United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, SEPTEMBER 24, 2009 No. 136

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

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

In praying, ''Deliver us from evil, Lord,'' it often seems we are moved by a fear that evil is around us or beyond us, so we call out to You as the One who can distance this strange feeling—this stranger, alien, foreign enemy—even further away from us.

Yet You see what we are unable to see. You understand and continue to love what we are yet unable to accept and so fear.

Rather than take flight from the ground upon which we stand, Lord, Your Spirit alone enables us to go inward. There, without fear, we can admit that evil is so subtle, yet so real, that it hides itself under the cloak of our own self-righteousness.

You alone, Lord, can deliver us from this evil because only true forgiveness can free us from the past. Only after we find forgiveness in ourselves can we look around us and see others like ourselves who can join in the work of reconciliation, creating new ground and inspiring others to place all their trust in You, now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) come forward and lead the House in the Pledge of Allegiance.

Mrs. DAHLKEMPER 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 59. Concurrent resolution supporting the goals and ideals of senior caregiving and affordability.

The message also announced that the Senate has passed an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1035. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 41. Concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama.

The message also announced that pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, the Chair, on behalf of the Republican Leader, appoints the Senator from Idaho (Mr. RISCH) as a member of the United States Senate Caucus on International Narcotics Control.

ANNOUNCEMENT BY THE SPEAKER

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

VIOLENCE AGAINST WOMEN ACT

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

Mr. KLEIN of Florida. Madam Speaker, last week, we marked the 15th anniversary of a critical piece of legislation, the Violence Against Women Act.

This bill was a landmark achievement, and it has led to major strides in keeping American women more secure and in ensuring that victims of violence receive the services they need. By cracking down on crimes like stalking, sexual assault and domestic abuse, with tougher sentences for perpetrators and with more support for victims, the Violence Against Women Act has made our country a safer place to live.

As a husband and the father of a wonderful daughter, I am committed to continuing the programs established by this critical legislation—for my family and for all of the families in south Florida.

Much has been accomplished in the last 15 years, but violent crimes against women are still far too common. On this anniversary, we must all rededicate ourselves to better protecting America's women from violence and to supporting survivors of these crimes.

COMMUNICATION FROM THE HONORABLE J. GRESHAM BARRETT, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. PASTOR of Arizona) laid before the House the following communication from the Honorable J. GRESHAM BARRETT, Member of Congress:

WASHINGTON, DC,
September 22, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, H–232, The Capitol, Washington, DC.

Dear Madam Speaker: Effective Thursday, September 24, 2009, I will be resigning from

Printed on recycled paper.

my position on the Committee on Standards of Official Conduct. Please contact me if you have any additional questions or concerns.

Sincerely,

J. GRESHAM BARRETT,
Member of Congress.

ELECTING A MINORITY MEMBER TO A STANDING COMMITTEE

Mr. PENCE. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 770

Resolved, That the following member be, and is hereby, elected to the following standing committee:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT—Mr. McCaul.

Mr. PENCE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

$400,000 IN TAXPAYER MONEY PROPOSED FOR QADDAFI'S CHILDREN

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

Mr. KIRK. Mr. Speaker, yesterday, Libyan dictator Qaddafi spoke to the U.N. for almost 2 hours.

Here on the Hill on the same day, we received a State Department notification proposing $400,000 in U.S. taxpayer money for the foundations of Qaddafi's son and daughter.

You heard that right.

After the murders of 189 Americans aboard Pan Am flight 103 and after watching the bomber being welcomed home from Scotland, the administration is proposing donating $200,000 to Saif Qaddafi's Qaddafi Development Foundation. Recall that Qaddafi's son, Saif, organized the ''welcome home'' ceremony for the Pan Am bomber.

The administration also is proposing donating $200,000 in taxpayer funds to the Waettasmeno/UNDP foundation, which is run by Qaddafi's daughter, Ayesha. She is also conveniently the head of Libya's UNDP.

This is part of a $2.5 million grant proposed for Libya by the Obama administration—U.S. funding for an oil-rich OPEC nation which is responsible for U.S. national security problems across Africa.

RECOMMIT TO HAVING A ROBUST AMERICAN MANUFACTURING SECTOR

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

Mr. MICHAUD. Mr. Speaker, a major obstacle to our economic recovery is the continued decline of our manufacturing base. We need a genuine recovery that can generate growth without government bailouts or stimulus programs. The current crisis of overspending and the overconsumption of foreign goods was born out of the neglect of our manufacturing sector.

As recently evidenced by the Chinese tire decision, I am pleased that the administration seems to be serious about enforcing trade laws. This is a positive step. Yet, as the President welcomes the world leaders at the G–20 Summit, I ask him and Members of this body to recommit ourselves to a robust manufacturing sector.

We can do this by supporting programs that will help domestic manufacturing get back on its feet. We also need a new approach on trade to stop the predatory foreign practice dead in their tracks. We must make sure that our factories and jobs stay here at home. Doing so will help us create real wealth, good jobs, tax revenues, and an opportunity for hardworking American families.

□ 1015

TWO CLOWNS

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

Mr. POE of Texas. Mr. Speaker, the circus parade hit the United Nations yesterday. Libya's Omar Qaddafi treated everyone to a 100-minute rambling rant. It seems he thinks President Kennedy's assassin, Lee Harvey Oswald, was a spy and working for Israel. He says capitalism is the cause of all the world's problems and the U.N. was founded by terrorist nations like the United States.

The little fella from the desert of Iran, Ahmadinejad, gave a speech that cleared the room. The United States and other diplomats walked out. The tiny tyrant accused Israel of genocide and denies the Holocaust. The dictator praised his own glorious election this summer. You know, that's the one when his government murdered Iranian protestors.

These twin tyrants rant about death, destruction and doom to America and Israel. They preach hate and murder in the name of religion. These two twin threats to world peace cannot be brushed aside as laughable clowns.

The United States must take their hate speech and intimidation seriously. Our Nation must be prepared to defend America from their arrogant, aggressive threats.

And that's just the way it is.

MAKE MAJOR IMPROVEMENTS TO PROVIDE HEALTH CARE

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

Mrs. DAHLKEMPER. Mr. Speaker, in this health care debate, we have called on health insurance companies, health care providers and the Federal Government to make major improvements to how they provide health care. Yet we have not asked the benefactors of these changes to make a contribution to reform. We have not asked anything of the American people.

Successful health care reform must include a robust public policy to encourage personal responsibility and healthy living. Insurance discounts are a straightforward means to encourage healthy living.

Most automobile insurers offer safe driver discounts for responsibility behind the wheel. A healthy living discount can reward healthy behavior and encourage personal responsibility.

I urge my colleagues to adopt H.R. 3472, a bill to create health insurance premium discounts of up to 20 percent for healthy behavior and improvements toward healthy behavior.

It's good public policy to help Americans live well. My bill creates a tangible incentive to live well and live healthy.

MISSILE DEFENSE

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

Mr. PITTS. Mr. Speaker, the recent shift in missile defense strategy weakens both our allies in Eastern Europe and our position with Russia and Iran.

The announcement that we would abandon the ballistic missile defense infrastructure in Poland and the Czech Republic could not have come on a worse date, the 70th anniversary of the Soviet invasion of Poland.

A Polish spokesman called the decision ''catastrophic for Poland.'' Only Russia has expressed satisfaction with the announcement.

This shift in strategy comes as Russia has been increasingly willing to project its power in the region either through military force or by withholding natural gas. This decision undermines every pro-Western politician in Poland and the Czech Republic, our allies. Their careers are ruined.

People are saying you can't trust U.S. commitments. We pleased the Russians with nothing to show in return. Now is not the time to appease. Our actions are seen as weakness and dangerous. It undermines our national security.

OUR FUTURE WORKFORCE NEEDS HEALTH INSURANCE

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to urge my colleagues to pass comprehensive health reform, not this decade, not next year but this year.

Our constituents need help now. My constituents have told me that health care costs are beyond their reach. Some can't afford insurance at all and others have been denied coverage or dropped the minute they got sick. These problems plague our entire population, but disproportionately affect Hispanics.

Hispanics have an unbelievable uninsured rate of 31 percent. Our health system must provide essential services to all Americans, including those of Hispanic descent.

Hispanic Americans are the fastest-growing demographic group in this country. They are our future workforce.

Without health care coverage for all Americans, our country's economic future is at risk. Health care reform means having the peace of mind that if something unexpected should happen, an accident or an unexpected illness, people won't fall into economic ruin. Health care coverage for all Americans means a healthier, more productive America.

The time for health care reform is now.

UNITED NATIONS

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

Mr. PENCE. Mr. Speaker, following the defeat of tyranny throughout Europe in 1945, and in the ashes of the Holocaust, the United Nations was born. It was formed to create a forum to confront dictators before they rose to global power.

President John F. Kennedy in his inaugural address warned some four decades ago that the United Nations must not become a forum for invective against the West. But as we saw yesterday, with the leader of Libya decrying Israel in terms of ''the Israeli demon,'' as we saw the leader of the discredited regime in Tehran denounce the ''barbaric'' attacks of the Zionist regime and continue to deny the Holocaust in public forums, we have seen the United Nations become not only a forum for invective against the West but especially a forum for invective against our most cherished ally, Israel.

Today the American people provide 20 percent of the financial support for the United Nations. Today the American people are asking why.

HEALTH CARE REFORM AND PRIMARY CARE

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

Ms. SCHWARTZ. Mr. Speaker, I rise to address the importance of primary care in comprehensive health care reform. As we find a uniquely American solution for all Americans to have access to affordable, meaningful health coverage, we must remember that insurance coverage alone means little if patients do not have access to health care providers or health care services.

Primary care providers are on the front line of the health care system, treating acute and chronic conditions and keeping costly conditions from worsening. Despite this essential role, it is primary care where we face the most acute shortages. Since 1998 the percentage of internal medicine residents choosing primary care has dropped from 50 percent to 20 percent. By 2025, America will have a shortage of 46,000 primary care providers.

I have championed efforts to bolster our primary care workforce, including new loan-repayment programs and increasing payments for primary care providers, as well as elimination of copayments for preventive services for seniors and strengthening their ongoing relationship with their doctor.

I am proud that the health care reform bill includes this essential reform. I look forward to action on health care reform that addresses primary care.

PLIGHT OF FARMERS AND FARM WORKERS IN CENTRAL CALIFORNIA

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

Mr. DUNCAN. Mr. Speaker, over the last few days, thanks to Sean Hannity, millions of people have seen or heard about the plight of farmers and farm workers in central California. In some areas, over 40 percent are unemployed and many thousands are having to stand in food lines so their families can have something to eat.

Farms have dried up because the Federal Government has cut off their water to save a 2-inch minnow elsewhere. This will drive up food costs elsewhere.

What many do not know is that the House voted on this issue twice, on June 18 and again on July 23. On the first vote, 171 Republicans voted for the farmers, 215 Democrats voted for the minnow. On the second vote, 176 Republicans, all but one, voted for the farmers. All but three Democrats voted for the fish.

Unfortunately, neither vote was close. Wealthy environmentalists won. The farmers and farm workers lost.

EXTEND UNEMPLOYMENT TO ALL REGIONS

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

Mr. PERRIELLO. Mr. Speaker, the House acted in a bipartisan way this week to address the issue of extending unemployment benefits. It was an important act in this very difficult economic time to reach out to those who through no fault of their own have lost the lifeline to be able to support their own families.

However, with the way that this was done, it was looking at unemployment levels State by State. That meant that even areas of tremendous economic distress in certain States did not benefit from this program.

There are parts in my district in southern Virginia with over 20 percent unemployment, but this act as written will not apply to them. Rural counties with 12 to 18 percent unemployment are not covered.

While this was an important act of bipartisanship to help those who are struggling in this economy, we must do better. We must find a way to make sure that unemployment benefit extensions and other relief efforts are targeted at the areas of greatest economic distress, even if those exist in States that are doing relatively well.

I hope that the areas around the country that are like southern Virginia, small manufacturing towns and farming communities, are not left out of these future efforts. I will continue to fight to make sure all those that are struggling get relief.

