direct and guaranteed conservation loans (7 U.S.C. 1924 et seq.) and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,892,990,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans and $392,990,000 shall be for direct loans; operating loans, $1,994,467,000, of which $1,150,000,000 shall be for unsubsidized guaranteed loans, $144,467,000 shall be for subsidized guaranteed loans and $700,000,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; conservation loans, $150,000,000, of which $75,000,000 shall be for guaranteed loans and $75,000,000 shall be for direct loans; Indian highly fractionated land loans, $10,000,000; and for boll weevil eradication program loans, $100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $21,584,000, of which $5,550,000 shall be for unsubsidized guaranteed loans, and $16,034,000 shall be for direct loans; operating loans, $80,402,000, of which $26,910,000 shall be for unsubsidized guaranteed loans, $20,312,000 shall be for subsidized guaranteed loans, and $33,180,000 shall be for direct loans; conservation loans, $1,343,000, of which $278,000 shall be for guaranteed loans, and $1,065,000 shall be for direct loans; and Indian highly fractionated land loans, $793,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $321,093,000, of which

$313,173,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating, and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, $79,425,000: *Provided*, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: *Provided further*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $895,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $949,577,000, to remain available until September 30, 2011, of which up to $50,730,000 may be used in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–590f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), and of which $21,511,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the report to accompany this Act: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That the Secretary is authorized to transfer ownership of all land, buildings, and related improvements of the Natural Resources Conservation Service facilities located in Medicine Bow, Wyoming, to the Medicine Bow Conservation District: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $24,394,000, to remain available until expended, of which $16,750,000 shall be for the purposes, and in the amounts, specified in the table titled ''Congressionally Designated Projects'' in the report to accompany this Act: *Provided*, That not to exceed $15,000,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $40,161,000, to remain available until expended.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $895,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $207,237,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $13,226,501,000 for loans to section 502 borrowers, of which $1,226,501,000 shall be for direct loans, and of which $12,000,000,000 shall be for unsubsidized guaranteed loans; $34,412,000 for section 504 housing repair loans; $69,512,000 for section 515 rental housing; $129,090,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,448,000 for credit sales of acquired property, of which up to $1,448,000 may be for multi-family credit sales; and $4,970,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $217,322,000, of which $44,522,000 shall be for direct loans, and of which $172,800,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $4,422,000; repair, rehabilitation, and new construction of section 515 rental housing, $18,935,000; section 538 multi-family housing guaranteed loans, $1,485,000; and credit sales of acquired property, $556,000: *Provided*, That section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized: *Provided further*, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97 and Public Law 110–5 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $468,593,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $980,000,000; and, in addition, such sums as

may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, up to $5,958,000 may be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than $2,030,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than $3,400,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2010 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $39,651,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $18,000,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, $1,791,000 shall be available for the cost of loans to private nonprofit organizations, or such nonprofit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further*, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further*, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further*, That of the funds made available under this heading, $19,860,000 shall be available for a demonstration program for the preservation and revitalization of the section 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That the Secretary may use any unobligated funds appropriated for the rural housing voucher program in a prior fiscal year to support information technology activities of the Rural Housing Service to the extent the Secretary determines that additional funds are not needed for this fiscal year to provide vouchers described in this paragraph: *Provided further*, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior notification of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $38,727,000, to remain available until expended.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $41,500,000, to remain available until expended: *Provided*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with the ''Rural Housing Service, Multi-family Housing Revitalization Program Account''.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $16,968,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $54,993,000, to remain available until expended: *Provided*, That $6,256,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That $13,902,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That $3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, $97,116,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in

section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,536,000.

For the cost of direct loans, $8,464,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,035,000 shall be available through June 30, 2010, for Federally Recognized Native American Tribes and of which $2,070,000 shall be available through June 30, 2010, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, $4,941,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $43,000,000 shall not be obligated and $43,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(i)), $38,854,000, of which $300,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,800,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $3,463,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers and whose governing board and/or membership is comprised of at least 75 percent socially disadvantaged members; and of which $21,867,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL MICROENTERPRISE INVESTMENT PROGRAM ACCOUNT

For the cost of loans and grants, $22,000,000 as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.): *Provided*, That such costs of loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $68,130,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

BIOREFINERY ASSISTANCE PROGRAM ACCOUNT

For the cost of guaranteed loans, $17,339,000, as authorized by section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107): *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.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $568,730,000, to remain available until expended, of which not to exceed $497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That $70,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally-recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): *Provided further*, That such loans and grants shall not be subject to any matching requirements: *Provided further*, That not to exceed $19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,600,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed $14,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That $17,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $6,500,000,000; guaranteed underwriting loans pursuant to section 313A, $500,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,959,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $531,699,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $37,755,000, to remain available until expended: *Provided*, That $3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: *Provided further*, That $4,965,000 shall be made available to those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $38,495,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $13,406,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, $813,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

In lieu of the amounts made available in section 14222(b) of the Food, Conservation, and Energy Act of 2008, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $16,799,584,000, to remain available through September 30, 2011, of which $10,051,707,000 is hereby appropriated and $6,747,877,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That of the total amount available, $5,000,000 shall be available to be awarded as competitive grants to implement section 4405 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), and may be awarded notwithstanding the limitations imposed by sections 4405(b)(1)(A) and 4405(c)(1)(A).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the WIC Program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $7,552,000,000, to remain available through September 30, 2011: *Provided*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $61,351,846,000, of which $3,000,000,000, to remain available through September 30, 2011, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $233,388,000, to remain available through September 30, 2011: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2010 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2011: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $147,801,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $180,367,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480 and the Food for Progress Act of 1985, $2,812,000, shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses'': *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,690,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $6,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $6,465,000 shall be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $355,000 shall be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses''.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $199,500,000, to remain available until expended: *Provided*, That of this amount, the Secretary shall use up to $10,000,000 to conduct pilot projects to field test new and improved micronutrient fortified food products designed to meet energy and nutrient needs of program participants: *Provided further*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $2,995,218,000: *Provided*, That of the amount provided under this heading, $578,162,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2011 but collected in fiscal year 2010; $57,014,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $17,280,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $5,106,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, and animal generic drug assessments for fiscal year 2010 received during fiscal year 2010, including any such fees assessed prior to fiscal year 2010 but credited for fiscal year 2010, shall be subject to the fiscal year 2010 limitations: *Provided further*, That none of these funds shall

be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $782,915,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $873,104,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $51,545,000 shall be available for the Office of Generic Drugs; (3) $305,249,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $155,540,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $349,262,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $58,745,000 shall be for the National Center for Toxicological Research; (7) not to exceed $115,882,000 shall be for Rent and Related activities, of which $41,496,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) not to exceed $168,728,000 shall be for payments to the General Services Administration for rent; and (9) $185,793,000 shall be for other activities, including the Office of the Commissioner; the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior notification of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $12,433,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $54,500,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSION)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Section 10101 of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, (Public Law 110–329) is amended in subsection (b) by inserting at the end the following: ''In carrying out this section, the Secretary may transfer funds into existing or new accounts as determined by the Secretary.''.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior notification of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior notification of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 712 of this Act: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties: *Provided*, That this does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 707. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 708. Hereafter, none of the funds appropriated by this Act or any other Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 709. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 710. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 711. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer unless prior notification has been transmitted to the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 712. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

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

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United

States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, which-ever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 713. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2011 appropriations Act.

SEC. 714. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided,* That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. There is hereby appropriated $499,000 for any authorized Rural Development program purpose, in communities suffering from extreme outmigration and situated in areas that were designated as part of an Empowerment Zone pursuant to section 111 of the Community Renewal Tax Relief Act of 2000 (as contained in appendix G of Public Law 106–554).

SEC. 717. None of the funds made available in fiscal year 2010 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided,* That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 718. There is hereby appropriated $3,497,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 719. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 720. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) An Environmental Quality Incentives Program as authorized by sections 1241–240H of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa–3839aa(8)), in excess of $1,180,000,000.

(2) a program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1).

(3) a program under subsection (b)(2)(A)(ii) of section 14222 of Public Law 110–246 in excess of $1,123,000,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(C) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of $25,000,000 until October 1, 2010: *Provided further*, That the unobligated balances under section 32 of the Act of August 24, 1935, $52,000,000 are hereby rescinded.

SEC. 721. Hereafter, notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 722. There is hereby appropriated $2,600,000, to remain available until expended, for the planning and design of construction of an agricultural pest facility in the State of Hawaii.

SEC. 723. There is hereby appropriated $4,000,000 to the Secretary of Agriculture to award grant(s) to develop and field test new food products designed to improve the nutritional delivery of humanitarian food assistance provided through the McGovern-Dole (section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1)) and the Food for Peace title II (7 U.S.C. 1691 et seq.) programs: *Provided,* That the Secretary shall use the authorities provided under the Research, Education, and Economics mission area of the Department in awarding such grant(s), with priority given to proposals that demonstrate partnering with and in-kind support from the private sector.

SEC. 724. The Rural Utilities Service, Rural Housing Service, and Rural Business and Cooperative Service shall permit an applicant to solicit and procure professional services and have prepared all environmental reviews, assessments, and impact statements: *Provided*, That such professional services will be funded by the applicants and selected by the agencies from procurement schedules of contractors determined qualified to perform said services: *Provided further*, That the Agencies shall establish the scope of work and procedures for such services as well as procedures to assure contractors have no financial or other conflicts of interest in the outcome of the action and the documentation meets the needs of the Agencies: *Provided further*, That nothing herein shall affect the responsibility of the Agencies to comply with the National Environmental Policy Act.

SEC. 725. Notwithstanding any other provision of law, and until receipt of the decennial Census for the year 2010, the Secretary of Agriculture shall consider—

(1) The unincorporated community of Los Osos, in the County of San Luis Obispo, California, to be a rural area for the purposes of eligibility for Rural Utilities Service water and waste disposal loans and grants; and

(2) The unincorporated community of Thermalito in Butte County, California, (including individuals and entities with projects within the community) eligible for loans and grants funded under the housing programs of the Rural Housing Service.

SEC. 726. There is hereby appropriated $3,000,000 for section 4404 of Public Law 107–171.

SEC. 727. Notwithstanding any other provision of law, there is hereby appropriated:

(1) $3,000,000 of which $2,000,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and $1,000,000 shall be for a grant to the Vermont Agency of Agriculture, Foods, and Markets, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note); and

(2) $350,000 for a grant to the Wisconsin Department of Agriculture, Trade and Consumer Protection.

SEC. 728. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) through the Watershed and Flood Prevention Operations program for the Pocasset River Floodplain Management Project in the State of Rhode Island;

(2) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1;

(3) through the Watershed and Flood Prevention Operations program to carry out the Little Otter Creek Watershed project in Missouri. The sponsoring local organization may obtain land rights by perpetual easements;

(4) through the Watershed and Flood Prevention Operations program to carry out the DuPage County Watershed project in the State of Illinois;

(5) through the Watershed and Flood Prevention Operations program to carry out the Dunloup Creek Watershed Project in Fayette and Raleigh Counties, West Virginia;

(6) through the Watershed and Flood Prevention Operations program to carry out the Dry Creek Watershed project in the State of California; and

(7) through the Watershed and Flood Prevention Operations program to carry out the Upper Clark Fork Watershed project in the State of Montana.

SEC. 729. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by striking ''ten'' and inserting ''eleven'';

(2) by striking ''eight'' and inserting ''nine''; and

(3) by inserting ''Wisconsin,'' after the first instance of ''States shall be''.

SEC. 730. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act

may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 731. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2011, for information technology expenses.

SEC. 732. (a) CHILD NUTRITION PROGRAMS.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

''(14) COMBAT PAY.—

''(A) DEFINITION OF COMBAT PAY.—In this paragraph, the term 'combat pay' means any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

''(i) is the result of deployment to or service in a combat zone; and

''(ii) was not received immediately prior to serving in a combat zone.

''(B) EXCLUSION.—Combat pay shall not be considered to be income for the purpose of determining the eligibility for free or reduced price meals of a child who is a member of the household of a member of the United States Armed Forces.''.

(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(d)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) COMBAT PAY.—For the purpose of determining income eligibility under this section, a State agency shall exclude from income any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this subparagraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

''(i) is the result of deployment to or service in a combat zone; and

''(ii) was not received immediately prior to serving in a combat zone.''.

SEC. 733. (a) Section 531(g)(7)(F) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting ''(including multiyear assistance)'' after ''assistance''; and

(2) in clause (i), by inserting ''or multiyear production losses'' after ''a production loss''.

(b) Section 901(g)(7)(F) of the Trade Act of 1974 (19 U.S.C. 2497(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting ''(including multiyear assistance)'' after ''assistance''; and

(2) in clause (i), by inserting ''or multiyear production losses'' after ''a production loss''.

SEC. 734. Notwithstanding section 17(g)(5) of the Child Nutrition Act of 1966 (42.U.S.C. 1786(g)(5)), not more than $15,000,000 of funds provided in this Act may be used for the purpose of evaluating program performance in the Special Supplemental Nutrition Program for Women, Infants and Children.

