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# Congressional Record

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WASHINGTON, MONDAY, SEPTEMBER 21, 2009

No. 133

## House of Representatives

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. WELCH).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
September 21, 2009.

I hereby appoint the Honorable PETER WELCH 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: O Lord, You are faithful to those who are faithful to You. You are even faithful to those who choose to follow their own ways rather than turn to You in prayer. You let them wander in their indecision or confusion until they seek deeper wisdom.

Keep Your people from simple reaction. Afford them time to reflect on their deepest needs and then turn to You in their darkest hour. At that moment give them the strength to fight the battle of justice with truth and overcome all obstacles.

O Lord, give us light and dispel the darkness now and forever. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore 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.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 21, 2009.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 21, 2009, at 10:05 a.m.:

That the Senate passed with an amendment, requested a conference with the House, and appointed conferees, H.R. 3288.

Appointments:  
Senate National Security Working Group  
Commission to Study the Potential Creation of a National Museum of the American Latino

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER,  
Clerk of the House.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 11, 2009.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following mes-

sage from the Secretary of the Senate on September 11, 2009, at 1:13 p.m.:

Appointments:  
United States Senate Caucus on International Narcotics Control.

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER,  
Clerk of the House.

### COMMUNICATION FROM RANKING MEMBER, COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOE BARTON, Ranking Member, Committee on Energy and Commerce:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, September 18, 2009.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that my office has been served with a subpoena, issued by the U.S. District Court for the Northern District of Texas, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

JOE BARTON,  
Ranking Member.

### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 21, 2009.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR SPEAKER PELOSI: This letter is to inform you that I have sent a letter to New

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

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



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York Secretary of State Lorraine Cortés Vázquez notifying her that I am resigning my position as the United States Representative for the 23rd Congressional District of New York, immediately prior to my appointment as Secretary of the Army. This resignation includes any boards upon which I have served by virtue of my position as a Member of Congress.

On September 16, 2009, I was confirmed by the United States Senate to be Secretary of the Army. It has been a great privilege to serve the residents of New York in the House of Representatives for the past 16 and one-half years. I have served during some of the most trying times in our history and have worked to help build a better future for our nation and my state. I am truly honored that the President and the Senate have provided me the opportunity to help lead the United States Army forward, and I am humbled by their support.

I also want to thank all of my colleagues in the House, and in particular, New York's Congressional delegation, as I have enjoyed working with them during my time in Congress. I look forward to continuing to work with you and our colleagues in my new role as Secretary of the Army.

With best wishes, I am,

Sincerely yours,

JOHN M. MCHUGH,  
*Member of Congress.*

#### HOUSE OF REPRESENTATIVES,

*Washington, DC, September 21, 2009.*

Hon. LORRAINE CORTÉS-VÁZQUEZ,  
*New York State Secretary of State,  
Albany, NY.*

DEAR SECRETARY CORTÉS-VÁZQUEZ: On September 16, I was confirmed by the United States Senate to be the Secretary of the Army. I am hereby resigning my position as the United States Representative for the 23rd Congressional District of New York, immediately prior to my appointment as Secretary of the Army.

It has been a great privilege to serve the residents of New York in the House of Representatives for the past 16 and one-half years. I have served during some of the most trying times in our history and have worked to help build a better future for our nation and state. I am truly honored that the President and the Senate have provided me the opportunity to help lead the United States Army forward, and I am humbled by their support.

I want to thank you and all the State officials for our work together during my tenure in Congress.

With best wishes, I am,

Sincerely yours,

JOHN M. MCHUGH,  
*Member of Congress.*

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from New York (Mr. MCHUGH), the whole number of the House is 433.

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 4 o'clock and 5 minutes p.m.), under its previous order, the

House adjourned until tomorrow, Tuesday, September 22, 2009, at 12:30 p.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3529. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami Yacht Club 2007 Conch Cup Regatta, Biscayne Bay, Miami, FL [COTP MIAMI 07-215] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3530. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of the Columbia River and Tillamook Bay Oregon and Washington Coastal Bars and entrances [CGD13-07-043] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3531. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; President of the United States Visit to Mobile, AL [COTP Mobile-07-027] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3532. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile-07-030] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3533. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire—Gun Exercise, Atlantic Ocean, Miami, Florida [COTP Miami, Florida 07-196] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3534. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-199] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3535. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port of Miami, Miami, Florida [COTP Miami 07-201] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-210] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3537. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale and Miami, Florida

[COTP Miami, Florida 07-230] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3538. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; Biscayne Bay, Miami, Florida [COTP Miami 07-232] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3539. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Washington Township Summerfest, Ottawa River, Toledo, OH [CGD09-07-056] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3540. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; International Freedom Festival Target Fireworks, Detroit River, Detroit, MI [CGD09-07-063] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3541. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ex-TRIPOLI transiting the San Francisco Bay [COTP San Francisco Bay 07-053] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3542. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Underwater Ordnance Recovery, Monterey Bay, California [COTP San Francisco Bay 08-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3543. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Detroit Zone [CGD09-07-064] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3544. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hornblower Cruises Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 08-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3545. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Moving Safety Zone; Barge CASCADE, in San Francisco Bay, California [COTP San Francisco Bay 08-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3546. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rincon Park Restaurant Fireworks Display, San Francisco, CA [COTP San Francisco Bay 08-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3547. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Juan Harbor Swim, Bahia de San Juan, San Juan, PR [COTP San Juan 07-039]