OFFSHORE ENERGY

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BROWN of South Carolina. Mr. Speaker, last year Congress and President Bush announced an end to the decade-long ban on offshore drilling. But the Obama administration stopped progress on meeting our Nation's energy needs by instituting an extended 6-month public comment period.

That period ended Monday, but according to the Secretary of the Interior, Ken Salazar, expanded offshore drilling may not happen until 2012, turning a 6-month delay into a 3-year ban. With the unemployment rate well over 9 percent nationwide and close to 12 percent in South Carolina, it is irresponsible for the administration to ignore the economic benefits that will come with America's energy production.

According to recent reports, drilling in the Outer Continental Shelf could generate $8 trillion in gross domestic products over the next 30 years, 1.2 million American jobs and $70 billion in wages annually. In South Carolina alone, offshore exploration could generate up to $250 million in revenue annually, and would create over 2,000 jobs in the Palmetto State.

Mr. Speaker, we need to be sure that we are able to continue to develop our resources.

NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK

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

Mr. SMITH of Washington. Mr. Speaker, I rise today to recognize the

fourth annual National Health Information Technology Week. Health information technology is a critical piece of health care reform.

The cost of our health care system is the main burden. As we look for ways to expand coverage to the millions of Americans who don't have it, getting costs under control is absolutely critical.

Health care information technology is one way to do that. If we can improve the quality of our IT systems and our health care system, we can improve the quality of health care for millions of Americans by getting better information to both doctors and patients more quickly.

Right now the system is woefully behind most other businesses in developing and improving IT. This House took an important step in the stimulus package passed last January by putting $19 billion towards improving health care information technology.

It's critical that that money is well spent. It is critical that we improve our health IT systems if we are going to improve the quality of our health care system for all Americans.

NEW YORK TIMES GIVES MILES OF COVERAGE TO OBAMA

(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, President Obama and his agenda are in the news so much that media research groups are finding new ways to measure the coverage.

According to the Center For Media and Public Affairs, The New York Times has featured 405 stories about the Obama administration on its front page in the last 8 months. These stories total 120,000 column entries. That equals almost 2 miles of coverage devoted to President Obama and his agenda.

Not surprisingly, the New York Times featured more positive coverage of the President than any other news outlet, according to the Center For Media and Public Affairs. The national media should devote more time and a few more inches to covering the other side of the story.

AUTOMOBILE DEALERS WHO WERE FORCED TO CLOSE THEIR DOORS

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

Mr. BUTTERFIELD. Mr. Speaker, I rise today to voice concern over the thousands of automobile dealers who have been forced to close their doors as the industry is now reshaping. While the national conversation has shifted from the auto industry to health care, we must remember that car dealerships continue to be shuttered and thousands of hardworking Americans continue to lose their jobs.

In my State of North Carolina, 49 Chrysler and General Motors dealerships have closed, along with all of the Pontiac dealers. Thirty Cadillac dealers are slated to close and, unfortunately, the closures are continuing.

One of the dealerships is J.C. Harris Pontiac and Cadillac. This dealership is in my hometown of Wilson, North Carolina. They have been serving the community for more than 40 years. Despite the fact that they lead Cadillac dealerships statewide in sales, service and customer satisfaction, J.C. Harris is being forced to close its doors. Customers from the region will be forced to drive 120 miles round trip for sales and service.

With American taxpayers becoming investors in GM, they should expect better.

□ 1030

OFFSHORE DRILLING

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

Mr. HASTINGS of Washington. Mr. Speaker, last week, Interior Secretary Salazar stated that the Obama administration would ''move expeditiously'' on finalizing a new offshore drilling plan. While I hope this to be true, unfortunately, this administration has proposed one delay after another to block new energy production and new jobs.

In February, the administration stalled new offshore drilling with an extended 6-month comment period. Now we've learned they may wait until 2012 before implementing a new offshore drilling plan. This means the offshore drilling ban that was lifted last year by the President and by the Congress would effectively remain in place for 3 more years. With 10 percent unemployment, Mr. Speaker, Americans can't wait 3 more years to begin producing more energy and millions more jobs.

It's time to lift the de facto ban on new offshore drilling. It's time to act on the Republicans' all-of-the-above energy plan that will create green jobs, drilling jobs, wind and solar jobs, and nuclear jobs.

Let's get America to work producing more energy.

THE PROGRESS OF THE ECONOMY

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

Mr. SIRES. Mr. Speaker, today I rise to highlight the progress that our economy has made. When President Obama took office, he faced the greatest economic crisis in a generation: home foreclosures were at a record level, banks were in crisis, and we had just lost 700,000 jobs in January 2009 alone.

Congress took action, and it is starting to work. In just 200 days since the American Recovery and Reinvestment Act was signed into law, 30,000 projects have been approved, including community health center upgrades and transportation improvements; the rate of job loss has declined; the jobs of thousands of police officers, nurses, and teachers have been saved; and 95 percent of working Americans received a tax cut in their paychecks.

Moreover, employers are hiring again, consumer confidence is rising, consumer spending is increasing, and the housing market is turning around.

While we're beginning to see the end of the recession, there's still more work to be done. We must continue to build on the progress we have made in the Recovery Act to further jump-start our economy and build a new foundation for a lasting recovery.

NAS ATLANTA

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

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to honor Naval Air Station Atlanta. Since April of 1959, NAS Atlanta, located close to my home in Marietta, Georgia, has played a critical role in providing for our Nation's defense.

Over the past 50 years, NAS Atlanta has seen its mission change from training, to fleet logistics, to housing Navy Attack Squadrons and Carrier Early Airborne Warning Squadrons. In the 1990s, the Marines joined NAS Atlanta with MAG–42 and Marine Fighter Attack Squadron 142.

Units from NAS Atlanta have been instrumental to our causes in the war on drugs and global war on terror, as well as to the relief efforts following Hurricane Katrina. NAS Atlanta and those who have served there have proven an invaluable asset to the United States.

This Saturday, NAS Atlanta's distinguished history will come to a close as the base will officially become the home of the Georgia National Guard, as mandated by the BRAC round.

To all the personnel who are and have been stationed at NAS Atlanta: thank you for a job well done and for your service to our community. You will be missed.

THE STUDENT LOAN BILL AND THE ECONOMY

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

Mr. ARCURI. Mr. Speaker, I want to make sure that I take time to promote a bill that I think has been lost in the constant and necessary debate regarding health care reform over the past several months.

While reforming our Nation's health care system is absolutely critical, last week in Congress we passed a bipartisan piece of legislation that will

greatly benefit prospective college students of all ages from across the country.

The Student Aid and Fiscal Responsibility Act will transform the way student loan programs operate by boosting Federal loan rates across the board, including a $40 billion increase in Pell Grant scholarship programs. It will keep interest rates low and make loan application forms simpler to understand and complete, doing away with the cumbersome paperwork that now makes applying for aid a daunting task.

I have 14 colleges and universities in my district. In many cases, these institutions are the main economic engine for the towns and cities in which they are located. This piece of legislation will benefit all of them as more students can go to college and come to these great towns that provide an economic boost for the surrounding regions.

This legislation will also have a positive impact on our economy's sustainability, as it will save taxpayers $87 billion over 10 years by switching to the cheaper Direct Loan Program.

I think this piece of legislation is a win-win.

OCCUPIED TERRITORY

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

Mr. GOHMERT. President Obama has indicated before that, basically, Israel needs to not be occupying land that was acquired during war. Yesterday, to the U.N. he said that a big part of the goal is this: a viable, independent Palestinian state with contiguous territory that ends the occupation that began in 1967 and realizes the potential of the Palestinian people. Well, he has also indicated this Nation, the United States, will not be hypocritical any longer around the world.

Terrible news this is for California—all of California, Arizona, Utah, Nevada, most of New Mexico, Colorado, and Wyoming, because it means you're about to be given back to Mexico, territory that we acquired in 1848 as a result of a war.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 766 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 766

Resolved, That it shall be in order at any time through the legislative day of September 24, 2009, for the Speaker to entertain motions that the house suspend the rules relating to the bill (H.R. 3631) to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

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

GENERAL LEAVE

Ms. MATSUI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

Ms. MATSUI. I yield myself such time as I may consume.

Mr. Speaker, this rule provides for consideration of H.R. 3631, the Medicare Premium Fairness Act, under suspension of the rules. It allows this body to consider time-sensitive legislation under an expedited process to shield millions of Medicare beneficiaries from harmful premium increases for the coming year.

Due to the struggles facing our economy today, many seniors will not receive Social Security COLAs this year, even though the Medicare part B premiums will still rise. The Medicare Premium Fairness Act addresses this problem by protecting Medicare beneficiaries from bearing the burden of increased premiums because of an economic downturn largely outside of their control. And it does so without adding to the deficit.

Without today's bill, seniors who are new to the Medicare program will see their monthly premiums jump dramatically. Other part B recipients will shoulder an unfairly large share of cost increases because of the way current law requires part B to be funded. Cash-strapped States will be forced to bear the burden of higher Medicare costs for dual-eligible beneficiaries.

For these reasons, I believe my colleagues will agree with me that inaction is not an option here today. As our country begins to climb back out of one of the largest recessions in recent memory, now is the worst possible moment to saddle our seniors with increased premiums.

Many respected outside groups agree with this statement and have endorsed the Medicare Premium Fairness Act. AARP, the National Committee to Preserve Social Security and Medicare, the Center for Medicare Advocacy, and the Alliance for Retired Americans have all endorsed H.R. 3631.

These groups understand that we're living through a time when rising costs have threatened the health care people in this country have and deserve. This is true for Medicare beneficiaries and non-beneficiaries alike.

For this reason, making health care more affordable for all Americans is our top priority. And protecting and strengthening Medicare is an essential part of this vision. I urge my colleagues to support today's rule and the underlying bill so that beneficiaries can continue to see their doctors; so that they can continue to afford their prescriptions, especially medications; so that they can continue to have money to spend and cycle back through our recovering economy.

By acting quickly and decisively on today's bill, we underscore our commitment to preserve Medicare for millions of people who have earned the security it represents and who count on the stability and the dignity it provides. In doing so, we will keep our collective promise to stand with America's seniors as they age and to ensure they have the health care they need to live long and fruitful lives.

We must never forget that Medicare is an essential part of our country's social contract. It guarantees that America's seniors will not be forced to fend for themselves when the economy momentarily turns sour or when they get sick or as they age. This is the living legacy of the Medicare program, and it is a legacy we build upon today.

But we do not have much time to act, Mr. Speaker. We must pass this legislation before October 1. This is so that the Social Security Administration can program updated premiums into a system in time to ensure that Medicare premium increases do not hit seniors in their pocketbooks and in their doctors' offices. Speed and bipartisan cooperation are of essence if we are to avoid this problem.

The suspension authority this rule provides will allow the House to move quickly and decisively to move this fix over to the Senate. The sooner we have this bill on the President's desk, the better off millions of Medicare beneficiaries will be. I urge my colleagues to recognize that passing this bill quickly is in the best interest of our constituents, of the Medicare program, and of our country.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I'd like to thank my friend, the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself such time as I may consume.

House Resolution 766 provides that it will be in order at any time on the legislative day of today to consider H.R. 3631, the Medicare Premium Fairness Act. That underlying legislation would freeze the Medicare part B premium for 2010 at the 2009 rate for beneficiaries who, under current law, will see a premium increase, along with an expected freeze in the Social Security cost-of-living adjustment, COLA, for 2010 and 2011. Both of those combined would leave seniors with less income next year if Congress does not act. So I support underlying legislation.

Although I support the underlying legislation that is being brought to the floor under this rule, I have reservations with the process the majority is proposing today. And I'm not the only one who has reservations with that process.

In the past, a senior member of the current majority on the Rules Committee referred to this process as ''outside the normal parameters of the way the House should conduct its business. It effectively curtails our rights and responsibilities as serious legislators.''

The reason members of the majority previously opposed rules such as this is because they block Members from offering amendments and the minority from offering a motion to recommit. That, as you know, Mr. Speaker, is a very important procedural vehicle. Yet today, the majority considers this process to be completely legitimate.

So it's interesting how they thought it was wrong when they were in the minority, but once in the majority, it's a fine process.