SEC. 735. Notwithstanding section 17(h)(10)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)(A)), $154,000,000 of funds provided in this Act shall be used for infrastructure, management information systems and breastfeeding peer counseling support: *Provided*, That of the $154,000,000, not less than $14,000,000 shall be used for infrastructure, not less than $60,000,000 shall be used for management information systems, and not less than $80,000,000 shall be used for breastfeeding peer counselors and other related activities.

SEC. 736. Agencies with jurisdiction for carrying out international food assistance programs under the jurisdiction of this Act, including title II of the Food for Peace Act and the McGovern-Dole International Food for Education Program, shall—

(1) provide to the Committees on Appropriations of the House and the Senate no later than March 1, 2010, the following:

(A) estimates on cost-savings and programmatic efficiencies that would result from increased use of pre-positioning of food aid commodities and processes to ensure such cargoes are appropriately maintained to prevent spoilage;

(B) estimates on cost-savings and programmatic efficiencies that would result from the use of longer-term commodity procurement contracts, the proportional distribution of commodity purchases throughout the fiscal year, longer-term shipping contracts, contracts which include shared-risk principles, and adoptions of other commercially acceptable contracting practices;

(C) estimates on costs of domestic procurement of commodities, domestic inland transportation of food aid commodities, domestic storage (including loading and unloading), foreign storage (including loading and unloading), foreign inland transportation, and ocean freight (including ocean freight as adjusted by the ocean freight differential reimbursement provided by the Secretary of Transportation), and costs relating to allocation and distribution of commodities in recipient countries;

(D) information on the frequency of delays in transporting food aid commodities, the cause or purpose of any delays (including how those delays are tracked, monitored and resolved), missed schedules by carriers and non-carriers (and resulting program costs due to such delays, including impacts to program beneficiaries);

(E) information on the methodologies to improve interagency coordination between host governments, the World Food Program, and non-governmental organization to develop more consistent estimates of food aid needs and the number of intended recipients to appropriately inform the purchases of commodities and in order to appropriately plan for commodity procurement for food aid programs;

(2) provide the matter described under subsection (1) of this section in the form of a consensus report under the signatures of the Secretaries of Agriculture, State, and Transportation; and

(3) estimates and cost savings analysis for this section shall be derived from periods representative of normal program operations.

SEC. 737. There is hereby appropriated $7,000,000 to carry out section 4202 of Public Law 110–246.

SEC. 738. There is hereby appropriated $2,600,000 to carry out section 1621 of Public Law 110–246.

SEC. 739. There is hereby appropriated $4,000,000 to carry out section 1613 of Public Law 110–246.

SEC. 740. There is hereby appropriated $250,000, to remain available until expended, for a grant to the Kansas Farm Bureau Foundation for work-force development initiatives to address out-migration in rural areas.

SEC. 741. There is hereby appropriated $800,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 742. Applicants with very low, low, and moderate incomes shall be eligible for the program established in section 791 of Public Law 109–97.

SEC. 743. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of reconstituted infant formula specified in 7 C.F.R. 246.10 when issuing infant formula to participants. Such authorizations shall not otherwise impact the eligibility of manufacturers to remain eligible under the Special Supplemental Nutrition Program for Women, Infants and Children authorized by section 17 of the Child Nutrition Act of 1966.

SEC. 744. None of the funds made available by this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China unless the Secretary of Agriculture formally commits in advance to conduct audits of inspection systems, on-site reviews of slaughter and processing facilities, laboratories and other control operations before any Chinese facilities are certified as eligible to ship fully cooked poultry products to the United States, and at least once annually in subsequent years: *Provided*, That the Secretary commits in advance to implement a significantly increased level of port of entry re-inspection: *Provided further*, That the Secretary commits in advance to conduct information sharing with other countries importing poultry products from China that have conducted audits and plant inspections.

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

SA 1909. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 9 through 18.

SA 1910. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, strike line 7 and all that follows through ''U.S.C. 918a):'' on line 12.

SA 1911. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related

Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, beginning on line 20, strike ''of which'' and all that follows through ''and'' on page 31, line 2.

SA 1912. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, strike line 20 and all that follows through page 32, line 10.

SA 1913. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, lines 8 through 11, strike '', of which $18,059,000 shall be for the purposes, and in the amounts, specified in the table titled 'Congressionally Designated Projects' in the report to accompany this Act''.

SA 1914. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, lines 2 through 5, strike '', and of which $21,511,000 shall be for the purposes, and in the amounts, specified in the table titled 'Congressionally Designated Projects' in the report to accompany this Act''.

SA 1915. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, lines 5 through 8, strike '', of which $16,750,000 shall be for the purposes, and in the amounts, specified in the table titled 'Congressionally Designated Projects' in the report to accompany this Act''.

SA 1916. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, lines 21 through 24, strike '', of which $7,898,000 shall be for the purposes, and in the amounts, specified in the table titled 'Congressionally Designated Projects' in the report to accompany this Act''.

SA 1917. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, on lines 3 through 6, strike '', of which $35,512,000 shall be for the purposes, and in the amounts, specified in the table titled 'Congressionally Designated Projects' in the report to accompany this Act''.

SA 1918. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 10, line 23, strike '', of which'' and all that follows through ''this Act'' on page 11, line 1.

SA 1919. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, lines 20 through 23, strike ''*Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland:''.

SA 1920. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 14 through 25.

SA 1921. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, lines 12 through 17, strike ''That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*,''.

SA 1922. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, strike lines 1 through 6.

SA 1923. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 18 through 21.

SA 1924. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 1 through 13.

SA 1925. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike line 4 and all that follows through page 77, line 11.

SA 1926. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Agriculture Compliance Laboratory Equipment, Delaware Department of Agriculture.

SA 1927. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for animal management and control, APHIS Mississippi.

SA 1928. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Berryman Institute, Jack Berryman Institute Utah, and Mississippi Agriculture and Forestry Experiment Station.

SA 1929. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other puruposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for bio-safety and antibiotic resistance, University of Vermont.

SA 1930. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other puruposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for blackbird management, APIIIS Louisiana.

SA 1931. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other puruposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for blackbird management, APIIIS North and South Dakota.

SA 1932. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other puruposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for bovine tuberculosis eradication Michigan, Michigan Department of Agriculture.

SA 1933. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the California county pest detection augmentation program, California Department of Food and Agriculture.

SA 1934. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the California county pest detection import inspection program, California Department of Food and Agriculture.

SA 1935. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Cogongrass control, Mississippi Department of Agriculture.

SA 1936. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the cooperative livestock protection program, APHIS Pennsylvania and Pennsylvania Department of Agriculture.

SA 1937. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cormorant control, APHIS Michigan.

SA 1938. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cormorant control, APHIS Mississippi.

SA 1939. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cormorant control, APHIS Vermont and Vermont Fish and Wildlife Department.

SA 1940. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for disease prevention, Louisiana Department of Wildlife and Fisheries.

SA 1941. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for disease surveillance in North Dakota, North Dakota State University and Dickinson State University.

SA 1942. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for genetically modified products, Iowa State University.

SA 1943. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Greater Yellowstone Interagency Brucellosis Committee, Idaho Department of Agriculture, Montana Department of Livestock, Wyoming Livestock Board.

SA 1944. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the gypsy moth, New Jersey, New Jersey Department of Agriculture.

SA 1945. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Hawaii interline, APHIS Hawaii.

SA 1946. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Hawaii wildlife services activities, APHIS Hawaii.

SA 1947. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Hemlock Woolly Adelgid, Tennessee, University of Tennessee.

SA 1948. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for integrated predation management activities, APHIS West Virginia.

SA 1949. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for invasive aquatic species, Lake Champlain Fish and Wildlife Management Cooperative, Vermont.

SA 1950. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Mormon crickets, APHIS Nevada.

SA 1951. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the National Agriculture Biosecurity Center, Kansas State University.

SA 1952. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, beginning on line 10, strike ": *Provided further*, That" and all that follows through "technologies" on line 20.

SA 1953. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for national farm animal identification and records, Holstein Association.

SA 1954. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) and intended to be proposed to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the National Wildlife Research Station, Texas A&M Hutchison.

SA 1955. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the New Mexico rapid syndrome validation program, New Mexico State University.

SA 1956. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Nez Perce Bio-control Center, Nez Perce Tribe.

SA 1957. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for noxious weed management, Nevada Department of Agriculture.

SA 1958. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Tri-State predator control, APHIS Idaho, Montana, and Wyoming.

SA 1959. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Varroa mite suppression, APHIS Hawaii.

SA 1960. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Wildlife Services South Dakota, South Dakota Department of Game, Fish, and Parks.

SA 1961. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Agricultural Research Center, Beltsville, Maryland.

SA 1962. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Agricultural Research Center, Logan, Utah.

SA 1963. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Agricultural Research Center, Pullman, Washington.

SA 1964. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Animal Bioscience Facility, Bozeman, Montana.

SA 1965. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the

fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Appalachian Fruit Laboratory, Kearneysville, West Virginia.

SA 1966. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the ARS Biotechnology Lab, Lorcom, Mississippi.

SA 1967. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the ARS Forage-Animal Production Research Facility, Lexington, Kentucky.

SA 1968. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the ARS Research and Development Center, Auburn, Alabama.

SA 1969. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the ARS Waste Management Research Facility, Bowling Green, KY.

SA 1970. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Dairy Forage Agricultural Research Center, Prairie du Sac, WI.

SA 1971. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Jamie Whitten Delta States Research Center, Stoneville, MS.

SA 1972. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the National Plant and Genetics Security Center, Columbia, MO.

SA 1973. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Pacific Basin Agricultural Research Center, Hilo, HI.

SA 1974. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Sugarcane Research Facility, Houma, LA.

SA 1975. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Systems Biology Research Facility, Lincoln, NE.

SA 1976. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Anthropod-Borne Animal Diseases Research Laboratory, ARS, Manhattan, KS.

SA 1977. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Aquaculture Fisheries Center, ARS, Harry K. Dupree National Aquaculture Center, AR.

SA 1978. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Aquaculture Initiatives, Harbor Branch Oceanographic Institute, ARS, Stuttgart, AR.

SA 1979. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for Biomass Crop Production, ARS, Brookings, SD.

SA 1980. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for Biomedical Materials in Plants, ARS, Beltsville, MD.

SA 1981. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for Bioremediation Research, ARS, Beltsville, MD.

SA 1982. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for the Biotechnology Research and Development Corporation, ARS, Washington, D.C.

SA 1983. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for the Center for Agroforestry, ARS, Booneville, AR.

SA 1984. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for the Computer Vision Engineer, ARS, Kearneysville, WV.

SA 1985. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for the Dairy Forage Research Center, ARS, Marshfield, WI.

SA 1986. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for the Dale Bumpers Small Farms Research Center, ARS, Booneville, AR.

SA 1987. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for Diet Nutrition and Obesity Research, ARS, New Orleans, LA.

SA 1988. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for Endophyte Research, ARS, Booneville, AR.

SA 1989. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for Forage Crop Stress Tolerance and Virus Disease Management, ARS, Prosser, WA.

SA 1990. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for Formosan Subterranean Termites Research, ARS, New Orleans, LA.

SA 1991. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for Foundy Sand By-Products Utilization, ARS, Beltsville, MD.

SA 1992. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for genomics, ARS, University of Minnesota.

SA 1993. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Human Nutrition Research, ARS, Boston, MA.

SA 1994. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Human Nutrition Research, ARS, Houston, TX.

SA 1995. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Improved Crop Production Practices, ARS, Auburn, AL.

SA 1996. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Medicinal and Bioactive Crops, ARS, Washington, D.C.

SA 1997. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the National Bio and Agro Defense Facility, ARS, Manhattan, KS.

SA 1998. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the National Center for Agricultural Law, Agricultural Research Service, Beltsville, Maryland.

SA 1999. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the New England Plant, Soil, and Water Research Laboratory, Agricultural Research Service, Orono, Maine.

SA 2000. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the North Carolina Human Nutrition Center, Agricultural Research Service, Kannapolis, North Carolina.

SA 2001. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Northern Great Plains Research Laboratory, Agricultural Research Service, Mandan, North Dakota.

SA 2002. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Northwest Center for Small Fruits Research, Agricultural Research Service, Corvallis, Oregon.

SA 2003. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Pacific Basin Agricultural Research Center Staffing, Agricultural Research Service, Hilo, Hawaii.

SA 2004. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Phytoestrogen Research, Agricultural Research Service, New Orleans, Louisiana.

SA 2005. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Potato Diseases, Agricultural Research Service, Beltsville, Maryland.

SA 2006. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Poultry Diseases, Agricultural Research Service, Beltsville, Maryland.

SA 2007. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Seismic and Acoustic Technologies in Soils Sedimentation Laboratory, Agricultural Research Service, Oxford, Mississippi.

SA 2008. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Sorghum Research, Agricultural Research Service, Little Rock, Arkansas.

SA 2009. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Termite Species in Hawaii, Agricultural Research Service, New Orleans, Louisiana.

SA 2010. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Tropical Aquaculture Feeds, Agricultural Research Service, Hilo, Hawaii.

SA 2011. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Water Management Research Laboratory, Agricultural Research Service, Brawley, California.

SA 2012. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Water Use Reduction, ARS, Dawson, GA.

SA 2013. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for wild rice, ARS, St. Paul, MN.

SA 2014. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for an agricultural pest facility, APHIS Hawaii.

SA 2015. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for market development, Vermont Agency of Agriculture, Foods, and Markets.