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentlelady and also my colleague from Florida. I rise to support this rule and the underlying bill. The seniors in my district in south Florida are grateful to my friend, Congresswoman TITUS; the chairman of the Ways and Means Committee, Mr. RANGEL; and the Health Subcommittee chairman, Mr. STARK, for acting swiftly to address one of the biggest issues facing our seniors as we speak.

□ 1045

Mr. Speaker, for the first time in 35 years, our seniors face a year without the traditional cost-of-living adjustment, or COLA, as we call it, in their Social Security payments because inflation has not increased. Of course, if you try telling our seniors that inflation isn't a concern, the first thing they are going to do is show you their medical bills and prove you wrong, because a fact that our seniors know is fundamentally they have different expenses than a typical family of four because of their medical expenses.

Currently, the cost for seniors who utilize Medicare part B, services like doctor visits or home oxygen equipment, is around $96 a month. If we do nothing, if we fail to act today, then premiums could skyrocket to almost $120 a month for the same services.

During these tough economic times, we cannot ask seniors who face staggering losses in the value of their homes and retirement plans and increased medical costs to make additional sacrifices. That is why the Medicare Premium Fairness Act is so important. This bill will ensure that next year's premiums for all Medicare part B beneficiaries will not increase by a dime.

Earlier this week, this body acted to extend unemployment benefits. Florida will be one of the beneficiaries of that. Giving Americans a hand up during these tough economic times was the right thing to do then, and giving a hand up to our Greatest Generation is without question the right thing to do now.

I urge my colleagues to pass this rule and pass the Medicare Premium Fairness Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

The rule before us today allows the House to consider a very important and time-sensitive piece of legislation under suspension of the rules. It will help this body expedite a bill that most of us recognize needs to be passed as quickly as possible. Because there will be no Social Security COLA this year, millions of seniors will see their part B premiums rise with no offsetting bump in Social Security benefits.

Now is not the time to turn our back on people who depend on Medicare for essential health care services. This is particularly true as we continue our drive to make health insurance, including Medicare, more stable, secure, and affordable for everyone in this country. I urge my colleagues to consider the needs of the Medicare-dependent constituents. Vote for the previous question and for the rule, and approve the underlying legislation.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

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

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

Ms. MATSUI. 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 adoption of House Resolution 766 will be followed by a 5-minute vote on motion to suspend the rules on H. Con. Res. 163.

The vote was taken by electronic device, and there were—yeas 235, nays 132, not voting 15, as follows:

[Roll No. 735]

YEAS—235

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

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
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
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)

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

NOT VOTING—15

Barrett (SC)
Clarke
Clay
Conyers
Delahunt
Doyle
Fallin
Graves
Israel
Johnson (GA)
Lewis (GA)
Platts
Rooney
Speier
Towns

□ 1115

Messrs. PETRI, PENCE, CULBERSON and MOORE of Kansas changed their vote from ''yea'' to ''nay.''

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.

NATIONAL JOB CORPS DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 163.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 163.

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. CONNOLLY of Virginia. 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 413, noes 4, not voting 15, as follows:

[Roll No. 736]

AYES—413

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

NOES—4

Blackburn
Broun (GA)
Deal (GA)
Flake

NOT VOTING—15

Barrett (SC)
Bishop (UT)
Conyers
Delahunt
Doyle
Fallin
Gohmert
Graves
Israel
Larson (CT)
Lewis (GA)
Rooney
Schrader
Speier
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1123

Mr. ROYCE changed his vote from ''no'' to ''aye.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 736, had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on September 24, 2009, I was called away on personal business. I regret that I was not present for the following votes:

On the passage of H. Res. 766, had I been present, I would have voted ''yea.''

On the passage of H. Con. Res. 163, had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. ROONEY. Mr. Speaker, I was unavoidably detained due to sickness.

Had I been present, I would have voted ''yea'' on rollcall No. 736, and ''nay'' on rollcall No. 735.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which

the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

MEDICARE PREMIUM FAIRNESS ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3631) to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3631

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 ''Medicare Premium Fairness Act''.

SEC. 2. MEDICARE PART B PREMIUM FOR 2010.

(a) PREMIUM COMPUTATION.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(5) The monthly premium under this subsection for 2010 shall be the monthly premium under this subsection for 2009.''; and

(2) in subsection (i)(3)(A), by adding after and below clause (ii) the following:

''In applying clause (ii) for 2010, the monthly actuarial rate described in such clause shall be such monthly actuarial rate for 2009.''.

(b) OFFSET FROM MEDICARE IMPROVEMENT FUND.—Section 1898(b) of such Act (42 U.S.C. 1395iii(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking the semicolon at the end and inserting the following: '', reduced by the sum of—

''(i) the amount transferred under paragraph (5); and

''(ii) $567,000,000;'';

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) fiscal year 2015, the amount specified in subparagraph (A)(ii); and''; and

(2) by adding at the end the following new paragraph:

''(5) TRANSFER AND OFFSET.—There are hereby transferred from amounts in the general fund of the Treasury to the Federal Supplementary Medical Insurance Trust Fund an amount equivalent, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, to the aggregate reduction in premiums payable under part B that result from the application of paragraph (5) of section 1839(a) and the last sentence of section 1839(i)(3)(A).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

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

I urge my colleagues on both sides of the aisle to support H.R. 3631, the Medicare Premium Fairness Act of 2009, of which I am an original cosponsor.

Unless Congress acts quickly, millions of America's seniors will find themselves with a smaller Social Security check at a time when they are already stretching every dollar they have. If we don't act today, 27 percent of Medicare beneficiaries will see their part B premium increase from $96 to $110 or $120. That's potentially a 25 percent increase in their Medicare part B premiums when they're getting no increase in their Social Security COLA.

It won't just be Medicare beneficiaries who are harmed either. Cash-strapped States will also feel a pinch if we don't act. Most of those impacted by the possible premium increases are dual-eligibles, or those beneficiaries who qualify for both Medicare and Medicaid because they may have low incomes. Their premium increases will have to be paid for by States as part of their Medicaid programs. As we all know, States across the Nation are facing large budget deficits and are being forced to slash critical services and increase taxes. This simply is not the time that the Federal Government should be shifting more costs to States who are simply unable to absorb it.

Mr. Speaker, even though this is an emergency situation, we have found a way to make sure that the bill is completely paid for and does not add one dime to the deficit. It is imperative that Congress act today in order to make sure that every Medicare beneficiary is financially protected and is able to afford the Medicare services he or she deserves.

I once again urge my colleagues on both sides of the aisle to support this bill. Please vote ''yes.'' Vote to protect America's seniors.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

We are here today because the Democrat leadership apparently doesn't know what our senior citizens have known for the last 6 months. I held a town meeting in Wortham, Texas, in August. The population of Wortham, Texas, is approximately 1,100 people perhaps. A constituent, a senior citizen, stood up at my town hall meeting and asked me if it was true that their Medicare part B premiums were going to go up while their Social Security COLA did not increase. I said that I did not know, but I would check it out. I had my staff check it out, and sure enough, they were telling the truth.

Well, yesterday, right before the Energy and Commerce Committee markup was scheduled to conclude, I got a note from my staff that there was going to be a special meeting of the Rules Committee last evening and that we were going to have a same-day rule and have an emergency bill put on the floor today to hold harmless our senior citizens who choose Medicare part B and who are having their premiums go up. I asked the distinguished subcommittee chairman, Mr. PALLONE, if he knew anything about it, and to his credit, he said he was aware of it, but he had just become aware of it. I said, Well, why didn't we have a hearing on this? Why didn't we have a markup? Why didn't we find out what the policy is? Why didn't we do all kinds of things? To his credit, his answer was that it was just something that had to be done.

Well, Mr. Speaker, I'm tired of the Democratic leadership waiting until the last moment. And to give them the benefit of the doubt, they don't know what's happening in these programs, so they have to scramble. Or they do know, and they don't give a darn about what the process is and what the policy is.

□ 1130

I think it's inexcusable that we are here on the House floor today on a bill that there's not any serious opposition that we need to do something but I think there is a real policy debate about how to prevent this from happening in the future.

For my friends who don't really know a lot about Medicare part B, Medicare part B is voluntary. It is the part of Medicare that handles physician payments and outpatient reimbursement. Now, most Medicare recipients choose part B. About 98 percent choose part B.

Within part B there are three classes of Medicare beneficiaries. There are Medicare beneficiaries that have a high income. There are Medicare beneficiaries that have average incomes, and there are Medicare beneficiaries that have low income.

Under current law if you have been covered in Medicare in a prior year and you don't have a high income, you don't have a low income, you are held harmless by the current law. But if you're a new Medicare beneficiary, in other words, you weren't on the program last year, if you're a high-income Medicare beneficiary, or if you're a low-income Medicare beneficiary, then you're not held harmless.

And those groups, about 25 percent of the total Medicare population, are the people that were going to have their Medicare premium increased. The current premium this year is about $96, and under current law if you weren't protected, it would go up to about $104. So that's about an $8 increase or a little over maybe 7 or 8 percent.

So under years when the average inflationary and the consumer price index goes up, there's a Social Security COLA increase. So if Medicare expenses go up, which they did last year, the Medicare part B premium goes up but the Social Security benefit goes up, and since Medicare part B premiums

are deducted from Social Security, then that is kind of offset.

But this year we didn't have inflation. The consumer price index, because of the recession, didn't go up; so our seniors didn't get their Social Security increase. But Medicare spending went up last year because we haven't reformed the program. So the Medicare part B premium, which is optional, went up; and if you weren't protected, your premium went up.

Now, Mr. Speaker, there are lots of policy questions there. Maybe we need to change the current law. Maybe we need to protect all Medicare part B beneficiaries. Maybe we need to look at these high-income seniors? Did we have that hearing? Did we have that policy debate? No.

The Democrat majority is simply putting this bill on the floor saying let's take $2.7 billion and let's hold everybody harmless. Well, now that's good politics. I am not negating the politics of it. But is that good policy?

My good friend Mr. PALLONE from New Jersey said not one dime is going to be added to the deficit. Well, he didn't tell you where the money's coming from. Here's where the money is coming from, and I have read the bill. Luckily, it's only two pages; so it's not that hard to read. But here's where the money is coming from: It is coming from something called the Medicare Improvement Fund; $567 million is coming from the Medicare Improvement Fund. That's a fund that our majority has set up in a bill last year, and I think, and I could be wrong and Mr. PALLONE could tell me, he probably knows, that there's about $20 billion in that fund. And the rest of it is a transfer that is coming from the Treasury of the Federal Supplementary Medical Insurance Trust Fund, and they're going to take $567 million from this what I call a temporary fund, and then they are going to take the rest of it from the General Federal Supplementary Medical Insurance Trust Fund.

So they're taking money that has been paid in by our Medicare taxes and they're just saying we're going to use some of that money. That trust fund's going broke. It's in the red and going broke every year. We're just going to take some of that money and use it this year. Plus we're going to take some of the money from the special fund that we set up last year. Now, there are all sorts of policy questions there.

So our friends on the majority are right to say for this year, for this $2.7 billion, there's no added borrowing; but they are wrong to say, in my opinion, that it's not adding to the deficit because they are taking money out of the general Medicare fund that we're going to need in future years and they're taking money from this special fund which I may be wrong in but I think was set up with borrowed money from the general fund.

Again, the minority is not objecting to the fact that for that 25 percent of our seniors that are not protected by ''hold harmless'' that we do something to help them. But we are very upset that it has been done so cavalierly on such short notice with absolutely no process at all.

Democracy cannot work, Mr. Speaker, if we don't let the people know why we are making decisions, what the policy implications are, not to just our senior citizens but to all our citizens.

I am not going to ask for a ''no'' vote because we do need to do something. But I am going to ask that my friends in the majority really think about holding a hearing on this, even though it will be after the fact, so we can get the facts on the table and that we try to set up a process so that we don't have to next year and the next year and the next year come out here with absolutely no advance warning and no real understanding of what the long-term implications of this are.

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

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Energy and Commerce Committee, Mr. WAXMAN.

Mr. WAXMAN. Mr. Speaker and my colleagues, this is a simple bill. It corrects a minor formulaic problem with the calculation of Medicare premiums for some beneficiaries, not all but just some. And we are faced with a very short time in which to act. The administration has told us that the Social Security agency needs to know what premium to program into their system by or about October 1.

This legislation deals with the situation where, under current law, some seniors will face unusually steep premium increases next year. Beneficiaries who pay $96 today could face premiums of $110 or even $120 per month next year if we don't act today. The reason for that is that there's no increase in the cost of living under their Social Security. But for these few Medicare beneficiaries, there would be an increase in their part B premium passed on to them.

About three-quarters of beneficiaries face this steep premium increase. The legislation would protect the other one-quarter, over 11 million beneficiaries. It will help new Medicare enrollees, older civil service retirees, and others who don't receive Social Security benefits and State government benefits. It would not add to the deficit. It would be financed by reductions in other Medicare spending.

It's an important bill. It's not the most important bill that we're going to face in the health care area. That's coming up very soon. But for those of us who have always supported the Medicare program and have been concerned about the Medicare beneficiaries, we see that we've been successful from most of them not having to face this problem. But we need to correct this problem that will be faced by a good number of people and to make sure that it does not happen to them. I would have liked to have a COLA for all Social Security beneficiaries, but at least don't let them see a reduction in Social Security to pay for an increase in Medicare premiums.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), a member of the committee.

Mr. WHITFIELD. I thank the gentleman for yielding the time.

I'm not going to get into a discussion of process today, but I would like to commend the chairman and the ranking member and the chairman of the subcommittee for bringing this bill to the floor to correct this inequity for our senior citizens.

But I would like to discuss another matter relating to the national health care debate that is of great concern to me.

Last week the Congressional Budget Office, in examining the bill proposed by Senator BAUCUS, said that that bill would reduce by $123 billion the Medicare Advantage program. This is a program that provides private health insurance for our Medicare beneficiaries. And I might say there are many of them in rural areas and over 10,000 in my district.

One of the companies that provides this private option is Humana Corporation, headquartered in Louisville, Kentucky. They sent out a notice to their Medicare beneficiaries explaining that the Baucus plan would reduce by $123 billion the amount of money available for Medicare.

When Senator BAUCUS heard about that, he ordered Medicare regulators to investigate and, if necessary, punish Humana for trying to educate its own enrollees about how they would be damaged by the Senate bill. Now, I might add that the acting director of CMS, Jonathan Blum, used to work for Senator BAUCUS.

But the thing that is really troubling about this is that while they are issuing an order against Humana, the Association for the Advancement of Retired Persons, AARP, which claims to represent senior citizens on Medicare, they also have an advantage program through United Health Care that they offer 1.7 million enrollees, and yet they've been sending out information and on their Web site saying that Medicare funds would not be reduced, and yet CMS is not taking any action against them.

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

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

Mr. Speaker, this is a very, very important bill, and it's one that we need to pass today.

In August, as was referenced, many of us heard from our constituents that they were going to be in this crunch where, on the one hand, the cost-of-living adjustment for Social Security was

not going up based on the formula that looks at inflation cost but, on the other hand, they were facing an increase in their Medicare part B premium. I pledged actually on the spot that I knew we would come back and we would be trying to take a look at this and explore various options that could help 10 million Medicare beneficiaries across the country, including thousands in Maryland.

There are a number of ways to address this issue. I think what happened was the idea of looking at the Medicare part B premium and making an adjustment there instead of holding it down is one that came into focus recently. We might have been able to go do hearings based on that, but we realized we've got to move quickly because the Medicare program needs to implement this right away if it's going to be put in force. So that's why we're moving quickly.

The bottom line here is people spoke to us and we listened, and that should be an assurance to all those seniors out there who are expressing some anxiety about where we are going generally with our health reform efforts. We are hearing those concerns. They're part of what we're trying to do here to keep the Medicare program strong and to look out for the best interests of our seniors, and that's why we ought to support this legislation today.

Mr. BARTON of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. HERGER) and ask unanimous consent that he control that time.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the balance of the time.

There was no objection.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

□ 1145

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise today in reluctant support of this bill because I do believe it is a promise that we must keep to our seniors. It is not fair for our seniors to shoulder the burden of this Congress because of the policies passed by the Democrat majority.

However, wouldn't it have been a whole lot better to pay for it from the unused stimulus money?

This savings to seniors will be especially and critically important to Medicare recipients. CBO Director Elmendorf just announced yesterday that seniors can expect to see a reduction in their Medicare benefits if H.R. 3200 is passed. That will mean that some of our poorest citizens will be asked to pay even more for their out-of-pocket medical costs. This is not change that they can afford.

The President and the majority in this House and in the Senate owe our seniors an honest explanation. AARP also owes an explanation to its members for misleading them about the Medicare cuts contained in H.R. 3200.

According to the CBO Director, 2.7 million seniors will lose their current Medicare Advantage plans under the policies of the House health care bill. When I said the President was flat wrong about cuts to Medicare benefits, this is exactly what I meant.

I am, however, pleased that this bill does work to protect some of our seniors from future financial hardships, but the correct approach would be to scrap H.R. 3200, to fix Medicare first and to pursue a real bipartisan approach that delivers honest reform that the American people actually want.

Mr. PALLONE. Mr. Speaker, may I inquire as to how much time we have remaining on our side?

The SPEAKER pro tempore. The gentleman has 14½ minutes.

Mr. PALLONE. I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3631, the Medicare Premium Fairness Act, and hope that we have good bipartisan support for this sensible legislation.

We know that everyone, and particularly seniors who are on fixed incomes, have been hard hit by the worst recession in 70 years. The Labor Department data shows that, for people over 65, 447,000 filed for unemployment in August, which is a 127 percent increase over December of 2007. Over the past year, the number of unemployed workers 75 and older has increased by 33 percent. Why are they even going to work? Because seniors are hurting. They need the money. Now they learn there will be no cost-of-living increase in their Social Security checks.

At a time when health care costs are already claiming a big chunk of their Social Security checks and at a time when out-of-pocket costs are rising and they're forgoing much of their needed care, we can't allow their part B premiums to increase. They need help right now.

I strongly support the Medicare Premium Fairness Act, and I urge my colleagues to support the senior citizens and persons with disabilities by passing H.R. 3631.

Mr. HERGER. I would like to inquire as to how much time we have remaining on our side, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has 7 minutes remaining.

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

Mr. PALLONE. I yield 1½ minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman from New Jersey.

Mr. Speaker, this is a very important bill that is going to make a real difference in Vermont to about 130,000 seniors. That's the number of people who receive Social Security benefits in the State of Vermont, and 41 percent, Mr. Speaker—about 52,000 people—rely on Social Security for fully 90 percent of their income. They're going to get a zero increase in their cost of living, but on the other hand, they're going to get an increase in premiums which could be $110, $120 a month. That is a hammer to their finances for the month.

We have a bipartisan commitment to Social Security. The situation our seniors face is as a result of the recession, something over which they have no control but are very much affected by. This modest legislation is going to be a lifeline of support for seniors in Vermont, and my hope is that we will pass it on a strong bipartisan basis.

Mr. HERGER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. TITUS), who is the sponsor of this legislation.

Ms. TITUS. Thank you, Chairmen RANGEL, STARK, WAXMAN, DINGELL, and PALLONE, for your leadership on this important issue.

Mr. Speaker, my State of Nevada has been particularly hard hit by the economic downturn. In addition to record unemployment and high foreclosure rates, Nevadans have watched as their retirement savings have plummeted in value. This has been especially hard on our senior population, which has been the fastest growing in the country for the last decade.

To make matters worse for our economically strapped seniors, some of whom have had to choose between buying food and buying medicine, it is now projected that Social Security recipients will not receive a cost-of-living increase in their benefits next year for the first time in 35 years. Simultaneously, Medicare part B premiums will continue to rise. So, unless Congress acts quickly and decisively, this could mean a reduction in Social Security benefits at a time when many Nevada seniors count on every dollar to get by.

As the gentleman from Texas pointed out, not all seniors will see a decrease in their Social Security checks caused by part B premium increases, thanks to a hold harmless policy. About 27 percent of enrollees, some 11 million people, however, nationally and thousands in Nevada are excluded from that hold harmless policy. As a result, they will see their Social Security checks shrink if we don't pass this bill.

The Medicare Premium Fairness Act before you today will eliminate this inequity, and it will protect all Medicare enrollees so that no senior will see his or her premium increase or will experience a Social Security check decrease.

Because this bill is fully paid for by using existing funds, including the Medicare Improvement Fund, and because it meets the PAYGO requirements, it's a responsible way to stand up and provide for our seniors during

these tough economic times. So I urge my colleagues on both sides of the aisle to support this crucial legislation.

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

Mr. Speaker, we need to keep in mind the broader challenges facing Medicare. Medicare's trustees have expressed concerns about spending in part B, warning that legislation to avert cuts in physician payments, together with restrictions on premium increases, could ''jeopardize part B solvency and require unusual measures to avoid asset depletion.'' I am concerned that we are doing exactly what the trustees warned us against—placing the Medicare part B program at risk of bankruptcy.

Furthermore, the nonpartisan Congressional Budget Office found that H.R. 3200, the House Democrats' health care bill, would increase Medicare part B premiums by $25 billion. I find it ironic that the bill before us reduces premiums by about one-tenth the amount that H.R. 3200 would increase seniors' Medicare premiums.

I am also especially concerned that the majority Democrats are attempting to shut down the debate on how their health care bill would affect seniors enrolled in the Medicare Advantage program. The CBO has confirmed that the $156 billion in Medicare Advantage cuts contained in H.R. 3200 could, indeed, force plans to limit benefits, including premium relief. Yet CMS has issued a gag order prohibiting Medicare Advantage plans from informing their customers of this fact.

At the same time, CMS has apparently taken no action against the sponsor of the largest Medicare Advantage plan, AARP, whose Web site urges seniors to contact their Members of Congress in support of the Democrats' health care bill, which would slash Medicare by more than $500 billion.

Mr. Speaker, why the double standard? It appears that people are free to express their opinions on health care as long as those opinions are in line with the majority party's.

So, while the House Democrats claim to be helping seniors, the reality is that they're trying to cobble together 218 votes to pass a $25 billion part B premium increase through the House, and the Obama administration is abusing its regulatory powers to keep that fact from seniors. Mr. Speaker, that is wrong.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I want to thank Chairman PALLONE for yielding me this time, and I really thank him for his leadership on our committee.

Mr. Speaker, this is an important bill. Holding down the cost of Medicare premiums means so much to millions of Americans. We cannot ever lose sight of the plight of our senior citizens, who are struggling to make ends meet.

I want to thank the various chairmen who have decided to move decisively on this measure this week. I would only hope that our Republican friends would work with us on this one. Let's not use this issue as a weapon in the health care reform debate. This is a separate issue. Not only does it affect my district, but it affects all of our districts. In my State of North Carolina, 1.392 million North Carolinians have Medicare, and they need this legislation this week.

I ask my colleagues to join with me in voting for the Medicare Premium Fairness Act.

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

Mr. PALLONE. Mr. Speaker, I yield the remaining time to the gentleman from California (Mr. STARK), and I ask unanimous consent that he control that time.

The SPEAKER pro tempore (Mr. HOLDEN). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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

Today, we have a bill before us that will basically protect the Social Security checks from dropping in 2010 as a result of what could be called a ''quirk'' in the relationship between our Medicare part B premiums and the Social Security checks. Some seniors will still be feeling the effects of the recession in 2010, and this bill at least ensures that they will receive stable Social Security checks.

If we fail to act, about 4 million seniors and people with disabilities will see an increase in their part B premiums, which would result in a decrease in their Social Security checks.

I am quite sure that all of us understand that, even among the higher income beneficiaries under Social Security, a Social Security check becomes part of the financial fabric of most of our beneficiaries. They budget it. They know they're going to spend it on rent or on groceries or on presents for their grandkids. It will be difficult for all of us to explain why there was a $5, a $10 or even a $15 cut in their checks.