SA 2016. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for market development, Wisconsin Department of Agriculture, Trade, and Consumer Protection.

SA 2017. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Phase II construction, National Center for Natural Products Research, Oxford, Mississippi.

SA 2018. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for speciality markets, Wisconsin Department of Agriculture, Trade, and Consumer Protection.

SA 2019. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for workforce development and out-migration, Kansas Farm Bureau Foundation.

SA 2020. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Childhood Farm Safety, Farm Safety 4 Just Kids, Urbandale, IA.

SA 2021. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Conservation Technology Transfer, University of Wisconsin Extension.

SA 2022. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for dairy education, Iowa State University.

SA 2023. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for E-commerce, Mississippi State University.

SA 2024. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for efficient irrigation, New Mexico State University, Texas AgriLife Research, College Station, TX.

SA 2025. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for an extension specialist, Mississippi State University.

SA 2026. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Food Production Education, Vermont Community Foundation, Middlebury, VT.

SA 2027. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for health education leadership, University of Kentucky Research Foundation.

SA 2028. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Institute for Sustainable Agriculture, University of Wisconsin-Madison.

SA 2029. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Invasive Phragmites Control and Outreach, Ducks Unlimited.

SA 2030. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Iowa Vitality Center, Iowa State University.

SA 2031. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Maine Cattle Health Assurance Program, Maine Department of Agriculture.

SA 2032. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the National Center for Farm Safety, Northeast Iowa Community College.

SA 2033. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food

and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for nutrition enhancement, University of Wisconsin Extension and Wisconsin Department of Public Institutions.

SA 2034. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Ohio-Israel Agriculture Initiative, The Negev Foundation, OH.

SA 2035. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for pilot technology transfer, Mississippi State University, Oklahoma State University.

SA 2036. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Potato Integrated Pest Management—Late Blight, University of Maine.

SA 2037. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for range improvement, New Mexico State University.

SA 2038. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for urban horticulture and marketing, Chicago Botanic Garden, Glencoe, IL.

SA 2039. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for urban horticulture, University of Wisconsin Extension and Growing Power.

SA 2040. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Veterinary Technology Satellite Program, Colby Community College.

SA 2041. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for agriculture-based industrial lubricants, University of Northern Iowa.

SA 2042. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for agriculture development in the American Pacific, University of Hawaii.

SA 2043. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for agriculture waste utilization, West Virginia State University.

SA 2044. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Animal Health Research and Diagnostics, Murray State University.

SA 2045. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for applied agriculture and environment research, California State University.

SA 2046. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for aquaculture, Cheyney University, PA.

SA 2047. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for biotechnology research, Alcorn State University, MS.

SA 2048. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for the Centers for Dairy and Beef Excellence, Pennsylvania Department of Agriculture.

SA 2049. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for Clemon University Veterinary Institute, SC.

SA 2050. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for cotton research, Texas Tech University.

SA 2051. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for the Council for Agriculture Science and Technology, Ames, IA.

SA 2052. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for ethnobotanicals, Frostburg State University, MD.

SA 2053. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for farmland preservation, The Ohio State University.

SA 2054. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for the Florida Biomass to Biofuels Conversion Program, University of Central Florida.

SA 2055. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for the International Center for Food Technology Development to Expand Markets, Purdue University.

SA 2056. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for the Kansas Biobased Polymer Initiative, Kansas Bioscience Authority.

SA 2057. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for medicinal and bioactive crops, Stephen S. Austin State University.

SA 2058. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for the Midwest Agribusiness Trade and Information Center (MATRIC), Iowa State University.

SA 2059. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7___. None of the funds made available under this Act may be used for Mississippi Valley State University.

SA 2060. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the New England Center for Invasive Plants, the University of Connecticut, the University of Vermont, and the University of Maine.

SA 2061. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for a PM–10 air quality study, Washington State University.

SA 2062. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for polymer research, Pittsburg State University, Kansas.

SA 2063. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for rural systems, Jackson State University, Mississippi.

SA 2064. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for shrimp aquaculture, University of Southern Mississippi.

SA 2065. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for viral hemorrhagic septicemia, Michigan Department of Natural Resources.

SA 2066. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for viral hemorrhagic septicemia, University of Toledo, Ohio.

SA 2067. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for water pollutants, Marshall University, West Virginia.

SA 2068. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for advanced genetic technologies, University of Kentucky Research Foundation.

SA 2069. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for advancing biofuel production, Baylor University, Texas.

SA 2070. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Aegilops cylindrica/biomass (jointed goatgrass), Washington State University.

SA 2071. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for agricultural diversification, University of Hawaii.

SA 2072. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for agricultural entrepreneurial alternatives, Pennsylvania State University.

SA 2073. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for agricultural science, The Ohio State University.

SA 2074. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for air quality, Kansas State University; Texas AgriLife Research, College Station, Texas.

SA 2075. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Animal Science Food Safety Consortium, University of Arkansas Division of Agriculture, Iowa State University, Kansas State University.

SA 2076. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for aquaculture product and marketing development, West Virginia University.

SA 2077. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for aquaculture, Louisiana State University Agricultural Center.

SA 2078. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for aquaculture, Mississippi Agricultural and Forestry Experiment Station.

SA 2079. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for avian bioscience, University of Delaware.

SA 2080. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Barley for Rural Development, Montana State University, University of Idaho.

SA 2081. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for bio energy production and carbon sequestration, University of Tennessee.

SA 2082. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for biodesign and processing, Virginia Tech University.

SA 2083. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for biomass-based energy research, Oklahoma State University, Mississippi State University.

SA 2084. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Brucellosis Vaccine, Montana State University.

SA 2085. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cataloging genes associated with drought and disease resistance, New Mexico State University.

SA 2086. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Center for One Medicine.

SA 2087. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Center for Rural Studies, University of Vermont College of Agriculture and Life Sciences.

SA 2088. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for childhood obesity and nutrition, University of Vermont College of Agriculture and Life Sciences.

SA 2089. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for citrus canker/greening, University of Florida.

SA 2090. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the competitiveness of agricultural products, Washington State University and the University of Washington.

SA 2091. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cool season legume research, North Dakota State University, University of Idaho, Washington State University.

SA 2092. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cotton insect management and fiber quality, University of Georgia.

SA 2093. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cranberry/blueberry disease and breeding, Rutgers, The State University of New Jersey.

SA 2094. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for cranberry/blueberry, University of Massachusetts crop integration and production, South Dakota State University.

SA 2095. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for dairy and meat goat research, Prairie View A&M University.

SA 2096. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for dairy farm profitability, Pennsylvania State University.

SA 2097. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Delta revitalization project, Mississippi State University.

SA 2098. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for drought mitigation, University of Nebraska.

SA 2099. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for efficient irrigation, New Mexico State University, Texas AgriLife Extension Service and Texas AgriLife Research, College Station, TX.

SA 2100. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for emerald ash borer, the Ohio State University.

SA 2101. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for environmentally safe products, University of Vermont College of Agriculture and Life Sciences.

SA 2102. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for floriculture, University of Hawaii.

SA 2103. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Food and Fuel Initiative, Iowa State University.

SA 2104. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Food and Agriculture Policy Institute.

SA 2105. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for forages for advancing livestock production, University of Kentucky.

SA 2106. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for fresh produce food safety, University of California.

SA 2107. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Genetically Enhanced Plants for Micro-nutrients and Genomics for Southern Crop Stress and Disease, Mississippi State University.

SA 2108. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for grain sorghum, Kansas State University.

SA 2109. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for grass seed cropping systems for sustainable agriculture, Oregon State University, Washington State University.

SA 2110. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for high performance computing, Utah State University.

SA 2111. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for human nutrition, Pennington Biomedical Research Center, Baton Rouge, LA.

SA 2112. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for infectious disease research, Colorado State University.

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for infectious disease research, Colorado State University.

SA 2113. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for inland marine aquaculture, Virginia Tech University.

SA 2114. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Institute for Food Science and Engineering, University of Arkansas.

SA 2115. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the integrated economic, environmental, and technical analysis of sustainable biomass energy systems, Purdue University.

SA 2116. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for invasive plant management, Montana State University.

SA 2117. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Joint U.S. China Biotechnology Research and Extension, Utah State University.

SA 2118. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Leopold Center hypoxia project, Iowa State University.

SA 2119. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for livestock and dairy policy, Cornell University, NY.

SA 2120. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for maple research at the University of Vermont College of Agriculture and Life Sciences.

SA 2121. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Midwest Center for Bioenergy Grasses at Purdue University.

SA 2122. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Midwest poultry consortium at Iowa State University.

SA 2123. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for milk safety at Pennsylvania State University.

SA 2124. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the national beef cattle genetic evaluation consortium at Colorado State University, Cornell University, or University of Georgia.

SA 2125. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for rgw National Center for Soybean Technology at University of Missouri-Columbia.

SA 2126. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for nematode resistance genetic engineering at New Mexico State University.

SA 2127. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Nevada arid rangelands initiative at the University of Nevada Reno.

SA 2128. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the New Century Farm at Iowa State University.

SA 2129. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for new crop opportunities in Lexington, Kentucky.

SA 2130. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for new satellite and computer-based technology for agriculture at Mississippi State University.

SA 2131. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for obtaining oil resources from desert plants at New Mexico State University.

SA 2132. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for organic cropping at Oregon State University.

SA 2133. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for organic cropping at Washington State University.

SA 2134. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for organic waste utilization at New Mexico State University.

SA 2135. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Pierce's disease at the University of California.

SA 2136. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for policy analyses for a National Secure and Sustainable Food, Fiber, Forestry and Energy Program at Texas AgriLife Research in College Station, Texas.

SA 2137. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for potato research at the Oregon State University, University of Idaho, Washington State University, or University of Maine.

SA 2138. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for precision agriculture at the University of Kentucky Research Foundation.

SA 2139. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for preharvest food safety at Kansas State University.

SA 2140. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for protein utilization at Iowa State University.

SA 2141. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for rangeland ecosystems dynamics at the University of Idaho.

SA 2142. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for renewable energy and products at North Dakota State University.

SA 2143. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the ruminant nutrition consortium at South Dakota State University.

SA 2144. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Rural Policies Research Institute.

SA 2145. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Russian wheat aphid at Colorado State University.

SA 2146. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for seed technology at South Dakota State University.

SA 2147. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for small fruit research at Oregon State University, University of Idaho, or Washington State University.

SA 2148. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for soilborne disease prevention in irrigated agriculture at New Mexico State University.

SA 2149. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Southern Great Plains Dairy Consortium at New Mexico State University.

SA 2150. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the soybean cyst nematode at the University of Missouri.

SA 2151. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for soybean research at the National Soybean Research Laboratory at the University of Illinois.

SA 2152. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for specialty crops at the University of Arkansas Division of Agriculture.

SA 2153. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for sustainable agriculture and natural resources at Pennsylvania State University.

SA 2154. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for sustainable beef supply at Montana State University.

SA 2155. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for obtaining sustainable engineered materials from renewable resources at Virginia Tech.

SA 2156. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for sustainable production and processing research for lowbush specialty crops at the University of Maine.

SA 2157. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for tillage, silviculture, or waste management at Louisiana State University.

SA 2158. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for tropical and subtropical research or T STAR at the University of Hawaii.

SA 2159. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the virtual plant database enhancement project at the Missouri Botanical Garden.

SA 2160. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for virus-free wine grape cultivars at the Wine Grape Foundation Block at Washington State University.

SA 2161. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for viticulture consortium, University of California.

SA 2162. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for water conservation, Kansas State University.

SA 2163. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for wetland plants, Louisiana State University.

SA 2164. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for wheat genetic research, Kansas State University.

SA 2165. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Wildlife/Livestock Disease Research Partnership, WY.

SA 2166. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for wood utilization (ID, LA, ME, MI, MN, MS, NC, OR, WV).

SA 2167. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the World Food and Health Initiative (IL).

SA 2168. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Accelerated Soil Mapping Survey, NRCS Wyoming.

SA 2169. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Agricultural Development and Resource Conservation, Hawaii RC&D Councils.

SA 2170. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Agricultural Wildlife Conservation Center, MS.

SA 2171. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Appropriate Wetland and Wet-Mesic Species, Tallgrass Prairie Center, University of Northern Iowa.

SA 2172. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Center for Invasive Species Eradication, Texas AgriLife Research, College Station, TX.

SA 2173. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Certified Environmental Management Systems for Agriculture, Iowa Soybean Association.

SA 2174. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Chenier Plain Sustainability Initiative, McNeese State University.

SA 2175. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Conservation Fuels Management and Restoration, Wildfire Support Group, Nevada.

SA 2176. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Conservation Internships, Wisconsin Land and Water Conservation Association.

SA 2177. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Conservation Technical Assistance, Natural Resources Conservation Service, New Jersey.

SA 2178. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Conservation Technical Assistance, Natural Resources Conservation Service, Tennessee.

SA 2179. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Conservation Technology Transfer, University of Wisconsin.

SA 2180. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Delta Conservation Demonstration, Washington County, Mississippi.

SA 2181. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Delta Water Study, Natural Resources Conservation Service, Mississippi.

SA 2182. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Farm Viability Program, Vermont Housing and Conservation Board.