Some people have suggested we send checks at the end of the year as, I guess, we did last year. I don't think they'd make that connection. I don't think they'd figure out why those checks came and from whom they came.

This levels the playing field so that a small percentage of beneficiaries will not be paying to hold the other 75 percent harmless. There is a very small number of upper-income seniors who will basically receive a cut in their part B benefits. These seniors, this group, already has a higher premium because it's income related, and they pay taxes on their Social Security benefits, which some of the lower-income beneficiaries do not.

□ 1200

Also, we hold harmless some very low-income beneficiaries whose payments are made by Medicaid. Therefore, if we didn't pass this, some of the States who are already having severe problems with their Medicaid would have an extra burden for that small group.

The bill is paid for out of a Medicare fund which we set up some years ago for just this kind of a program. It's a fund where we set aside money each year in the event we needed dollars to solve a problem. This is a problem that we foresaw coming up for a diverse group of our beneficiaries, and it seemed to be a fair way to not disrupt their financial planning and to provide a level playing field so that all the beneficiaries receive the same treatment and some were not subsidizing others. It's a bill that I hope will have broad bipartisan support, and I think it will serve our Social Security beneficiaries well.

JUDGE DAVID L. BAZELON,
CENTER FOR MENTAL HEALTH LAW,
Washington, DC, September 24, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington DC.

DEAR CHAIRMAN RANGEL AND CHAIRMAN WAXMAN: The Bazelon Center for Mental Health Law supports H.R. 3631, the ''Medicare Premium Fairness Act.'' This bill will protect the Social Security benefits of persons with disabilities by ensuring that their monthly payments are not reduced due to an increase in Medicare Part B premiums.

It is expected that there will be no cost of living adjustment (COLA) in Social Security benefits paid in 2010, which will cause a hardship for individuals with disabilities and others who receive Social Security payments. However, Medicare Part B premiums are expected to increase. Fortunately, under current law, most of these beneficiaries will be ''held harmless'' and will not see an actual reduction in their monthly Social Security benefits. However, about 27% of beneficiaries are not covered by the ''hold harmless'' provision, including low-income individuals who are eligible for both Medicare and Medicaid, new Medicare enrollees, and new enrollees whose Medicare premiums are not deducted from their Social Security checks. Their monthly Social Security benefits, which are the sole source of income for many, could be reduced by more than $20 per month to pay for the premium increase.

A substantial number of people with mental illness are dually eligible for SSDI and Medicare benefits. However, as major mental illness typically has an age of onset in a person's early twenties, their work history is very short and their benefits are very low (benefit level depends upon quarters you have paid in as well as earnings) making increased Medicare costs even more difficult to bear. H.R. 3631 would extend the current ''hold harmless'' policy to all Medicare beneficiaries. As a result, no individual with disabilities who is a Social Security beneficiary will see a decrease in his or her monthly Social Security benefits due to Medicare Part B premiums. And former beneficiaries who buy-in to Medicare will be protected.

We support your effort to pass H.R. 3631.

Sincerely,

CHRIS KOYANAGI.

CONSORTIUM FOR
CITIZENS WITH DISABILITIES,
Washington, DC, September 24, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.
Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington DC.

DEAR CHAIRMAN RANGEL AND CHAIRMAN WAXMAN: The undersigned Co-Chairs of the Consortium for Citizens with Disabilities (CCD) Task Forces on Health, Long-Term Services and Supports, and Social Security, we support H.R. 3631, the ''Medicare Premium Fairness Act.'' This bill will protect the Social Security benefits of persons with disabilities by ensuring that their monthly payments are not reduced due to an increase in Medicare Part B premiums.

It is expected that there will be no cost of living adjustment (COLA) in Social Security benefits paid in 2010, which will cause a hardship for individuals with disabilities and others who receive Social Security payments. However, Medicare Part B premiums are expected to increase. Fortunately, under current law, most of these beneficiaries will be ''held harmless'' and will not see an actual reduction in their monthly Social Security benefits. However, about 27% of beneficiaries are not covered by the ''hold harmless'' provision, including low-income individuals who are eligible for both Medicare and Medicaid, new Medicare enrollees, and new enrollees whose Medicare premiums are not deducted from their Social Security checks. Their monthly Social Security benefits, which are the sole source of income for many, could be reduced by more than $20 per month to pay for the premium increase. Another unprotected group is former beneficiaries of Social Security disability benefits who are now working and who ''buy-in'' to Medicare under the Ticket to Work and Work Incentives Improvement Act.

H.R. 3631 would extend the current ''hold harmless'' policy to all Medicare beneficiaries. As a result, no individual with disabilities who is a Social Security beneficiary will see a decrease in his or her monthly Social Security benefits due to Medicare Part B premiums. In addition, former beneficiaries who buy-in to Medicare will be protected.

We support your effort to pass H.R. 3631.

Sincerely,

MARTY FORD,
The Arc of the United States and United Cerebral Palsy.
ANDREW MORRIS,
United Spinal Association and National Spinal Cord Injury Association.
SUSAN PROKOP,
Paralyzed Veterans of America.
LIZ SAVAGE,
The Arc of the United States and United Cerebral Palsy.
PAUL SEIFERT,
Council of State Administrators of Vocational Rehabilitation.
ETHEL ZELENSKE,
National Organization of Social Security Claimants' Representatives.

AARP APPLAUDS NEW BILL TO HELP SENIORS STRUGGLING IN TOUGH ECONOMY

WASHINGTON—AARP Executive Vice President Nancy LeaMond issued this statement applauding the introduction of the ''Medicare Premium Fairness Act'' (H.R. 3631):

''As health care costs continue to soar despite lower inflation throughout the economy, older Americans are hit particularly hard. Retirees have seen their savings wiped away by market losses while their health care bills continue to climb. People in Medicare today spend nearly a third of their income on health care. The lack of a cost-of-living update in Social Security means that millions more in Medicare could see their health care costs rise further out of reach.

''AARP applauds Chairman Rangel, Chairman Stark, Rep. Titus, Chairman Henry Waxman, Chairman Emeritus Dingell and Chairman Pallone for introducing this important legislation. By holding Medicare premiums steady for all beneficiaries for the next year—premiums that have doubled since 2000—their bill would help ensure that health care is more affordable for people in Medicare—without burdening taxpayers or future generations with new spending.

''We urge every House member who worries about the health and economic security of their constituents in Medicare to support this legislation when it reaches the floor tomorrow.''

ALLIANCE FOR RETIRED AMERICANS,
Washington, DC, September 23, 2009.

Representative CHARLES RANGEL,
Chair, Committee on Ways and Means, House of Representatives, Washington, DC.
Representative HENRY WAXMAN,
Chair, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMEN RANGEL AND WAXMAN: The Alliance for Retired Americans, on behalf of its more than three million members throughout the nation, supports your legislation, the Medicare Premium Fairness Act, H.R. 3631, and we urge its prompt passage by the House of Representatives.

Your legislation will protect members of the Alliance and all older Americans from unfair increases in their 2010 Medicare Part B premiums. Without enactment of this legislation, more than 10 million Medicare Part B beneficiaries will see their premiums increase even though they will not receive a Social Security cost of living increase in 2010. Many of those affected by this change are low income beneficiaries who would be particularly hard hit without this legislation. In addition, Alliance members who are new enrollees to Medicare would also be adversely affected as well.

Passage of the Medicare Premium Fairness Act is necessary to protect older Americans from unfair Medicare Part B premiums. If we can be of assistance, please contact Richard Fiesta, Director of Government and Political Affairs, at the Alliance. The Alliance for Retired Americans is committed to enacting legislation that improves the quality of life for retirees and all Americans.

Sincerely yours,

EDWARD F. COYLE,
Executive Director.

NATIONAL ACTIVE AND RETIRED
FEDERAL EMPLOYEES ASSOCIATION,
Alexandria, VA, September 23, 2009.

Hon. CHARLES B. RANGEL,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN RANGEL: On behalf of the National Active and Retired Federal Employees Association (NARFE), I am writing to endorse H.R. 3631, the ''Medicare Premium Fairness Act,'' which you and Reps. Henry A. Waxman, Fortney ''Pete'' Stark, Frank Pallone, Chris Van Hollen and Dina Titus have introduced to protect all Medicare beneficiaries from an increase in their Part B premium in 2010 when they are unlikely to receive any cost of living adjustment (COLA).

Under current federal law, about 75 percent of Medicare beneficiaries do not have to pay for the increase in Part B premiums in any year when they receive no Social Security COLA. However, there are four groups of older Americans who are *not* protected by the 'hold harmless' provision, including over a million federal, state and local government retirees who are not eligible to receive Social Security benefits. Absent a change in law, they would not only have to pay the higher Part B premiums without a COLA, but also absorb the costs of other Medicare beneficiaries currently 'held harmless.'

We support your bill because it shields all older Americans from the Part B premium increase in 2010, including government retirees who are not eligible for Social Security. That means no one will pay the Part B increase next year. We appreciate that the legislation is fully financed through the Medicare Improvement Fund.

NARFE applauds you and Reps. Waxman, Stark, Pallone, Van Hollen and Titus for protecting all retirees—public and private—from premium increases in Medicare in a year when they are unlikely to receive the inflation protection needed to shoulder the rate hike. For that reason, we urge your colleagues to vote for this important legislation when it is considered by the House.

Sincerely,

MARGARET L. BAPTISTE,
President.

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, September 23, 2009.

Hon. CHARLES B. RANGEL,
Chairman Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and Medicare, I am writing to express our support for your legislation, H.R. 3631, the Medicare Premium Fairness Act, which will protect certain Medicare beneficiaries from an increase in their Part B premiums in 2010.

As you know, Social Security's Trustees are currently projecting that, for the first time in thirty-five years, seniors will not see a Cost-of-Living Adjustment (COLA) in 2010, despite experiencing increases in their out-of-pocket health care costs. In this circumstance, current law contains a ''hold harmless'' provision that prevents reductions in Social Security checks for about three-quarters of beneficiaries by prohibiting an increase in their Part B premiums. We share your concern that this ''hold harmless'' provision does not protect new enrollees, higher-income enrollees, enrollees whose premiums are not deducted from their Social Security checks, and low-income dual-eligible beneficiaries whose premiums are paid for through state Medicaid programs.

It is my understanding that your legislation would extend the current ''hold harmless'' policy to these remaining categories of Medicare enrollees so that their 2010 Part B monthly premiums will also remain at the current $96.40. This is an important first step toward protecting America's millions of seniors who are burdened with high health care costs even with Medicare and we thank you for your leadership on this important issue. We look forward to working with you on legislation to further protect our nation's seniors by restoring the 2010 Social Security COLA.

Cordially,

BARBARA B. KENNELLY,
President and CEO.

CENTER FOR MEDICARE ADVOCACY, INC.,
Washington, DC, September 23, 2009.

TO THE MEMBERS OF THE HOUSE COMMITTEE ON WAYS AND MEANS: The Center for Medicare Advocacy, Inc. is pleased to support H.R. 3631, the ''Medicare Premium Fairness Act,'' sponsored by Representative Titus. This bill would extend the current hold harmless policy to all Medicare enrollees, meaning that 2010 Part B premiums will remain at $96.40 and no Social Security recipients will see a decrease in their Social Security checks.

Although Social Security benefits will not increase in 2010, many of the fixed expenses faced by Medicare beneficiaries will go up. For example, premiums for Medicare Part D drug plans are expected to increase in 2010, as are the costs for prescription drugs and the cost for other medical expenses. Adults living on fixed incomes, particularly those with limited resources, are unlikely to meet their increased costs. All Social Security recipients should be protected against increased Part B premiums in these circumstances. Beneficiaries should be protected again.

We thank you for your efforts on behalf of Medicare beneficiaries. We look forward to working with you on this issue.

Sincerely,

VICKI GOTTLICH,
Senior Policy Attorney.

I reserve the balance my time.

Mr. HERGER. Mr. Speaker, I yield the gentleman from Michigan, the ranking member of the Ways and Means Committee, Mr. CAMP, the remaining time.

Mr. CAMP. I thank the gentleman for yielding.

The majority wants you to think we are here today to help seniors. This bill will help some seniors, and I intend to vote for it.