SA 2183. Mr. MCCAIN submitted an amendment intended to be proposed to

amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Georgia Soil and Water Conservation Commission Cooperative Agreement.

SA 2184. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Gilbert M. Grosvenor Center for Geographic Education Watershed Project, Texas State University.

SA 2185. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Grazing Land Conservation Initiative, Natural Resources Conservation Service, Wisconsin.

SA 2186. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Great Lakes Basin Soil and Erosion Control, Great Lakes Commission.

SA 2187. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Great Plain Riparian Initiative, National Wild Turkey Federation.

SA 2188. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Green River Water Quality and Biological Diversity Project, Western Kentucky Research Foundation.

SA 2189. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Hungry Canyons Alliance, IA.

SA 2190. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Illinois Conservation Initiative, Illinois Department of Natural Resources.

SA 2191. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Kentucky Soil Erosion Control, NRCS Kentucky.

SA 2192. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Mississippi Conservation Initiative, NRCS Mississippi.

SA 2193. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Municipal Water District of Orange County for Efficient Irrigation, CA.

SA 2194. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for nitrate pollution reduction, NRCS Rhode Island.

SA 2195. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Operation Oak Program, National Wild Turkey Federation.

SA 2196. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Phosphorous Loading in Lake Champlain, Poultney Conservation District.

SA 2197. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Phosphorous Reduction Cooperative Agreement, Kansas Livestock Foundation.

SA 2198. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Potomac River Tributary Strategy, NRCS West Virginia.

SA 2199. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for riparian restoration along the Rio Grande, Pecos, and Canadian Rivers, New Mexico Association of Soil and Water Conservation Districts.

SA 2200. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Risk Management Initiative, NRCS West Virginia.

SA 2201. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Soil Phosphorus Studies, NRCS West Virginia.

SA 2202. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Soil Surveys, NRCS Rhode Island.

SA 2203. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for technical assistance grants to Kentucky Soil Conservation Districts, Kentucky Division of Conservation.

SA 2204. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the UMASS-Amherst Ecological Conservation Initiative, MA.

SA 2205. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Utah Conservation Initiative, NRCS Utah.

SA 2206. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Watershed Demonstration Project, Iowa Soybean Association.

SA 2207. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Watershed Planning Staff, NRCS Pacific Island Area.

SA 2208. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Yankee Tank Dam, NRCS Kansas.

SA 2209. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Ashley Valley Flood Control, Uintah County, UT.

SA 2210. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Dry Creek Watershed, City of Rocklin, CA.

SA 2211. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Dunloup Creek Watershed Project, NRCS West Virginia.

SA 2212. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the DuPage County Watershed, IL.

SA 2213. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Lahaina Watershed, NRCS Hawaii.

SA 2214. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Lost River, NRCS West Virginia.

SA 2215. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Lower Hamakua Ditch Watershed, NRCS Hawaii.

SA 2216. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Missouri Watershed Projects, NRCS Missouri.

SA 2217. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Pocasset River Watershed, NRCS Rhode Island.

SA 2218. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Upcountry Maui Watershed, NRCS Hawaii.

SA 2219. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for the Upper Clark Fork Watershed, Watershed Restoration Coalition, MT.

SA 2220. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Wailuku-Alenaio, NRCS Hawaii.

SA 2221. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used for Appropriate Technology Transfer for Rural Areas, National Center for Appropriate Technology.

SA 2222. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

On page 26, after line 20, add the following:

SEC. 9. SENSE OF THE SENATE ON MEDICARE AND MEDICAID SAVINGS AND MEDICAID EXPANSION.

(a) FINDINGS.—The Senate finds that—

(1) the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) is projected to be insolvent by 2017; and

(2) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is currently the largest source of general revenue spending on health care for both the Federal government and the States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) any savings under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) should be invested back into the Medicare program, rather than creating new entitlement programs; and

(2) the Federal Government should not expand the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in a manner that imposes an unfunded mandate on States when State budgets are already heavily burdened by federally imposed requirements that force those budgets into the red.

SA 2223. Mr. SESSIONS proposed an amendment to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; as follows:

Strike all after the enacting caluse and replace:

SECTION 1. FUNDING OF THE HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2), and

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

''(2) INCREASE IN FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation) to the Highway Trust Fund $7,000,000,000.''.

SEC. 2. ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS.

The item relating to ''Department of Labor—Employment and Training Administration—Advances to the Unemployment Trust Fund and Other Funds'' in title I of division F of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 754) is amended by striking ''to remain available through September 30, 2010'' and all that follows (before the heading for the following item) and inserting ''such sums as may be necessary''.

SEC. 3. FHA MORTGAGE INSURANCE COMMITMENT AUTHORITY.

The item relating to ''Federal Housing Administration—Mutual Mortgage Insurance Program Account'' in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 966) is amended by striking ''$315,000,000,000'' and inserting ''$400,000,000,000''.

SEC. 4. GNMA MORTGAGE-BACKED SECURITIES GUARANTEE COMMITMENT AUTHORITY

The item relating to ''Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account'' in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 967) is amended by striking ''$300,000,000,000'' and inserting ''$400,000,000,000''.

SEC. 5. USE OF STIMULUS FUNDS TO OFFSET APPROPRIATION OF FUNDS.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is rescinded pro rata such that the aggregate amount of such rescissions equals the aggregate amount appropriated under the amendments made by this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 2224. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, between lines 13 and 14, insert the following:

(3) The unincorporated community of Bolton Lakes Regional Water Pollution Control Authority Area in Vernon and Bolton, Connecticut, to be a rural area for the purposes of eligibility for water or waste disposal grants and direct or guaranteed loans described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(2))).

SA 2225. Mrs. MURRAY (for herself and Mr. BAUCUS) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

SA 2226. Mr. NELSON of Florida (for himself, Mr. REID, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 745. No agency or department of the United States may use funds made available under this Act to enforce a travel or conference policy that prohibits an event from being held in a certain location based on a perception that the location is a resort or vacation destination.

SA 2227. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. (a) Section 384E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-4) is amended by adding at the end the following:

''(e) INVESTMENT LIMITATIONS.—A rural business investment company participating in the program established under this subtitle may not issue debentures guaranteed by the Secretary for any 1 company in an aggregate amount that is more than 10 percent of the sum of—

''(1) the regulatory capital of the rural business investment company; and

''(2) the total amount of financial assistance provided to the rural business investment company by the Secretary through purchase or guarantee of the debentures of the rural business investment company as of the date on which the Secretary granted final approval to the rural business investment company to participate in the program under this subtitle.''.

(b) Section 384E(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-4(d)) is amended by striking ''Under'' and inserting ''Subject to subsection (e), under''.

SA 2228. Mr. NELSON of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1023, to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. __. LIMITATION ON CERTAIN TRAVEL AND CONFERENCES POLICIES.

No agency or department of the United States may establish a travel or conference policy that takes into account the perception of a location as a resort or vacation destination in determining the location for an event.

SA 2229. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. (a) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of rare diseases: *Provided*, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further*, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of rare diseases, including specific expertise in developing or carrying out clinical trials.

(b) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of neglected diseases of the developing world: *Provided*, That the Commissioner of Food and Drugs shall appoint 8 individuals employed by the Food and Drug Administration to serve on the review group: *Provided further*, That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of neglected diseases of the developing world, including specific expertise in developing or carrying out clinical trials: *Provided further*, That for the purposes of this section the term ''neglected disease of the developing world'' means a tropical disease, as defined in section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(a)(3)).

(c) The Commissioner of Food and Drugs shall—

(1) submit, not later than 1 year after the date of the enactment of this Act, a report to

Congress that describes both the findings and recommendations made by the review groups under subsections (a) and (b);

(2) issue, not later than 180 days after submission of the report to Congress under paragraph (1), guidance based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world; and

(3) develop, not later than 180 days after submission of the report to Congress under paragraph (1), internal review standards based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world.

SA 2230. Mr. KOHL (for Mr. TESTER) proposed an amendment to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 17, beginning on line 17, strike ''$14,607,000'' and all that follows through ''program'' on line 18 and insert the following: ''$7,300,000 shall be for a National Animal Identification program and may only be used for ongoing activities and purposes (as of the date of enactment of this Act) relating to proposed rulemaking for that program under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act')''.

SA 2231. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used to relocate the Arthropod-Borne Animal Diseases Research Laboratory from the location of the laboratory as of the date of enactment of this Act.

SA 2232. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 1908 submitted by Mr. KOHL (for himself and Mr. BROWNBACK) to the bill H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 7____. None of the funds made available under this Act may be used to relocate the Arthropod-Borne Animal Diseases Research Laboratory from the location of the laboratory as of the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 30, 2009, at 9:30 a.m.

The PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 30, 2009 at 10 a.m., to conduct a hearing entitled ''Minimizing Potential Threats from Iran: Assessing Economic Sanctions and Other U.S. Policy Options.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, July 30, 2009, at 2 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 30, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 30, 2009, at 10 a.m., to hold a hearing entitled ''Toward a Comprehensive Strategy in Sudan.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, July 30, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, July 30, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution, be authorized to meet during the session of the Senate, on July 30, 2009, at 2 p.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the Public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, August 6, 2009, at 10:00 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of John R. Norris, to be a Member of the Federal Energy Regulatory Commission, Jose Antonio Garcia, to be Director of the Office of Minority Economic Impact, Department of Energy, and Joseph G. Pizarchik, to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150.

For further information, please contact Sam Fowler or Amanda Kelly.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Tuesday, August 4, 2009, at 2:45 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations and legislation.

For further information, please contact Sam Fowler or Amanda Kelly.

PRIVILEGES OF THE FLOOR

Mr. BROWN. Mr. President, on behalf of Senator BINGAMAN I ask unanimous consent that Paul Stauder, Lindsey Frick, Lauren Harding, Conor Sanchez, Jose Campos, and Laura Stayman be granted the privilege of the floor during the pendency of H.R. 3357 and all amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Landon Fulmer, Andrew Lustig, Rachana Chhin, Sara Foley, Carrie Pennewell, Luis Chimbo, May Davis, and Hannah Robinow be granted the privilege of the floor for the duration of the debate on the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Greg Deschler of my Finance Committee staff be given the privilege of the floor during the remainder of July 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that Andrea Harris and Andrew Garrett, staff in Senator KENNEDY's office, be granted floor privileges for today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Wednesday, July 29, 2009, the Senate passed H.R. 3183, as amended, as follows:

H.R. 3183

Resolved, That the bill from the House of Representatives (H.R. 3183) entitled ''An Act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

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

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $170,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,924,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Markland Locks and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: Provided, That the Chief of Engineers is directed to use $18,000,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Chief of Engineers is directed to use $1,500,000 of funds available for the Greenbrier Basin, Marlinton, West Virginia, Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and initiate construction of the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008: Provided further, That the Federal and non-Federal shares shall be determined in accordance with the ability-to-pay provisions prescribed in section 103(m) of the Water Resources Development Act of 1986, as amended: Provided further, That the Chief of Engineers is directed to use $2,750,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use $4,000,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That none of the funds made available by this Act may be used to carry out any portion of the Delaware River Main Channel Deepening Project identified in the committee report accompanying this Act that is located in the State of Delaware until the date on which the government of the State of Delaware issues an applicable project permit for the Delaware River Main Channel Deepening Project.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $340,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: Provided, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $10,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,450,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104–303), shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate; and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.

REGULATORY PROGRAM

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

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers, and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $186,000,000, to remain available until expended, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision

and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

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

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: Provided, That for a base level less than $100,000, the reprogramming limit is $25,000: Provided further, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: Provided, That for a base level less than $2,000,000, the reprogramming limit is $300,000: Provided further, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount a limit of $5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than $1,000,000, the reprogramming limit is $150,000: Provided further, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, 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 appropriations; and

(3) An identification of items of special congressional interest.

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

SEC. 103. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY

SEC. 104. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 105. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development shall be used to award any continuing contract that commits additional funding from the Inland Waterway Trust Fund unless or until such time that a permanent solution long-term mechanism to enhance revenues in the fund is enacted.

SEC. 106. Section 592(g) of Public Law 106–53 (113 Stat. 380), as amended by section 120 of Public Law 108–137 (117 Stat. 1837) and section 5097 of Public Law 110–114 (121 Stat. 1233), is further amended by striking ''$110,000,000'' and inserting ''$200,000,000'' in lieu thereof.

SEC. 107. The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3666), is modified to authorize the Secretary to construct the project at an estimated total cost of $53,500,000, with an estimated Federal cost of $37,700,000 and an estimated non-Federal cost of $15,800,000.

SEC. 108. Section 595(h) of Public Law 106–53 (113 Stat. 384), as amended by section 5067 of Public Law 110–114 (121 Stat. 1219), is further amended by—

(1) striking the phrase ''$25,000,000 for each of Montana and New Mexico'' and inserting the following language in lieu thereof: ''$75,000,000 for Montana, $25,000,000 for New Mexico''; and

(2) striking ''$50,000,000'' and inserting ''$100,000,000'' in lieu thereof.

SEC. 109. The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines Iowa, authorized by section 1001(21) of the Water Resources Development Act of 2007 (121 Stat. 1053), is modified to authorize the Secretary to construct the project at a total cost of $16,500,000 with an estimated Federal cost of $10,725,000 and an estimated non-Federal cost of $5,775,000.

SEC. 110. The project for flood damage reduction, Breckenridge, Minnesota, authorized by section 320 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2605), is modified to authorize the Secretary to construct the project at a total cost of $39,360,000 with an estimated Federal cost of $25,000,000 and an estimated non-Federal cost of $14,360,000.

SEC. 111. Section 122 of title I of division D of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; 117 Stat. 141) is amended by striking ''$10,000,000'' and inserting ''$27,000,000'' in lieu thereof.

SEC. 112. The Secretary of the Army is authorized to carry out structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, including relocation of affected communities and construction of replacement facilities: Provided, That the non-Federal share of any project carried out pursuant to this section shall be no more than 35 percent of the total cost of the project and shall be subject to the ability of the non-Federal interest to pay, as determined in accordance with 33 U.S.C. 2213(m).

SEC. 113. Section 3111(1) of the Water Resources Development Act, 2007 (Public Law 110–114; 121 Stat. 1041) is amended by inserting after the word ''before'', the following: '', on and after''.

SEC. 114. The flood control project for West Sacramento, California, authorized by section 101(4), Water Resources Development Act, 1992, Public Law 102–580; Energy and Water Development Appropriations Act, 1999, Public Law 105–245, is modified to authorize the Secretary of Army, acting through the Chief of Engineers, to construct the project at a total cost of $53,040,000 with an estimated first Federal cost of $38,355,000 and an estimated non-Federal first cost of $14,685,000.

(RESCISSION)

SEC. 115. The amount of $2,100,000 made available in division C, of Public Law 111–8, under the heading ''Mississippi River and Tributaries'' for site restoration of the St. Johns Bayou-New Madrid Floodway, Missouri, project less any funds needed for contract termination, are hereby rescinded and $2,100,000 is appropriated under the heading ''Mississippi River and Tributaries'' for the Mississippi Channel Improvement, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee construction project.

(RESCISSION)

SEC. 116. The amount of $1,800,000 made available in division C, of Public Law 111–8, under the heading ''Construction, General'' for site restoration of the St. Johns Bayou-New Madrid Floodway, Missouri, project less any funds needed for contract termination, and are hereby rescinded and $1,800,000 is appropriated under the heading ''Construction, General'' for section 206 (Public Law 104–303), Aquatic Ecosystem Restoration, as amended.

PROJECT FOR PERMANENT PUMPS AND CLOSURE STRUCTURES, LAKE PONTCHARTRAIN, LOUISIANA

SEC. 117. (a) DEFINITIONS.—In this section:

(1) PROJECT.—The term ''project'' means the project for permanent pumps and closure structures at or near the lakefront at Lake Pontchartrain and modifications to the 17th Street, Orleans Avenue, and London Avenue canals in and near the city of New Orleans that is—

(A) authorized by the matter under the heading ''GENERAL PROJECTS'' in section 204 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1279); and

(iii) the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2349).

(2) PUMPING STATION REPORT.—The term ''pumping station report'' means the report—

(A) prepared by the Secretary that contains the results of the investigation required under section 4303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 154); and

(B) dated August 30, 2007.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(b) STUDY.—

(1) IN GENERAL.—In implementing the project, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a study of the residual risks associated with the options identified as ''Option 1'', ''Option 2'', and ''Option 2a'', as described in the pumping station report.

(2) REQUIREMENTS.—In carrying out the study under paragraph (1), the Secretary shall identify which option described in that paragraph—

(A) is most technically advantageous;

(B) is most effective from an operational perspective in providing the greatest long-term reliability in reducing the risk of flooding to the New Orleans area;

(C) is most advantageous considering the engineering challenges and construction complexities of each option; and

(D) is most cost-effective.

(3) INDEPENDENT EXTERNAL PEER REVIEW.—

(A) DUTY OF SECRETARY.—In accordance with Section 2034 of the Water Resource Development Act of 2007, the Chief shall carry out an independent external peer review of—

(i) the results of the study under paragraph (1); and

(ii) each cost estimate completed for each option described in paragraph (1).

(B) REPORT.—

(i) IN GENERAL.—Not later than 90 days after the date of completion of the independent external peer review under subparagraph (A), in accordance with clause (ii), the Secretary shall submit a report to—

(I) the Committee on Environment and Public Works of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Transportation and Infrastructure of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(ii) CONTENTS.—The report described in clause (i) shall contain—

(I) the results of the study described in paragraph (1);

(II) a description of the findings of the independent external peer review carried out under subparagraph (A); and

(III) a written response for any recommendations adopted or not adopted from the peer review.

(4) SUSPENSION OF CERTAIN ACTIVITIES.—The Secretary shall suspend each activity of the Secretary that would result in the design and construction of any pumping station covered by the pumping station report unless the activity is consistent with each option described in paragraph (1).

(5) FEASIBILITY REPORT.—Within 18 months of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains a feasibility level of analysis (including a cost estimate) for the project, as modified under this subsection.

(6) FUNDING.—In carrying out this subsection, the Secretary shall use amounts made available to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront in the first proviso in the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454).

TEN MILE CREEK WATER PRESERVE AREA

SEC. 118. Section 528(b)(3)(C)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3769; 121 Stat. 1270) is amended—

(1) in subclause (I), by striking ''subclause (II)'' and inserting ''subclauses (II) and (III)''; and

(2) by adding at the end the following:

''(III) TEN MILE CREEK WATER PRESERVE AREA.—The Federal share of the cost of the Ten Mile Creek Water Preserve Area may exceed $25,000,000 by an amount equal to not more than $3,500,000, which shall be used to pay the Federal share of the cost of—

''(aa) the completion of a post authorization change report; and

''(bb) the maintenance of the Ten Mile Creek Water Preserve Area in caretaker status through fiscal year 2013.''.

SEC. 119. As soon as practicable after the date of enactment of this Act, from funds made available before the date of enactment of this Act for the Tampa Harbor Big Bend Channel project, the Secretary of the Army may reimburse the non-Federal sponsor of the Tampa Harbor Big Bend Channel project for the Federal share of the dredging work carried out for the project.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

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

BUREAU OF RECLAMATION

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

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $993,125,000, to remain available until expended, of which $53,240,000 shall be available for transfer to the Upper Colorado River Basin Fund and $17,936,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

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

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $41,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for programwide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $61,200,000, to be derived from the Reclamation Fund and be

nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

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

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

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

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

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

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

SEC. 205. Section 9 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106–382; 114 Stat. 1457) is amended by striking ''over a period of 10 fiscal years'' each place it appears in subsections (a)(1) and (b) and inserting ''through fiscal year 2015''.

SEC. 206. Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268), is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) through (iv) of subparagraph (B) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(C) by striking ''(a)(1) Using'' and inserting the following:

''(a) ACTION BY SECRETARY.—

''(1) PROVISION OF FUNDS.—

''(A) IN GENERAL.—Using'';

(D) in subparagraph (A) (as so redesignated)—

(i) in the matter preceding clause (i) (as so redesignated), by inserting ''or the National Fish and Wildlife Foundation'' after ''University of Nevada'';

(ii) in clause (i) (as so redesignated), by striking '', Nevada; and'' and inserting a semicolon;

(iii) in clause (ii)(IV) (as so redesignated), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out—

''(I) under clause (i); and

''(II) in conjunction with willing landowners.''; and

(E) by adding at the end the following:

''(B) NATIONAL FISH AND WILDLIFE FOUNDATION.—

''(i) DATE OF PROVISION.—The Secretary shall provide funds to the National Fish and Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount—

''(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or

''(II) as soon as practicable after that date of enactment.

''(ii) REQUIREMENTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

''(II) EXCEPTIONS.—Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i).''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (1)(A)'' and all that follows through ''beneficial to—'' and inserting ''paragraph (1)(A)(i), the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to—''; and

(B) in subparagraph (A), by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)(ii)''.

SEC. 207. Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.''.

SEC. 208. (a) Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, in accordance with section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268), and subject to subsection (b), $66,200,000 to establish the Walker Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and

(2) allocate—

(A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, $2,000,000, to remain available until expended, for—

(i) the acquisition of land surrounding Independence Lake; and

(ii) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization;

(B) $5,000,000 to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101–618; 104 Stat. 3289);

(C) $1,500,000, to be divided equally by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities; and

(D) $1,000,000 to the United States Geological Survey to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a water monitoring program for the Walker River Basin.

(b)(1) The amount made available under subsection (a)(1) shall be—

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts

to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

(i) $25,000,000 to the Walker River Irrigation District, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation—

(I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and

(II) for use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program.

(ii) $25,000,000 to advance the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268).

(iii) $1,000,000 for activities relating to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired under the program.

(iv) $10,000,000 for associated conservation and stewardship activities, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program.

(v) $5,000,000 to the University of Nevada, Reno, and the Desert Research Institute—

(I) for additional research to supplement the water rights research conducted under section 208(a)(1)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268);

(II) to conduct an annual evaluation of the results of the activities carried out under clauses (i) and (ii); and

(III) to support and provide information to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.

(vi) $200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon County, Nevada, that promote water conservation in the Walker River Basin.

(2)(A) The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation—

(i) in an advance payment of the entire amount—

(I) on the date of enactment of this Act; or

(II) as soon as practicable after that date of enactment; and

(ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).

SEC. 209. Notwithstanding the provisions of section 11(c) of Public Law 89–108, as amended by section 9 of Public Law 99–294, the Commissioner is directed to modify the April 9, 2002, Grant Agreement Between Bureau of Reclamation and North Dakota Natural Resources Trust to provide funding for the Trust to continue its investment program/Agreement No. 02FG601633 to authorize the North Dakota Natural Resources Trust Board of Directors to expend all or any portion of the funding allocation received pursuant to section 11(a)(2)(B) of the Dakota Water Resources Act of 2000 for the purpose of operations of the Natural Resource Trust whether such amounts are principal or received as investment income: Provided, That operational expenses that may be funded from the principal allocation shall not exceed 105 percent of the previous fiscal year's operating costs: Provided further, That the Commissioner of Reclamation is authorized to include in such modified agreement with the Trust authorized under this section appropriate provisions regarding the repayment of any funds that constitute principal from the Trust Funds.

SEC. 210. Title I of Public Law 108–361 is amended by striking ''2010'' wherever it appears and inserting ''2015'' in lieu thereof.

SEC. 211. (a) Section 3405(a)(1)(M) of Public Law 102–575 (106 Stat. 4709) is amended by striking ''countries'' and inserting ''counties''.

(b) A transfer of water between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor, approved during a two-year period beginning on the date of enactment of this Act shall, be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405(a)(1) of Public Law 102–575 (106 Stat. 4709) if the transfer under this clause—

(1) does not interfere with the San Joaquin River Restoration Settlement Act (part I of subtitle A of title X of Public Law 111–11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement), and the Settlement (as defined in section 10003 of that Act); and

(2) is completed by September 30, 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize, and implement the applicable draft recovery plan for the Giant Garter Snake (Thamnophis gigas).

SEC. 212. Section 805(a)(2) of Public Law 106–541 (114 Stat. 2704) is amended by striking ''2010'' each place it appears and inserting ''2013''.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,233,967,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, $148,075,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Energy Efficiency and Renewable Energy Projects'' in the report of the Committee on Appropriations of the United States Senate to accompany this Act: Provided further, That within existing funds for industrial technologies $15,000,000 shall be used to make technical assistance grants under subsection (b) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(b)). Of the $85,000,000 provided under the wind energy subaccount under the Energy Efficiency & Renewable Energy, up to $8,000,000 shall be competitively awarded to universities for turbine and equipment purchases for the purposes of studying turbine to turbine wake interaction, wind farm interaction, and wind energy efficiencies, provided that such equipment shall not be used for merchant power production.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $179,483,000, to remain available until expended: Provided, That, within the funding available funding the Secretary shall establish an independent national energy sector cyber security organization to institute research, development and deployment priorities, including policies and protocol to ensure the effective deployment of tested and validated technology and software controls to protect the bulk power electric grid and integration of smart grid technology to enhance the security of the electricity grid: Provided further, That within 60 days of enactment, the Secretary shall invite applications from qualified entities for the purpose of forming and governing a national energy sector cyber organization that have the knowledge and capacity to focus cyber security research and development and to identify and disseminate best practices; organize the collection, analysis and dissemination of infrastructure vulnerabilities and threats; work cooperatively with the Department of Energy and other Federal agencies to identify areas where Federal agencies with jurisdiction may best support efforts to enhance security of the bulk power electric grid: Provided further, That, of the amount appropriated in this paragraph, $6,475,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Electricity Delivery and Energy Reliability Projects'' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

NUCLEAR ENERGY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 36 passenger motor vehicles, including one ambulance, all for replacement only, $761,274,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, $2,000,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Nuclear Energy Projects'' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $699,200,000, to remain available until expended: Provided, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: Provided further,

That, of the amount appropriated in this paragraph, $27,300,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Fossil Energy Projects'' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $23,627,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $259,073,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $11,300,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $110,595,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $259,829,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $588,322,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 50 passenger motor vehicles for replacement only, including one law enforcement vehicle, two ambulances, and three buses, $4,898,832,000, to remain available until expended: Provided, That, of the amount appropriated in this paragraph, $41,150,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Science Projects'' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the ''NWPA''), $98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: Provided, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 2.54 percent shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPA: Provided further, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPA, 0.51 percent shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of the NWPA: Provided further, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 4.57 percent shall be provided to affected units of local government, as defined in the NWPA, to conduct appropriate activities and participate in licensing activities under Section 116(c) of the NWPA: Provided further, That of the amounts provided to affected units of local government, 7.5 percent of the funds provided for the affected units of local government shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada affected units of local government: Provided further, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 0.25 percent shall be provided to the affected Federally-recognized Indian tribes, as defined in the NWPA, solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPA: Provided further, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: Provided further, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: Provided further, That 4.57 percent of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities shall be provided to Nye County, Nevada, as payment equal to taxes under section 116(c)(3) of the NWPA: Provided further, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada, each affected Federally-recognized Indian tribe, and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPA and this Act: Provided further, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPA, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: Provided further, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That for necessary administrative expenses to carry out this Loan Guarantee program, $43,000,000 is appropriated, to remain available until expended: Provided further, That $43,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2010 appropriations from the general fund estimated at not more than $0: Provided further, That, in administering amounts made available by prior Acts for projects covered by title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), the Secretary of Energy is required by that title to consider low-risk finance programs that substantially reduce or eliminate upfront costs for building owners to renovate or retrofit existing buildings to install energy efficiency or renewable energy technologies as eligible for loan guarantees authorized under sections 1703 and 1705 of that Act (42 U.S.C. 16513, 16516).