But seniors shouldn't sleep well tonight, for they are facing massive cuts in Medicare benefits in pending health legislation proposed by the Democrats and the President. That's what I want to talk about today.

The reality is the majority's health care bill will slash Medicare Advantage benefits for millions of seniors, and the administration is abusing its regulatory powers to keep that fact from seniors. This week we learned that the Centers for Medicare and Medicaid Services has initiated an investigation into at least one provider of Medicare Advantage health care plans for accurately informing its enrollees that Medicare cuts proposed in pending health care legislation could alter their benefits.

CMS has since banned all Medicare Advantage health plans from providing similar information to beneficiaries, and let me just read to you the phrase that was communicated: If the proposed funding-cut levels become law, millions of seniors and disabled individuals could lose many of the important benefits and services that make Medicare Advantage health plans so valuable.

Frankly, this is government intimidation, pure and simple. Seniors know the President's Medicare cuts will impact their benefits. The Congressional Budget Office has confirmed these cuts could negatively impact Medicare benefits and increase seniors' costs. But when health care plans try to share that information with their enrollees, the administration slaps a gag order on them. It is an abuse of power, plain and simple.

So while the government is intimidating Medicare health care plans, shockingly, no such pressure has been applied to those supportive of the President's Medicare cuts. AARP, which boasts the largest Medicare Advantage plan, for example, has directly communicated with its members via e-mail, a Web site and letters. However, their pro-Medicare cut stance has apparently received no scrutiny from the administration. CMS' selective use of its regulatory authority threatens the integrity of the agency and our democracy.

In fact, CMS' unprecedented action is in direct conflict with its own guidance issued during the Clinton administration. The then-director of what was called HCFA at that time, Center for Health Plans and Providers, instructed health plans in 1997 that ''Prohibiting such information would violate basic freedom of speech and other constitutional rights of the Medicare beneficiary as a citizen. As long as member materials that discuss the rights and responsibilities of the member and the HMO with regard to HMO membership are not misrepresented in the context of this article, we see no reason for prohibiting the distribution of information.''

This policy reversal by CMS is also at odds with Supreme Court decisions in the area. We need to get to the bottom of this, and we need to make sure all Americans, and especially seniors, know the facts about what the President and the congressional Democrats health care bill will mean for them.

Mr. STARK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 3631, the Medicare Premium Fairness Act. For nearly four decades, Medicare has improved the quality of life for our Nation's seniors. Because of Medicare, Americans no longer live in fear of not having health care when they retire.

Yet keeping Medicare affordable for seniors is consistently a challenge. Under the Medicare formula, most seniors will see no increase in their premiums. However, unless we act, some will.

Our economy is beginning to turn around but is not yet fully recovered. We must ensure that next year seniors living on a fixed income are not forced to pay more for the Medicare that they depend on.

H.R. 3631 will ensure that premiums will not increase for necessary medical services like doctor's visits and imaging scans.

I urge my colleagues to support this legislation and keep the promise of quality, affordable health care for American seniors.

Mr. HERGER. I yield back the remainder of my time.

Mr. STARK. Mr. Speaker, I am delighted to yield 1 minute to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman from California for yielding.

Mr. Speaker, I want to single out and say how much I appreciate the work of Congresswoman DINA TITUS from the State of Nevada, as well as Chairman RANGEL and Chairman WAXMAN and Subcommittee Chairman STARK on this very important issue.

The economic downturn has hit many parts of this country very dramatically, but none more dramatically than in the State of Nevada, and certainly in the southern part of the State that I represent. I have 100,000 Social Security recipients in my congressional district, many of whom will be impacted by the increase in the Medicare part B premiums next year.

Since this increase is not going to be offset by the normal cost-of-living increase in their Social Security checks, I think this is a very important way and a very necessary way of helping to keep my seniors, who rely on Social Security and who will be harmed with this additional payment, keep them whole.

So I want to thank my colleague again and join with her in protecting the seniors in the State of Nevada and throughout the country.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland, the majority leader of the House, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

First of all, I want to congratulate Congresswoman TITUS for her leadership on this issue. She is an extraordinary Member of this House, very able, and, as Congresswoman BERKLEY, her colleague from Nevada just indicated, this will be directed at helping a lot of seniors.

I rise in opposition to this suspension bill.

I have, for a number of years, spoken about how difficult it will be for us to get a handle on entitlements. If we don't get a handle on entitlements, my friends, we will be spending nothing more in another 50 years than money on entitlements and payment on the national debt, and our children will not be happy. They will not congratulate us.

Now, there is no speaker who will speak today who will not speak on behalf of those seniors who, as my colleague SHELLEY BERKLEY just referenced, rely on Social Security to support themselves. We anticipated that concern when we adopted the legislation relating to this subject. And as a result of anticipating that, we said if there is not a cost-of-living increase, we will exempt approximately three-quarters, actually 73 percent, of seniors from any premium increase.

Why? Because we rightfully concluded, as many speakers on this floor have observed, that those seniors would be put under stress because of no cost-of-living increase but having an increase in their premium.

Now, ladies and gentlemen, I don't know how many of you go to sleep at night worried about whether Ross Perot can pay his premium, but this will freeze Ross Perot's basic premium from going up. This will affect every premium payer, including those who make individually $85,000 or more, and, as a couple, $170,000 or more.

Now, the problem with doing that is not that we don't have some empathy for those folks—by the way, every one of us who votes on that bill falls in that category. Now, we may not be 65 or above, as I am, but we are in that category.

Now, the issue is, at a time of stress, of fiscal challenge, do we say to Ross Perot, we feel your pain and so we are going to exempt you from an increase? Hear me, we have exempted all of those $85,000 and below under present law.

My friends, I think that as well meaning as this legislation is, it is not about poor seniors. It's not about those who are less well off who are having greater stress, because they are taken care of.

There are four categories of people who aren't taken care of under present law.

First of all, there are some 2.1 million who are the $85,000 and above crowd.

There are a lesser number, 1.3 million, who are Medicare newly eligible folks, and they have never paid a premium, so their premium won't go up; their premium will be what it is.

There are 7.3 million who are dual-eligibles, and the dual-eligibles, of course, will not pay anything more because that will be the responsibility of the States. Is this an additional burden on the States? It is. We will either borrow the money or the States will pay it. Our children will pay off our debt. But our law anticipated that if this was the case, that for the 7.3 million dual-eligibles, the States would pick up the difference. People say, well, what if the States don't pick up the difference? The States have an option. I understand that. We don't control that. We could change the law and say they don't have an option, but we haven't done that.

Then there are some 850,000 who did not participate in Social Security.

There are the four categories.

Because they didn't participate in Social Security, they are not covered here and they get a State pension. Now, I tried to get the average of the State pension or the board of education pension or whatever, and I don't have that. I haven't been able to get that information. This bill was considered by the committee yesterday, reported out today.

Do I stand here happy that some seniors around the country are going to say STENY HOYER was against them? I am not happy about that.

But I have felt it my responsibility to come to this floor, as someone who speaks about entitlement reform, as someone who believes we have got to exercise fiscal discipline, as someone who believes we ought to take care of the less well-off in our country, which are taken care of by the present law, 73 percent, under $85,000. We take care of that. That's an individual; $170,000 for a couple.

At some point in time, my friends, we have to buck up our courage and our judgment and say, if we take care of everybody, we won't be able to take care of those who need us most. That's my concern. If we take care of everybody, irrespective of their ability to pay for themselves, the Ross Perots of America, frankly, the Steny Hoyers of America, then we will not be able to take care of those most in need in America.

□ 1215

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy. I reflect on what the distinguished majority leader just said. I agree with much of what he advanced. But my concern, I guess, is that what we have done is symbolic of how we have sort of jerry-rigged a system.

We have the entire burden fall upon 27 percent of the population, some of whom perhaps can afford it, others who may not; and we are at a time when there is great stress on a number of these 27 percent. They will bear the entire burden.

I would hope that this would be the last time that we are dealing with a fix of this nature that is surgical, trying to deal with the inherent complexity that we have.

One of the reasons I am supporting comprehensive health care reform and Medicare modernization is so that we can tease out these anomalies; that we can provide an underpinning for all—not just our seniors citizens—but for all our citizens.

I agree this is suboptimal, but from my vantage point, this is the best that we can do in an unpleasant situation.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I think this debate has framed the issues very well. I very much share the concern of our majority leader about entitlement reform. I think part of that will have to be consideration of this issue.

But let's look at what the impact of a failure to act will mean. For the States, they will carry a large bulk of this because of the dual-eligibles. So, essentially, by doing nothing, we would say to the States, When you're in unusual circumstances, we're doing nothing. And for the many new-eligibles, they would, regardless of income, bear the weight here in times of real stress for them.

These are unusual circumstances for the States and for those who are receiving the benefits, and I think we have no choice now but to vote for this bill and tackle the issues of reform of our entitlements in the future.

So I urge support of this legislation.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the Medicare Premium Fairness Act, which will protect millions of seniors and people with disabilities from unfair increases in their 2010 Medicare Part B premiums.

Because of very low inflation, it is expected that there will not be a cost-of-living-adjustment (COLA) in Social Security benefits next year. The current law has built-in protections for approximately seventy-five percent of Medicare Part B enrollees in which they will not see an increase in their Part B premiums as a result of not receiving a COLA on their Social Security checks. However, the remaining twenty-five percent of Medicare Part B enrollees will not be held harmless from an increase in their Part B premiums and will instead be responsible for shouldering the entire burden of next year's Part B program cost increase.

This bill, quite simply, would extend the current hold harmless policy to all Medicare enrollees. By taking this action, it will ensure that no senior will face Medicare Part B premium increases next year—including federal and state government retirees who do not pay their Part B premiums out of a Social Security check and so would have been disproportionately burdened without this change.

The legislation is fully paid for and meets PAY-GO requirements. I strongly urge my colleagues to support this very important bill that will help seniors and people with disabilities.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today as a proud original cosponsor of H.R. 3631, the Medicare Premium Fairness Act.

Many of us heard from our senior citizens over the August recess that they would not be receiving a Social Security cost of living increase because of the economic downturn.

This will cause a problem for many seniors because Medicare Part B premiums will still increase as they do yearly to cover the cost of the program. A "hold harmless" policy in existing law ensures that most seniors will not have a decrease in their Social Security checks if the Part B premium increase is projected to be greater than the Social Security cost of living adjustment.

The hold harmless policy will protect most seniors from an increase in their 2010 Medicare premium, but the 27 percent of our seniors will not be protected by these hold harmless provisions and because of the way the law is written, premiums for these enrollees will be disproportionally increased to $110-$120 a month.

The Medicare Premium Fairness Act will extend the current hold harmless policy to all Medicare enrollees. Ensuring that no Medicare beneficiary will see a decrease in their social security check due to the 2010 Part B premium increase and they will not see decrease in their Social Security checks.

Our seniors live on a fixed income and any decrease in their monthly social security check puts them in jeopardy of not being able to afford food and medicine. We need to ensure

that even when we cannot increase the cost of living for Social Security we protect our seniors from a reduction in their monthly check.

I urge my colleagues to support his legislation which is fully offset and has the support of the AARP, the National Committee to Preserve Social Security and Medicare, the Center for Medicare Advocacy, the Alliance for Retired Americans, the Medicare Rights Center, and the National Active and Retired Federal Employees Association.

The SPEAKER pro tempore. All time has expired. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 3631.

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. HERGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 18, not voting 8, as follows:

[Roll No. 737]

YEAS—406

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

NAYS—18

Akin
Baird
Bean
Broun (GA)
Chaffetz
Flake
Garrett (NJ)
Hensarling
Hill
Hoyer
Jordan (OH)
Lamborn
McClintock
Pence
Price (GA)
Ryan (WI)
Shadegg
Smith (WA)

NOT VOTING—8

Barrett (SC)
Buyer
Delahunt
Doyle
Graves
Israel
Moran (VA)
Speier

□ 1245

Messrs. HILL and JORDAN of Ohio changed their vote from ''yea'' to ''nay.''

Messrs. FRANK of Massachusetts, FRANKS of Arizona, and COFFMAN of Colorado changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1245

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SCHRADER). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

AFGHANISTAN

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

Mr. QUIGLEY. Mr. Speaker, the American people should have serious questions when it comes to the war in Afghanistan, and I believe we need answers before we ever talk about sending additional young men and women into that conflict.

General Stanley McChrystal told us this week that he needs more troops in Afghanistan or else our mission there will likely result in failure, but there seems to be some confusion over what that mission is.

Question one: Are we building nations or hunting terrorists? The administration has stated that its primary goal is preventing al Qaeda from operating, but General McChrystal has stated that his mission is to protect the Afghan civilians and establish good governance. These objects are related, but they are not the same. As the President has stated, we must first define our strategy, and then we will determine how to resource it.

Question two: How many troops will we need? The figure being discussed is an additional 40,000 to 45,000 more troops on top of the 68,000 already in Afghanistan. But experts such as General Charles Krulak put the figure for a successful counterinsurgency at several hundred thousand. The greater our footprint over there, the more it looks like an occupation to a people who have violently resisted occupations for centuries.

Question three: Are we stretching our Army to its breaking point? Many of our troops are on their third or fourth tour. That has an impact on families and communities. Many of our National Guard units have left equipment over there and faced recruitment problems over here.

Question four: How long will these troops be there? It's not enough to decide we can manage it for another year or two with greater deployment. Without a specific end date, a decision to increase deployment today means more troops next year and the year after that.

Question five: Where will we get enough troops with the experience needed in Afghanistan? The military needs more IED experts to diffuse roadside bombs; however, it takes 11 months to train a bomb specialist, and these specialists are already in short supply.

We also need translators, medical officers, and other specialists that could require a great deal of training, yet we continue to kick out such specialists because of the immoral and extraordinarily shortsighted ''don't ask, don't tell'' policy.

Question six: How many NATO forces can we count on, and how will we maintain an effective command structure? We are told that this cannot be a go-it-alone mission, but resources in other NATO countries are limited, and incidents such as the German airstrike show the dangers of coalition warfare.

Question seven: Can we count on the Government of Pakistan to remain with us in this fight? Pakistan has a great deal of trouble controlling the tribal areas, and our continued presence is causing more unrest in the cities.

Question eight: Is it worth American lives to prop up the Government of Afghanistan? The Government faces serious charges of election fraud and corruption, and it appears to be losing control over much of the country as the Taliban moves in.

Question nine: Is this a winnable war? In General McChrystal's recent report he states that although the situation is serious, success is still achievable, but we still don't have a definition of success.

Final question: Is the war in Afghanistan really the best approach to protect the American people from terrorism? Our focus needs to be on protecting the people of the United States and stopping the international spread of terrorism. If this war is not the best way to do that, we need to leave. We cannot send more troops to fight for an undefined amount of time in an undefined mission and for an undefined success.

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.)

RESPECTING FAITH OF MILITARY CHAPLAINS

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, this year, I introduced H.R. 268, a bill to make sure that our military chaplains of all faiths and religions are able to close a prayer in any way they see fit.

America was built on religious freedom, and that is why I am truly disturbed by a letter that was sent to Secretary Gates from the Freedom from Religion Foundation. This organization has taken exception to the fact that while speaking on the anniversary of D-day in France, U.S. Military Chaplain Thomas MacGregor closed a prayer in the name of Jesus Christ. This is just another example of how this country's Judeo-Christian values have been under assault.

As I think my colleagues know, I am a man that respects all faiths, whether it be Christian, Jewish, Muslim, and I would be just as upset if a chaplain from a non-Christian religion came under the same attack. I respect the rights of nonbelievers just as I respect the rights of believers.

It is a sad day in America when a military chaplain is criticized for closing his prayer in a way that is true to his faith.

In closing, with our young men and women fighting for religious freedom for people overseas, it is our duty to protect our own military chaplains and respect the faith of each of them.

Mr. Speaker, before I close, I do this frequently on the floor of the House because my heart aches for those over in Afghanistan and Iraq. I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God, in His loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I ask God to please bless the President of the United States with wisdom, strength and courage to do what is right for America. And I close three times, God please, God please, God please continue to bless America.

TENTH ANNIVERSARY OF POLAND'S SUCCESSION TO NATO

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

Ms. KAPTUR. Mr. Speaker, September 1, 2009, and September 17, 2009, mark the 70th anniversary of Poland's invasion on the west by Nazi Germany and on the east 3 weeks later by the Soviet Red Army. It triggered the start of World War II. World War II began with the invasion of Poland.

Poland suffered the loss of more citizens, percentage-wise, during that war—over 20 percent of its people—under domination by the Nazis and Communists than any other nation. You would think that to mark these historically important and solemn occasions on this 70th anniversary our Congress and our President would have passed a commemoration supporting Poland's struggle for liberty and its recent democratic advances. You would think that our Nation, a nation that owes so much to Poland for inspiring our own struggle for freedom at our Nation's founding, and to its great generals, Thaddeus Kosciuszko, chief engineer of our Continental Army, and Casimir Pulaski, who saved the life of General George Washington, that we would have risen to praise the 10th anniversary of Poland's succession to NATO and its support of our current military engagements in the war on terror.

□ 1300

This year Poland will mark one decade as a signatory of NATO, the North Atlantic Treaty Organization, an intrinsic part of the United States' strategic foreign policy. September 17 should have been a reverent commemoration of an extraordinary effort that cost so many lives but seeded and bequeathed a powerful sense of freedom and democracy inside the Nation of Poland that ultimately yielded solidarity and strikes that began in 1956 until the final solidarity victory in 1989 and the collapse of the Berlin Wall. September 17 should be a day that commends the valiant people of Poland for their historic struggle against fascism and communism and commemorates the sacrifices made by the Polish people, including those who have since become American citizens.

On that day, our President should have called for strength and partnership in the NATO organization, North Atlantic Treaty Organization, European Union alliances, and continued friendship with our Polish allies in the furtherance of freedom's cause. We should have honored the historic ties that our two great nations have fashioned over two centuries.

Instead, on September 17, on the very anniversary date of the heinous Communist invasion of Poland, our government and the Obama administration chose to withdraw support of the proposed antiballistic missile shield in Poland and the Czech Republic. Whatever one's views of the merits or demerits of that defensive system, the choice of that date to announce this historic withdrawal is truly an insult to the Nation of Poland and to the people of Poland. Our Nation not only owes Poland an apology, we owe her affirmative support.

The United States has had diplomatic relations with this region since they were first established in April 1919—after having been wiped off the maps of Europe for over a century—with the then-newly formed Polish Republic, while the two nations have enjoyed consistently warm bilateral relations since 1989. The Polish Government has been a strong supporter of continued American military and economic presence in Europe. We have a shared love of freedom and democracy. They have supported our global war on

terror, Operation Enduring Freedom in Afghanistan, and our coalition efforts in Iraq.

Why did the administration do this? Poland cooperates closely with American diplomacy on such issues as democratization, nuclear proliferation, human rights, regional cooperation in Central and Eastern Europe, and U.N. reform. Now is definitely the moment for this Congress and the administration to restore a level of credible relationship with Poland in order to continue an abiding friendship that should not be smeared by this really tactless decision to announce this consequential defense decision on September 17, a date which hearkens back to some of the worst memories that Poland has as part of her history.

I besiege this Congress and the administration to correct a great mistake.

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.)

MORE VETERINARIANS ARE NEEDED IN RURAL AMERICA

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

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to discuss an issue not at the forefront of debate here in Washington but which will impact many areas of our country and many aspects of our lives. I am referring to the need for skilled veterinarians in many communities across America. This may not be a topic which makes its way to the House floor very often, but I assure you, it is an issue for many areas of our country.

Our food animal veterinary workforce is on the front lines of food safety, public health and animal health. This vital profession, however, is facing a critical shortage in the public, private, industrial and academic sectors. To make matters worse, the problem is on the rise. Large animal veterinarians, in particular, are integral to small rural communities. But in many of these communities, communities with few people but large numbers of animals, we are seeing a very distressing trend.

Let me show you. This map is a geographic display of total food animals by county in the United States. The dark gold areas have particularly high concentrations of animals per county, more than 250,000. As you can see, States such as Iowa, Nebraska, Colorado, Texas and California all have extremely high concentrations of counties with 250,000 or more food animals.

Now let's take a look at a map showing total food animal veterinarians by county. The areas of dark green indicate counties with 35 or more food animal veterinarians by county, certainly quite a difference.

Finally, let's take a look at a map showing food animal concentration per veterinarian. I want to draw your attention to the red flags that dot the map. We all know that red flags mean danger or a hazard ahead. The red flags on this map indicate counties without one single food animal veterinarian but which have more than 25,000 food animals, several counties across the country.

According to the most recent data from the USDA, Cherry County, one county in my district, has 145,000 food animals per veterinarian. Fillmore County, also in Nebraska, has 112,000 food animals but not one food animal veterinarian. It's absolutely necessary for the farmers, ranchers, hobbyists—not lobbyists but hobbyists—and even animal lovers to have access to qualified local veterinary clinics.

To this end, Mr. Speaker, I have introduced H.R. 3519, the Veterinarian Services Investment Act. The legislation authorizes the Secretary of Agriculture to award competitive grants to help develop, implement and sustain veterinary services, especially in underserved areas. These grants may be used to support a wide array of activities based on the needs of an area, such as veterinarian and veterinary technician recruitment; expanding and establishing practices in high-need areas; surveillance of food animal disease and the utilization of veterinary services; establishing mobile/portable clinics and tele-vet services; and accredited veterinary education programs, including continuing education, distance education and faculty recruitment.

Under my bill, eligible applicants must carry out programs or activities which will substantially relieve the veterinary shortages throughout our country, as indicated on a geographical basis. These include entities such as veterinary clinics located in underserved or rural areas; veterinary practices which meet food animal protection needs; State, national, allied or regional veterinary organizations and specialty boards; colleges or schools of veterinary medicine; and State, local or tribal veterinary agencies.

I am proud to say that more than 30 of my colleagues, Democrat and Republican, have joined me as cosponsors of H.R. 3519. It has been endorsed by, among others, the American Veterinary Medical Association, the South Dakota Veterinary Medical Association, the Iowa Veterinary Medical Association, Nebraska and Minnesota as well, the Farm Bureau, the Animal Health Institute, the National Association of Federal Veterinarians and the National Cattlemen's Beef Association.

Veterinarians make a difference every day. They understand animals and are integral parts of our rural communities. Unfortunately, too many rural communities don't have this necessary support. The Veterinary Services Investment Act will go a long way in this direction.

SOCIAL SECURITY RECIPIENTS NEED A COST OF LIVING ADJUSTMENT NEXT YEAR

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

Mr. DEFAZIO. Mr. Speaker, earlier today the House passed a bill that will give relief to about a quarter of the Nation's seniors on Social Security by not having them experience a Medicare premium increase this year. That's all well and good and meritorious. Times are tough. But it doesn't go to the other three-quarters of the Nation's Social Security recipients, and it doesn't get to the bottom line that there is, for the first time since we had a regularly adjusted Social Security COLA—it used to be into the fifties and early sixties before we put in place a regular COLA, a cost of living adjustment for seniors on Social Security. They would get one in election years, strangely enough. The Congress would wake up, notice that seniors were out there and give them some sort of an increase.

We fixed that problem many years ago by saying, Well, Social Security benefits would be automatically adjusted. But the measure that is used is incredibly flawed, and it was not only flawed to begin with. The cost of living index is calculated on a lot of things that seniors don't buy, things that have gotten cheaper in this bad economy, actually, like giant flat screen televisions, computers and cell phones and other things that are not consumed to any great extent by our Nation's seniors.

But if anybody has checked the price of pharmaceuticals or medical care or basic utilities or many other must-have expenses, they haven't gone down. In fact, they've gone up. But seniors, some of whom are living only on a Social Security check, many who are principally dependent upon a Social Security check, are not going to get a cost of living adjustment this year because the formula that is used is faulty. It's not only faulty; it was actually tampered with by the Republicans and Alan Greenspan, that great guru, the guy who helped almost destroy the world's economy recently through his deregulationist philosophy which became so embedded that Wall Street ran wild.