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $20,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for Departmental Administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $293,684,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $119,740,000 in fiscal year 2010 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2010, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $173,944,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $51,927,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization

Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance; $6,468,267,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,136,709,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $973,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $420,754,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement only, $5,763,856,000, to remain available until expended, of which $463,000,000 shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund'': Provided, That, of the amount appropriated in this paragraph, $4,000,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Defense Environmental Cleanup Projects'' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, $854,468,000, to remain available until expended: Provided, That of the amount appropriated in this paragraph, $2,000,000 shall be used for projects specified in the table that appears under the heading ''Congressionally Directed Other Defense Activities Projects'' in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $98,400,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2010, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $7,638,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $70,806,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That notwithstanding the provisions of 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southeastern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $44,944,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $31,868,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $13,076,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $38,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500,000; $256,711,000 to remain available until expended, of which $245,216,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $147,530,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $109,181,000, of which $97,686,000 is derived from the Reclamation Fund: Provided further, That of the amount herein appropriated, $7,584,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding 31 U.S.C. 3302, up to $349,807,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That of the amount herein appropriated, up to $18,612,000 is provided on a nonreimbursable basis for environmental remediation at the Basic Substation site in Henderson, Nevada: Provided further, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with

such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $2,348,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $220,000: Provided further, That notwithstanding the provisions of section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended, and 31 U.S.C. 3302, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $298,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $298,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2010 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 302. None of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees; or

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 307. Of the funds made available by the Department of Energy for activities at Government-owned, contractor-operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory directed research and development: Provided, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development.

SEC. 308. Not to exceed 5 per centum, or $100,000,000, of any appropriation, whichever is less, made available for Department of Energy activities funded in this Act or subsequent Energy and Water Development Appropriations Acts may hereafter be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and request of such transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 309. (a) Subject to subsection (b), no funds appropriated or otherwise made available by this Act or any other Act may be used to record transactions relating to the increase in borrowing authority or bonds outstanding at any time under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.) referred to in section 401 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140) under a funding account, subaccount, or fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol.

(b) Funds appropriated or otherwise made available by this Act or any other Act may be used to ensure, for purposes of meeting any applicable reporting provisions of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115), that the Bonneville Power Administration uses a fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol solely to report accrued expenditures of projects attributed by the Administrator of the Bonneville Power Administration to the increased borrowing authority.

(c) This section is effective for fiscal year 2010 and subsequent fiscal years.

SEC. 310. None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, Other Transaction Agreement, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: Provided, That if the Secretary of the Department of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued.

SEC. 311. (a) In any fiscal year in which the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than 1 percent from each appropriation made available in this and subsequent Energy and Water Development Appropriation Acts to any other appropriation available to the Secretary in the same Act for such reimbursements.

(b) Where the Secretary recovers the costs of defined benefit pension plans for contractor employees through charges for the indirect costs of research and activities at facilities of the Department of Energy, if the indirect costs attributable to defined benefit pension plan costs in a fiscal year are more than charges in fiscal year 2008, the Secretary shall carry out a transfer of funds under this section.

(c) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer, and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for the Power Marketing Administrations, the title XVII loan guarantee program, and the Federal Energy Regulatory Commission, shall not be subject to this requirement.

(d) Each January, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on the state of defined benefit pension plan liabilities in the Department for the preceding year.

(e) This transfer authority does not apply to supplemental appropriations, and is in addition to any other transfer authority provided in this or any other Act. The authority provided under this section shall expire on September 30, 2015.

AUTHORITY OF NUCLEAR REGULATORY COMMISSION

SEC. 312. The Nuclear Regulatory Commission may use funds made available for the necessary expenses of the Nuclear Regulatory Commission for the acquisition and lease of additional office space provided by the General Services Administration in accordance with the fourth and fifth provisos in the matter under the heading ''SALARIES AND EXPENSES'' under the heading ''NUCLEAR REGULATORY COMMISSION'' under the heading ''INDEPENDENT AGENCIES'' of title IV of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 629).

SEC. 313. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Energy to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 314. (a) Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this title for the Strategic Petroleum Reserve may be made available to any person that as of the enactment of this Act—

(1) is selling refined petroleum products valued at $1,000,000 or more to the Islamic Republic of Iran;

(2) is engaged in an activity valued at $1,000,000 or more that could contribute to enhancing the ability of the Islamic Republic of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) is selling, leasing, or otherwise providing to the Islamic Republic of Iran any goods, services, or technology valued at $1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

(b) The prohibition on the use of funds under subsection (a) shall not apply with respect to any contract entered into by the United States Government before the date of the enactment of this Act.

(c) If the Secretary determines a person made ineligible by this section has ceased the activities enumerated in (a)(1)–(3), that person shall no longer be ineligible under this section.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $76,000,000, to remain available until expended: Provided, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $26,086,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $13,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,061,000,000, to remain available until expended: Provided, That of the amount appropriated herein, $29,000,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $902,402,000 in fiscal year 2010 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than $158,598,000: Provided further, That of the amounts appropriated, $10,000,000 is provided to support university research and development in areas relevant to their respective organization's mission, and $5,000,000 is to support a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $10,860,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2010 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $4,466,000 until expended: Provided, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110–140 in fiscal year 2010 in excess of $4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISION

SEC. 401. Section 382B of the Delta Regional Authority Act of 2000 is amended by deleting (c)(1) and inserting in lieu thereof the following: '''(1) IN GENERAL—VOTING.—A decision by the Authority shall require the affirmative vote of the Federal cochairperson and a majority of the State members (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.''.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. 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 appropriation Act.

SEC. 503. Title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by adding at the end of the title, the following new section 411:

''SEC. 411. Up to 0.5 percent of each amount appropriated to the Department of the Army and the Bureau of Reclamation in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the Head of the Federal Agency involved to any other appropriate account within the department for that purpose: Provided, That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: Provided further, That funds set aside under this section shall remain available for obligation until September 30, 2012.''.

AGENCY ADMINISTRATIVE EXPENSES

SEC. 504. (a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term ''administrative expenses'' has the meaning as determined by the Director under subsection (b)(2).

(2) AGENCY.—The term ''agency''—

(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch; and

(B) shall not include the District of Columbia government.

(3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administration expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

SEC. 505. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in an appropriations Act shall be posted on the public Website of that Agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

This Act may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2010''.

RECOGNIZING BISHOP MUSEUM

Mr. BROWN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 195 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 195) recognizing Bishop Museum, the Nation's premier showcase for Hawaiian culture and history, on the occasions of its 120th anniversary and the restoration and renovation of its Historic Hall.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 195) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 195

Whereas Bishop Museum was founded in 1889 in Honolulu, Hawai'i by Charles Reed Bishop in memory of his beloved wife, Princess Bernice Pauahi Bishop, the great granddaughter of Kamehameha I, to house the personal legacies and bequests of the royal Kamehameha and Kalākaua families;

Whereas the mission of Bishop Museum since its inception has been to study, preserve, and tell the stories of the cultures and natural history of Hawai'i and the Pacific;

Whereas the collections of Bishop Museum include more than 24,000,000 objects, collectively the largest Hawai'i and Pacific area collection in the world, which includes more than 1,200,000 cultural objects representing Native Hawaiian, Pacific Island, and Hawai'i immigrant life, more than 125,000 historical publications (including many in the Hawaiian language), more than 1,000,000 historical photographs, films, works of art, audio recordings, and manuscripts, and more than 22,000,000 plant and animal specimens;

Whereas a primary goal of Bishop Museum is to serve and represent the interests of Native Hawaiians by advancing Native Hawaiian culture and education, protecting the collections and increasing access to them, and strengthening the museum's connections with the schools of Hawai'i;

Whereas the national significance of Bishop Museum's cultural collection lies in the Native Hawaiian collection, which collectively represents the largest public resource in the world documenting a way of life, and has been a source of knowledge and inspiration for numerous visitors, researchers, students, native craftsmen, teachers, and community and spiritual leaders over the years, especially since the cultural revival, which has been steadily growing and gaining in popularity;

Whereas more than 300,000 people visit Bishop Museum each year to learn about Hawaiian culture and experience Hawaiian Hall;

Whereas the desire to see Hawaiian Hall and to learn about Hawaiian culture is the primary reason 400,000 visitors each year give for visiting Bishop Museum;

Whereas Hawaiian Hall is the Nation's only showcase of its size, proportion, design, and historic context that is devoted to the magnificent legacy of Hawai'i's kings and queens, and the legacies of its Native Hawaiian people of all walks of life and ages;

Whereas Hawaiian Hall, constructed between 1889 and 1903 and 1 of 3 interconnected structures known as the Hawaiian Hall Complex, is considered a masterpiece of late Victorian museum design with its Kamehameha blue stone exterior quarried on site and extensive use of native koa wood, and is one of the few examples of Romanesque Richardsonian style museum buildings to have survived essentially unchanged;

Whereas Hawaiian Hall, designed by noted Hawai'i architects C.B. Ripley and C.W. Dickey in 1898, was placed on the National Register of Historic Places in 1982, based on its unique combination of architectural, cultural, scientific, educational, and historical significance;

Whereas the restoration and renovation of Hawaiian Hall and its exhibits by noted Hawai'i architect Glenn Mason and noted national and international museum exhibit designer Ralph Appelbaum are integral to the museum's ability to fulfill its mission and achieve its primary goal of serving and representing the interests of Native Hawaiians;

Whereas the restoration and renovation of Hawaiian Hall, begun in 2005, included the building of a new gathering place in an enclosed, glass walled atrium, improved access to the hall through the installation of an elevator in the new atrium to all 3 floors of the hall and other buildings in the Hawaiian Hall Complex, improved collection preservation through the installation of new, state-of-the-art environmental controls, lighting, security, and fire suppression systems, and restored original woodwork and metalwork;

Whereas the restoration and renovation of the hall's exhibits bring multiple voices and a Native Hawaiian perspective to bear on Bishop Museum's treasures, by conveying the essential values, beliefs, complexity, and achievements of Hawaiian culture through exquisite and fragile artifacts in a setting that emphasizes their ''mana'' (power and essence) and the place in which they were created;

Whereas the new exhibit incorporates contemporary Native Hawaiian artwork illustrating traditional stories, legends, and practices, and contemporary Native Hawaiian voices interpreting the practices and traditions through multiple video presentations;

Whereas the new exhibit features more than 2,000 objects and images from the museum's collections on the open floor, mezzanines, and the center space, conceptually organized to represent 3 traditional realms or ''wao'' of the Hawaiian world—Kai Ākea, the expansive sea from which gods and people came, Wao Kānaka, the realm of people, and Wao Lani, the realm of gods and the ''ali'i'' (chiefs) who descended from them;

Whereas the new exhibit's ending display celebrates the strength, glory, and achievements of Native Hawaiians with a large 40-panel mural titled ''Ho'ohuli, To Cause An Overturning, A Change'', made by students of Native Hawaiian charter schools in collaboration with Native Hawaiian artists and other students, and interpreted by Native Hawaiian artists and teachers in a video presentation; and

Whereas the people of the United States wish to convey their sincerest appreciation to Bishop Museum for its service and devotion: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the reopening of historic Hawaiian Hall on the 120th anniversary of the founding of Bishop Museum in Honolulu, Hawai'i; and

(2) on the occasions of the reopening and anniversary of the museum, honors and praises Bishop Museum for its work to ensure the preservation, study, education, and appreciation of Native Hawaiian culture and history.

ORDER FOR STAR PRINT—S. RES. 222

Mr. BROWN. Mr. President, I ask unanimous consent that S. Res. 222 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1552

Mr. BROWN. Mr. President, I understand S. 1552, introduced earlier today by Senator LIEBERMAN, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1552) to reauthorize the DC opportunity scholarship program and for other purposes.

Mr. BROWN. I ask now for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, JULY 31, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, July 31; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 105, H.R. 2997, the Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, as previously announced, there will be no rollcall votes during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:12 p.m., adjourned until Friday, July 31, 2009, at 9:30 a.m.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3357, Highway Trust Fund Act.

The House passed H.R. 3326, Department of Defense Appropriations Act, 2010.

Senate

Chamber Action

Routine Proceedings, pages S8501–S8618

Measures Introduced: Thirteen bills and three resolutions were introduced, as follows: S. 1540–1552, and S. Res. 231–233. **Page S8557**

Measures Reported:

H.R. 774, to designate the facility of the United States Postal Service located at 46–02 21st Street in Long Island City, New York, as the ''Geraldine Ferraro Post Office Building''.

H.R. 987, to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office''.

H.R. 1271, to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the ''Elijah Pat Larkins Post Office Building''.

H.R. 1397, to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the ''Caroline O'Day Post Office Building''.

H.R. 2090, to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the ''Frederic Remington Post Office Building''.

H.R. 2162, to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the ''Herbert A Littleton Postal Station''.

H.R. 2325, to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the ''Laredo Veterans Post Office''.

H.R. 2422, To designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the ''Kile G. West Post Office Building''.

H.R. 2470, to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the ''Lieutenant Commander Roy H. Boehm Post Office Building''.

S. 748, to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''.

S. 1211, to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the ''Jack F. Kemp Post Office Building''.

S. 1314, to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''.

Pages S8556–57

Measures Passed:

Highway Trust Fund Act: By 79 yeas to 17 nays (Vote No. 254), Senate passed H.R. 3357, to restore sums to the Highway Trust Fund, after taking action on the following amendments proposed thereto, clearing the measure for the President:

Pages S8508–32

Rejected:

By 42 yeas to 55 nays (Vote No. 249), Vitter Modified Amendment No. 1907, to temporarily protect the solvency of the Highway Trust Fund.

Pages S8508–14, S8528–29

By 41 yeas to 56 nays (Vote No. 250), Ensign Modified Amendment No. 1905, to offset the appropriation of funds to replenish the Unemployment Trust Fund with unobligated non-veterans funds from the American Recovery and Reinvestment Act of 2009. **Pages S8514–16, S8518–25, S8529**

By 40 yeas to 57 nays (Vote No. 252), Sessions Amendment No. 2223, to restore sums to the Highway Trust Fund. **Pages S8528, S8530**

During consideration of this measure today, Senate also took the following action:

By 34 yeas to 63 nays (Vote No. 251), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 302(f) of the Congressional Budget Act of 1974, with respect to Bond Amendment No. 1904, to repeal a certain provision of the SAFETEA–LU. Subsequently, the point of order that the amendment would increase mandatory spending, was sustained, and the amendment thus fell. **Pages S8516–18, S8529–30**

By 71 yeas to 26 nays (Vote No. 253), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive pursuant to section 302(f) of the Congressional Budget Act of 1974, with respect to the bill. Subsequently, the point of order that the bill would provide spending in excess of the subcommittee's 302(b) allocation was not sustained. **Page S8531**

Bishop Museum 120th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 195, recognizing Bishop Museum, the Nation's premier showcase for Hawaiian culture and history, on the occasions of its 120th anniversary and the restoration and renovation of its Historic Hall, and the resolution was then agreed to. **Page S8618**

Measures Considered:

Agriculture, Rural Development, Food and Drug Administration Appropriations Act: Senate began consideration of H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, taking action on the following amendments proposed thereto: **Pages S8534–37**

Pending:

Kohl/Brownback Amendment No. 1908, in the nature of a substitute. **Pages S8534–36**

Kohl (for Tester) Amendment No. 2230 (to Amendment No. 1908), to clarify a provision relating to funding for a National Animal Identification Program. **Pages S8536–37**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Friday, July 31, 2009. **Page S8618**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–28) **Page S8551**

Messages from the House: **Pages S8551–52**

Measures Referred: **Page S8552**

Measures Read the First Time: **Page S8552**

Enrolled Bills Presented: **Page S8552**

Executive Communications: **Pages S8552–53**

Petitions and Memorials: **Pages S8553–56**

Additional Cosponsors: **Pages S8557–58**

Statements on Introduced Bills/Resolutions: **Pages S8558–67**

Additional Statements: **Pages S8550–51**

Amendments Submitted: **Pages S8567–S8608**

Notices of Hearings/Meetings: **Page S8608**

Authorities for Committees to Meet: **Page S8608**

Privileges of the Floor: **Pages S8608–09**

Text of H.R. 3183 as Previously Passed: **Pages S8609–18**

Record Votes: Six record votes were taken today. (Total—254) **Pages S8528–29, S8529, S8530, S8531, S8532**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:12 p.m., until 9:30 a.m. on Friday, July 31, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8618.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

Committee on Appropriations: Committee ordered favorably reported the following business items:

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, with an amendment in the nature of a substitute; and

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, with an amendment in the nature of a substitute.

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of John M.

McHugh, of New York, to be Secretary of the Army, who was introduced by Senator Schumer, Joseph W. Westphal, of New York, to be Under Secretary of the Army, who was introduced by Senator Collins, and Juan M. Garcia III, of Texas, to be Assistant Secretary of the Navy for Manpower and Reserve Affairs, who was introduced by Senators Hutchison and Cornyn, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

ECONOMIC SANCTIONS ON IRAN

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine minimizing potential threats from Iran, focusing on assessing economic sanctions and other United States policy options, after receiving testimony from Senator Lieberman; Nicholas Burns, Harvard University John F. Kennedy School of Government, Cambridge, Massachusetts; and Matthew Levitt, Washington Institution for Near East Policy, Suzanne Maloney, Brookings Institution, and Danielle Pletka, American Enterprise Institute, all of Washington, D.C.

CLIMATE SERVICES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine climate services, focusing on solutions from commerce to communities, after receiving testimony from Gary F. Locke, Secretary of Commerce; and John P. Holdren, Director, Office of Science and Technology Policy, Executive Office of the President.

CLIMATE CHANGE AND NATIONAL SECURITY

Committee on Environment and Public Works: Committee concluded a hearing to examine climate change and national security, after receiving testimony from former Senator John Warner; Vice Admiral Dennis McGinn, USN (Ret.), CNA Military Advisory Board, Alexandria, VA; Jonathan Powers, Truman National Security Project, and David B. Rivkin, Jr., Baker & Hostetler LLP, both of Washington, D.C.

STRATEGY FOR SUDAN

Committee on Foreign Relations: Committee concluded a hearing to examine a comprehensive strategy for Sudan, after receiving testimony Major General Jonathan S. Gration, USAF (Ret.), The President's Special Envoy to Sudan, Department of State; Earl Gast, Acting Assistant Administrator, Bureau for Africa, United States Agency for International Development; and David H. Shinn, George Washington University Elliott School of International Affairs, Mohammed Ahmed Eisa, Sudan Organization for Rights and Peace-Building, and Susan D. Page, National Democratic Institute, all of Washington, D.C.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported S. 1507, to amend chapter 89 of title 5, United States Code, to reform Postal Service retiree health benefits funding, with amendments.

GANG ACTIVITY IN INDIAN COUNTRY

Committee on Indian Affairs: Committee concluded a hearing to examine the increase of gang activity in Indian country, after receiving testimony from John Mousseau, Paul Forney, and Paul Iron Cloud, all of the Oglala Sioux Tribe, Pine Ridge, South Dakota; Brian Nissen, Confederated Tribes of the Colville Reservation, Nespelem, Washington; Sampson Cowboy, Navajo Nation Department of Public Safety, Window Rock, Arizona; Chief Carmen Smith, and William Elliott, both of the Warm Springs Tribal Police Department, Warm Springs, Oregon.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 36 public bills, H.R. 3399–3434; and 8 resolutions, H. Con. Res. 172–173; and H.Res. 696, 698–702 were introduced. **Pages H9204–06**

Additional Cosponsors: **Pages H9206–08**

Reports Filed: Reports were filed today as follows:

H.R. 3269, to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions, with an amendment (H. Rept. 111–236);

H. Res. 697, providing for consideration of the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions (H. Rept. 111–237);

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2010 (H. Rept. 111–238); and

H.R. 2392, to improve the effectiveness of the Government's collection, analysis, and dissemination of business information by using modern interactive data technologies, with an amendment (H. Rept. 111–239). **Page H9204**

Speaker: Read a letter from the Speaker wherein she appointed Representative Blumenauer to act as Speaker Pro Tempore for today. **Page H9059**

Privileged Resolution—Intent to Offer: Representative Broun (GA) announced his intent to offer a privileged resolution. **Page H9062**

Department of Defense Appropriations Act, 2010: The House passed H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, by a yea-and-nay vote of 400 yeas to 30 nays, Roll No. 675. Consideration of the measure began on Wednesday, July 29th. **Pages H9062–H9131**

Rejected the Frelinghuysen motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 169 ayes to 261 noes, Roll No. 674. **Pages H9129–31**

Agreed to:

Conaway amendment (No. 2 printed in part A of H. Rept. 111–233) that increases and then decreases the Navy Operations & Maintenance account by $1 million with the intent of entertaining a discussion regarding the importance of providing additional funds from operation and maintenance for the Department of the Navy, Financial Improvement Program (FIP) to accelerate the transformation of financial management processes and internal controls; **Page H9082**

Sessions amendment (No. 4 printed in part A of H. Rept. 111–233) that requires the Secretary of Defense to submit a report to Congress on the use of Hyperbaric Oxygen Therapy (HBOT) within the Department of Defense; and **Pages H9083–84**

Murtha manager's amendment (No. 1 printed in part A of H. Rept. 111–233) that (1) provides that funds be made available for the Joint POW/MIA Accounting from within the funds available; (2) increases the amount available for transfer to the Fisher House and Suites; (3) redirects funds otherwise available for advance procurement of additional F–22 aircraft, and provides for spare and repair parts including engines for the F–22 and C–17, aircraft defensive systems, and aircraft weapon systems; (4) includes a technical revision in the Defense Health Program and shifts $26,000,000 from operation and maintenance funding to research, development, test and evaluation; (5) prohibits further outsourcing of utility functions at the U.S. Military Academy at West Point; (6) makes additional funds available for Chemical Agents and Munitions Destruction, Defense; (7) prohibits conversion of government-owned ammunition plants; and (8) allows for funds to be transferred to the Coast Guard for operating expenses (by a recorded vote of 269 ayes to 165 noes, Roll No. 661). **Pages H9080–82, H9120–21**

Rejected:

Flake amendment (No. 315 printed in part B of H. Rept. 111–233) that sought to prohibit funding for Body Armor Improved Ballistic Protection, Research and Development; **Pages H9087–88**

Flake amendment (No. 3 printed in part A of H. Rept. 111–233) that sought to prohibit funding for the "Drug Interdiction and Counter-Drug Activities, Defense" account by $160,000,000 (by a recorded vote of 48 ayes to 373 noes, Roll No. 662); **Pages H9082–83, H9121**

Tierney amendment (No. 5 printed in part A of H. Rept. 111–233) that sought to strike $80 million for the Kinetic Energy Interceptor program (by a recorded vote of 124 ayes to 307 noes, Roll No. 663); **Pages H9084–85, H9122**

Flake amendment (No. 1 printed in part B of H. Rept. 111–233) that sought to prohibit funding for Enhanced Navy Shore Readiness Integration (by a recorded vote of 77 ayes to 347 noes with 10 voting "present", Roll No. 664); **Pages H9085–86, H9122–23**

Flake amendment (No. 258 printed in part B of H. Rept. 111–233) that sought to prohibit funding for Reduced Manning Situation Awareness (by a recorded vote of 69 ayes to 351 noes with 10 voting "present", Roll No. 665); **Pages H9086–87, H9123–24**

Flake amendment (No. 389 printed in part B of H. Rept. 111–233) that sought to prohibit funding for a Gulf Range Mobile Instrumentation Capability (by a recorded vote of 76 ayes to 350 noes with 10 voting "present", Roll No. 666); **Pages H9088–90, H9124**

Flake amendment (No. 432 printed in part B of H. Rept. 111–233) that sought to prohibit funding for an Ultra Low Profile EARS Gunshot Localization System (by a recorded vote of 82 ayes to 341 noes with 11 voting "present", Roll No. 667); **Pages H9090–91, H9124–25**

Flake amendment (No. 439 printed in part B of H. Rept. 111–233) that sought to prohibit funding for AARGM Counter Air Defense Future Capabilities (by a recorded vote of 78 ayes to 348 noes with 10 voting "present", Roll No. 668); **Pages H9091–92, H9125–26**

Flake amendment (No. 449 printed in part B of H. Rept. 111–233) that sought to prohibit funding for AN/SLQ–25D Integration (by a recorded vote of

83 ayes to 338 noes with 11 voting ''present'', Roll No. 669); **Pages H9092–93, H9126**

Flake amendment (No. 553 printed in part B of H. Rept. 111–233) that sought to prohibit funding for various earmarked projects in the bill (by a recorded vote of 118 ayes to 304 noes with 11 voting ''present'', Roll No. 670); **Pages H9093–95, H9126–27**

Flake en bloc amendment consisting of all the amendments printed in Part B of House Report 111–233 (by a recorded vote of 82 ayes to 342 noes with 11 voting ''present'', Roll No. 671);

Pages H9095–H9117, H9127–28

Campbell amendment (No. 1 printed in part C of H. Rept. 111–233) that sought to prohibit the $3 million in funding for the MGPTS Type III or Rapid Deployable Shelter project and reduce the overall cost of the bill by $3 million (by a recorded vote of 81 ayes to 353 noes, Roll No. 672) and

Pages H9118–19, H9128

Campbell amendment (No. 8 printed in part C of H. Rept. 111–233) that sought to strike $1,500,000 for the Model for Green Laboratories and Clean Rooms project and reduce the overall cost of the bill by a commensurate amount (by a recorded vote of 99 ayes to 338 noes, Roll No. 673).

Pages H9119–20, H9128–29

H. Res. 685, the rule providing for consideration of the bill, was agreed to on Wednesday, July 29th.

Adjournment Resolution: The House agreed to H. Con. Res. 172, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, by a yea-and-nay vote of 231 yeas to 191 nays, Roll No. 676.

Pages H9137–38

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, July 28th:

William Orton Law Library Improvement and Modernization Act: H.R. 2728, amended, to provide financial support for the operation of the law library of the Library of Congress, by a ⅔ recorded vote of 383 ayes to 44 noes, Roll No. 678;

Pages H9138–39

Absentee Ballot Track, Receive, and Confirm Act: H.R. 2510, to amend the Help America Vote Act of 2002 to reimburse States for the costs incurred in establishing a program to track and confirm the receipt of voted absentee ballots in elections for Federal office and make information on the receipt of such ballots available by means of online access; **Page H9139**

Commending the Congress of Leaders of World and Traditional Religions for calling upon all nations to live in peace and mutual understanding: H. Res. 535, amended, to commend the Congress of Leaders of World and Traditional Religions for calling upon all nations to live in peace and mutual understanding; and **Page H9166**

Recognizing the "Day of the African Child" on June 16, 2009: H. Res. 550, to recognize the ''Day of the African Child'' on June 16, 2009, devoted to the theme of child survival and to emphasize the importance of reducing maternal, newborn, and child deaths in Africa. **Page H9166**

United States Coast Guard Academy Board of Visitors— Designation: Read a letter from Representative Oberstar, Chairman of the Committee on Transportation and Infrastructure, in which he designated the following Members of the House of Representatives to serve on the United States Coast Guard Academy Board of Visitors: Representatives Michaud, Hirono, and Mica. **Page H9139**

Food Safety Enhancement Act of 2009: The House passed H.R. 2749, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, by a recorded vote of 283 ayes to 142 noes, Roll No. 680.

Pages H9131–37, H9138, H9140–65

Rejected the Lucas motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with amendments, by a yea-and-nay vote of 186 yeas to 240 nays, Roll No. 679. **Pages H9161–64**

H. Res. 691, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 249 yeas to 180 nays, Roll No. 677, after the previous question was ordered without objection.

Page H9138

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure which was debated on Tuesday, July 28th:

Providing that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration: H.R. 1752, amended, to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration, by a ⅔ recorded vote of 282 ayes to 144 noes, Roll No. 681. **Pages H9165–66**

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency declared with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions is to continue in effect beyond August 1, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–59). **Page H9183**

Senate Message: Message received from the Senate today appears on page S9165.

Senate Referrals: S. 1391, S. 1392, and S. 1393 were held at the desk. **Page H9165**

Quorum Calls—Votes: Four yea-and-nay votes and 17 recorded votes developed during the proceedings of today and appear on pages H9120–21, H9121, H9122, H9122–23, H9123–24, H9124, H9124–25, H9125–26, H9126, H9126–27, H9127–28, H9128, H9128–29, H9130–31, H9131, H9137–38, H9138, H9139, H9164, H9164–65, H9165–66. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:27 p.m.

Committee Meetings

WATERSHED PROPOSALS

Committee on Agriculture: Subcommittee on Conservation, Credit, Energy, and Research held a hearing to review PL 83–566 watershed proposals for the Dunloup Creek Watershed and the Cape Cod Water Resources Restoration Project. Testimony was heard from Representative Delahunt; and Dave White, Chief, Natural Resources Conservation Service, USDA.

U.S. SECURITY RELATIONSHIP WITH RUSSIA AND ITS IMPACT ON TRANSATLANTIC SECURITY

Committee on Armed Services: Held a hearing on the U.S. security relationship with Russia and its impact on transatlantic security. Testimony was heard from the following officials of the Department of Defense: Alexander Vershbow, Assistant Secretary, International Security Affairs; and VADM James A. Winnefeld, Jr., USN, Director, Strategic Plans and Policy, Joint Chiefs of Staff; and Philip H. Gordon, Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State.

EFFORTS TO IMPROVE SHIPBUILDING EFFECTIVENESS

Committee on Armed Services: Subcommittee on Seapower and Expeditionary Forces held a hearing on efforts to improve shipbuilding effectiveness. Testimony was heard from the following officials of the Department of the Navy: Sean J. Stackley, Assistant Secretary, Research, Development, and Acquisition; VADM Kevin McCoy, USN, Commander, Naval Sea Systems Command; and public witnesses.

AMERICA'S AFFORDABLE HEALTH CHOICES ACT OF 2009

Committee on Energy and Commerce: Continued mark up H.R. 3200, America's Affordable Health Choices Act of 2009.

HURRICANE PREPAREDNESS FOR 2009 SEASON

Committee on Homeland Security: Subcommittee on Emergency Communications, Preparedness and Response met in executive session to receive a briefing on Hurricane Preparedness for the 2009 Hurricane Season. The Subcommittee was briefed by departmental witnesses.

BEYOND ISE IMPLEMENTATION

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "Beyond ISE Implementation: Exploring the Way Forward for Information Sharing." Testimony was heard from Ambassador Thomas E. McNamara, Program Manager, Information Sharing Environment, Office of the Director of National Intelligence; COL Joseph R. Fuentes, Superintendent, State Police, New Jersey; and a public witness.

FAIR ELECTIONS NOW ACT AND PUBLIC FINANCING OF CONGRESSIONAL CAMPAIGNS

Committee on House Administration: Held a hearing on H.R. 1826, Fair Elections Now Act, and the Public Financing of Congressional Campaigns. Testimony was heard from Representatives: John B. Larson, Connecticut, Pingree, and Jones; Hannah Pingree, Speaker of the House, State of Maine; Jeffrey Garfield, Executive Director and General Counsel, State Elections Enforcement Commission, Connecticut; and public witnesses

PROPOSALS FOR REFORM OF THE MILITARY COMMISSIONS SYSTEM

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Civil Liberties held a hearing on Proposals for Reform of the Military Commissions System. Testimony was heard from David Kris, Assistant Attorney General, National Security Division, Department of Justice; the following officials of the Department of Defense: Jeb Charles Johnson, General Counsel; COL Peter R. Masciola, USAFG, Chief Defense Counsel; and MAJ David J. R. Frakt, USAFR, Lead Defense Counsel, both with the Office of Military Commissions; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Courts and Competition Policy approved for full Committee action the following bills: H.R. 3190, Discount Pricing Consumer Protection Act of 2009; H.R. 569, Equal Justice for Our Military Act of 2009; and H.R. 233, Railroad Antitrust Enforcement Act of 2009.

UNCONVENTIONAL FUELS

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources continued hearings entitled ''Unconventional Fuels, Part II: The Promise of Methane Hydrates.'' Testimony was heard from Timothy S. Collett, Research Geologist, U.S. Geological Survey, Department of the Interior; Ray Boswell, Senior Management and Technology Advisor, National Energy Technology Laboratory, Department of Energy; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 2802, To provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy; H.R. 2806, To authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness; and H.R. 3113, Upper Elk River Wild and Scenic Study Act. Testimony was heard from Daniel N. Wenk, Acting Director, National Park Service, Department of the Interior; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, USDA; Linda Evans Parlette, Senator, State of Washington; Doug England, Commissioner, Chelan County, State of Washington; and public witnesses.

DOMESTIC PARTNERSHIP BENEFITS; USPS'S STATION AND BRANCH INITIATIVE AND DELIVERY ROUTE ADJUSTMENTS

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia approved for full Committee action, as amended, H.R 2517, Domestic Partnership Benefits and Obligations Act of 2009.

The Subcommittee also held a hearing entitled ''Making Sense of It All: An Examination of USPS's Station and Branch Optimization Initiative and Delivery Route Adjustments.'' Testimony was heard from Representative Sires; Jordan Small, Acting Vice President, Network Operations, U.S. Postal Service; John Waller, Director, Office of Accountability and Compliance, Postal Rate Commission; Phillip Herr, Director, Physical Infrastructure Issues, GAO; and public witnesses.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ORGANIZATIONAL ISSUES

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and National Archives held a hearing entitled ''National Archives and Records Administration Organizational Issues.'' Testimony was heard from the following officials of the National Archives and Records Administration: Adrienne C. Thomas, Acting Archivist; and Paul Brachfeld, Inspector General.

CORPORATE AND FINANCIAL INSTITUTION COMPENSATION FAIRNESS ACT OF 2009

Committee on Rules: Granted, by a non-record vote, a structured rule providing for consideration of H.R. 3269, the ''Corporate and Financial Institution Compensation Fairness Act of 2009,'' with one hour of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as adopted. The rule waives all points of order against provisions of the bill, as amended. The rule provides that the bill, as amended, shall be considered as read.

The rule makes in order the amendment printed in the report of the Committee on Rules if offered by Rep. Frank or his designee, which shall be considered as read, shall be separately 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 rule also makes in order the amendment in the nature of a substitute printed in the report, if offered by Representative Garrett or his designee, which shall be separately debatable for 30 minutes equally divided and controlled b the proponent and an opponent.

The rule waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI. The rule provides one motion to recommit with or without instructions. The rule also provides that during consideration of an amendment printed in the report, the Chair may postpone the question of adoption as though under clause 8 of rule XX. Finally the rule provides that in the engrossment of the bill, the Clerk is authorized to make technical and conforming changes to amendatory instructions. Testimony was heard from Chairman Frank, Representatives Bachus and Sessions.

SYSTEMS APPROACH TO IMPROVING K–12 STEM EDUCATION

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on A Systems Approach to Improving K–12 STEM Education. Testimony was heard from Wanda Ward, Acting Assistant Director, Directorate for Education and Human Resources, NSF; and public witnesses.

FUTURE OF SPECIALTY CROPS FOR SMALL FAMILY FARMERS

Committee on Small Business: Subcommittee on Rural Development, Entrepreneurship and Trade held a hearing entitled ''The Future of Specialty Crops for Small Family Farmers.'' Testimony was heard from Kathleen Merrigan, Deputy Secretary, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following measures: H.R. 3371, Airline Safety and Pilot Training Improvement Act of 2009; H.R. 3376, United States Mariner and Vessel Protection Act of 2009; H.R. 3360, Cruise Vessel Security and Safety Act of 2009; H.R. 3224, To authorize the Board of Regents of the Smithsonian Institution to plan, design and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland; H.R. 2121, amended, To provide for the transfer of certain Federal Property to the Galveston Historical Foundation; H.R. 2423, amended, To designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse,'' and to designate the jury room in the Federal building and United States courthouse as the ''Marcel C. Notzon II Jury Room;'' H.R. 2913, To designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the ''Sidney M. Aronovitz United States Courthouse;'' H.R. 3193, To designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr. United States Courthouse;'' H. Con. Res. 136, Authorizing the use of the Capitol Grounds for a celebration of Citizenship Day.

The Committee also approved pending U.S. Army Corps of Engineers Survey Resolutions.

VRE CONTRACTS—VETERANS COUNSELING

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on VRE Contracts for Veteran Counseling. Testimony was heard from the following officials of the Department of Veterans Affairs; Ruth Fanning, Director, Vocational Rehabilitation and Employment Service; and Philip S. Kauffman, Attorney, Office of the General Counsel; and representatives of veterans organizations; and public witnesses.

IMPLICATIONS OF VA'S LIMITED SCOPE OF GULF WAR ILLNESS RESEARCH

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on the Implications of VA's Limited Scope of Gulf War Illness Research. Testimony was heard from Douglas E. Dembling, Associate Chief Officer, Program Coordination, Office of Public Health and Environmental Hazards, Veterans Health Administration, Department of Veterans Affairs; and public witnesses.

NSA SURVEILLANCE AUTHORITY COMPLIANCE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on NSA Surveillance Authority Compliance. The Committee was briefed by LTG Keith Alexander, Director, NSA, Department of Energy.

BRIEFING—RUSSIA COLLECTION STRATEGY

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Russia Collection Strategy. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, JULY 31, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Energy and Commerce, to continue mark up H.R. 3200, America's Affordable Health Choices Act, 10 a.m., 2123 Rayburn.

Committee on the Judiciary. Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, to mark up H.R. 1425, Wartime Treatment Study Act, 10 a.m., 2141 Rayburn.

Committee on Transportation and Infrastructure, hearing on the Recovery Act: 160–Day Progress Report for Transportation and Infrastructure Programs, 10 a.m., 2167 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, July 31

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 2997, Agriculture, Rural Development, Food and Drug Administration Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, July 31

House Chamber

Program for Friday: Consideration of H.R. 3269—Corporate and Financial Institution Compensation Fairness Act of 2009 (Subject to a Rule).

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