Alan Greenspan has always hated Social Security since he was on a commission many years ago and tried to find ways to go after it. A number of years ago he convinced a Republican Congress that the cost of living index actually overestimated inflation and that you should take away one point before you give a COLA to seniors on Social Security. The Republican Congress did that.

Now here we are today. We have a Democratic Congress. We're being told that there is no inflation; seniors won't get a COLA. The Obama administration says probably for 2 years they won't get a cost of living adjustment. That's not right. The things they are buying are going up in price, dramatically, and they're having tremendous difficulties making ends meet, living on that fixed income.

I have had a bill for many years that would put in place a new cost of living index for seniors called a CPIE—elderly—to look at the things they really buy and have to buy to live and get by. That hasn't gone anywhere, but I'm still pushing that idea.

But while we're working on developing a true index that would really look at the costs for seniors, we should pass a 1-year cost of living adjustment. And we can do that without borrowing the money, with no impact to the Social Security trust fund, very simply. We would just say that those who earn between $250,000 a year and $359,000, they would pay the same rate of Social Security tax as every normal wage-earning American who earns less than $106,000 a year. If you earn less than $106,000 a year, you pay Social Security tax on every penny of your income. If you earn $250,000, well, no, you just pay on the first $106,000. You don't pay after that. Your tax rate is lower.

Let's have a little bit of equity here. So we would simply have people earning between $250,000 and $359,000 pay the same rate of Social Security tax as every other American that would pay for a one-time COLA for seniors to help them make ends meet. We must act and act soon to get this done before this injustice happens next year.

AMERICA NEEDS TO STAND BY HER WORD

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

Mr. GOHMERT. Mr. Speaker, I wish to address the issue of credibility that is so critical. And I want to follow up on what my friend was just discussing with regard to Social Security. These seniors would be flush with cost of living increases; the money would be there if we did one thing, the one thing that has not been done in the entire history of Social Security and, that is, put the tax that provides for Social Security into the Social Security Trust Fund. It has never been done. It has always had IOUs go in. As the money comes in, it goes out the other door. That ought to stop.

And what it would create is the need to control the outrageous spending that's been going on, the $770 million we passed for wild horses, the $25 million for rare dogs and cats in foreign countries, the $25 million for rare cranes, 80 percent of which are in other countries. Those are the things that would need to stop.

When it comes to the issue of our Nation's credibility, you can go back historically to 1812. There were banks and merchants in England that had loaned the United States money. When we went to war with England in 1812 as a nation, we made the commitment that we will still stand good for our word because even though we'll be at war, our word, our credibility, is too important to do otherwise.

□ 1315

That opened the door for the United States to become an economic powerhouse because people around the world said this is a Nation that can be trusted; their word is good.

With the way Vietnam ended under President Nixon and the Carter years, our credibility around the world was devastated, as we went back on commitments we had made. And it took the years of President Reagan, former President Bush, former President Clinton, former President George W. Bush to build our credibility back among the other nations, that you may not like our position, but when we give our word, we're going to stand good for it.

Now in 9 months' time that is all in jeopardy again. We heard during the campaign the noble promises that we will not go it alone on anything. We will not be that arrogant. We will consult with the other nations. And we had an agreement with Eastern Europe with regard to missiles and a missile defense shield, and there are leaders in Eastern Europe that took great political risk, and it cost them politically in mighty ways to work an agreement with the United States. But they did it because they believed they could trust the United States at its word.

Whether you believe in the propriety of the missile defense shield in Eastern Europe, that's one thing, but to unilaterally go against the word that was provided that we will not do that, that we keep our agreements, and unilaterally announce we're going back on our word on the missile defense shield shatters credibility even to those who didn't care about the missile defense shield but who are thinking about reaching agreements with us.

After the U.N. speech yesterday, all of the promises that have been made by this administration, both before and after its election, that that was the critical war we could not afford to lose, we're going to stand with them, now after the speech yesterday people are wondering, wow, are they going to back out and go against this Nation's word yet again already in this 9-month period? It's not just the Afghans wondering. Can we trust these people when they say they're going to help us? This is our Nation's credibility at risk. That affects everything.

There were pledges made to Israel during the campaign by the people inhabiting this administration, and now we're telling them you're going to have to go back to the lines the way they existed before 1967 because you cannot occupy land that you achieved during warfare. My goodness, we're going to have to give back California. We're going to have to give back Utah, Nevada, Colorado, Wyoming.

This is ridiculous. We are hurting our credibility nationally. Regardless of whether you agree or disagree with the prior administration, please do no more damage to this Nation's credibility.

REVISIONS TO THE 302(a) ALLOCATIONS ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2010 THROUGH 2014

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 321 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit a revision to the budget allocations and aggregates for certain House committees for fiscal year 2010 and the period of fiscal years 2010 through 2014. This adjustment responds to House consideration of the bill H.R. 3631, "To amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner." A corresponding table is attached.

This revision represents an adjustment 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 revised 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	3,668,601	2,882,149	n.a.
Outlays	3,357,164	3,002,606	n.a.
Revenues	1,532,579	1,653,728	10,500,149
Change in the Medicare Premium Fairness Act (H.R. 3631):			
Budget Authority	0	2,065	n.a.
Outlays	0	2,065	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	3,668,601	2,884,214	n.a.
Outlays	3,357,164	3,004,671	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.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2009		2010		2010–2014 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Ways and Means	0	0	6,840	6,840	37,000	37,000
Change in the Medicare Premium Fairness Act (H.R. 3631):						
Ways and Means	0	0	2,065	2,065	0	0
Revised allocation:						
Ways and Means	0	0	8,905	8,905	37,000	37,000

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.)

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

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

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

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

WHERE IS THE HEALTH CARE REFORM BILL?

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

Mr. DEAL of Georgia. Mr. Speaker, Congress recessed on July 31 for the beginning of the August recess. On that day, H.R. 3200 passed out of the committees that had jurisdiction. That is the health care reform bill. It passed out of the Energy and Commerce Committee, on which I serve, late on that Friday evening, the last day in July. And everybody in this House went home for the August recess.

During that period of time, I held town hall meetings, as did many of my colleagues. There were TEA parties. There were freedom rallies. The American public spoke out as they have not done in a very long time and much of their frustration centered around the bill H.R. 3200 that at that point in time had passed all of the committees of the House and was ready for action on the floor.

But the American public sent a message, a message that they don't like the runaway spending that Congress has been engaged in. They don't like many of the programs that they think are jeopardizing the future of their children and grandchildren in terms of the repayment responsibilities. But more than anything else, they sent the message that they do not want their health care tampered with and taken over by the United States Government.

Now, surprisingly, that message apparently has not been heard on the floor of this House.

Yesterday in the committee of primary jurisdiction that has H.R. 3200, the bill was, in effect, reopened for further amendments. Now, you would think that if the bill is going to be revisited that we would have heard not only from the American people but we would have heard from the President of the United States, who on September 9 spoke right here on the floor of the House. At the time he enunciated issues that he was in favor of. Republicans agreed with many of those things. But the question we had at the time was, where is the bill that embodies the things that you say you're in favor of? We did not see a bill then, and, unfortunately, we have not seen one since that time.

So yesterday in the committee of primary jurisdiction, you would think that we would have seen a bill that embraced the principles that the President said he was in favor of even though they were not embraced in the bill that was the only bill before this House when the President was actually speaking. You would think it would have embraced many of the issues that the American public said they were concerned about.

Republicans attempted to offer a bill that would have embraced those issues where there should be bipartisan support, but we were not allowed to have a vote.

There are many issues that are encompassed in this debate. One that I have supported for a very long time is that if we are going to use taxpayer money, we should verify the citizenship of individuals who are going to receive the benefits of that taxpayer money because unless that is verified, there is no validity to simply saying that we are not going to spend taxpayers' money for people who have violated our law and are coming into our country inappropriately.

So the question remains, Where are we on health care reform? The rumors now abound that Speaker PELOSI is about to introduce a bill that purports to address the issues she's concerned with. We haven't seen the bill. I would ask the question, Is that bill going to come before the committees of jurisdiction? Is there going to be a hearing on it? Are committees going to have the opportunity to amend it? Or is it going to go, as so many other things have gone in this body during these last few months, straight to the floor of this House with very little, if any, opportunity to have an input from the Representatives, who are the elected representatives of the people of this great country?

Those are the questions that still remain. They are still unanswered.

I would conclude, again, if there is something that we have gained from what we have heard from the President and, more particularly, what we have heard from the American public during the August recess, where is the bill that puts it in writing? We have yet to see it.

THE LACK OF TRANSPARENCY OF WHERE OUR TAX DOLLARS ARE GOING

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

Mr. FORBES. Mr. Speaker, across this country there are many people today who are worried, and they're concerned and are even fearful about a number of things, but two of those things consistently work their way to the top.

The first one is the enormous amount of debt that this country is incurring and this administration is imposing upon our children and our grandchildren and, secondly, the lack of transparency of where our dollars are going.

If you look at the millions of dollars that have gone to ACORN, no one in this administration can tell you where they went and account for them. We have got millions of dollars going to banks that no one can account for; billions of dollars in the stimulus package that no one can account for; billions of dollars in welfare benefits that no one can trace and account for. And we have czars popping up all over the place with no accountability.

So we look at these people across the country who are fearful and concerned, and sometimes we say why are they assembling themselves together and why are they using some of the language that they are using? But what are their options?

And let's look at just one agency, the Department of Defense. Many of us have been concerned that these huge expenditures are for the first time putting us in a position where our budget is driving our defense posture as opposed to our defense posture driving our budget.

This year when the Defense budget came to the Armed Services Committee, the Secretary of Defense was

required by this Congress, by law, to submit two things with that budget: first of all, a plan about the number of ships that we have, a shipbuilding plan, so that we could look at that plan and see how it matches up to threats that we have around the world. And the second thing was an aviation plan. It just makes sense that you have a plan and know how many planes you're building and where they're going to be so that we can see that we can defend this country. As the ranking member of the Readiness Subcommittee it is important, I felt, for us to know those risk factors.

The law says specifically in 10 U.S. Code, section 231 that the Secretary has to submit a shipbuilding plan and then certify that this budget will meet it. The law also says he has to submit an aviation plan and certify that this budget will meet it. This year he simply refused to do it.

And, Mr. Speaker, when we then said what are our options, we thought, first of all, let's just be polite. So we wrote a letter, I wrote it, as ranking member of the Readiness Subcommittee of the Armed Services Committee, asking him to submit those plans. Do you know what we got? This is what we got: absolutely nothing.

So then we decided let's work in a bipartisan manner to see if we could correct that. So the Armed Services Committee issued a congressional inquiry demanding that the Secretary of Defense comply with the law and simply give us the plan for shipbuilding and aviation and certify that this budget would meet it. And, Mr. Speaker, this is exactly what we got: nothing.

Every member of the Armed Services Committee unanimously agreed that that information should be submitted by September 15 and issued that in the congressional inquiry. And, to date, the Secretary of Defense has refused to turn over those dollars, those figures, that certification, and those plans.

Mr. Speaker, I just ask you this: How can the Secretary of Defense look at our men and women in uniform and say we expect you to follow the law, to follow the statutes that Congress has passed and the President has signed, but they apply to you and not me?

I don't know what options we have; but I know this, Mr. Speaker, that I'm going to continue to come on this floor day after day after day until the Secretary complies with the law and gives the Armed Services Committee what he's supposed to give us, a shipbuilding plan and an aviation plan and the certifications that our budget will meet those so that we are defending the United States of America.

□ 1330

OUR FRIENDS IN EUROPE: YOU WILL NOT BE FORGOTTEN

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

Mr. SHIMKUS. Mr. Speaker, a national missile defense: I am aghast at its being dropped by this administration.

First of all, we have a missile defense program, and that protects the west coast against a launch by a rogue nation, namely, North Korea. The national missile defense site proposed plan for Europe was designed primarily to defend our eastern coast against a rogue attack by Iran, so that's why I reject the arguments of this administration. This administration is citing concerns into Europe.

The benefit of the national missile defense site was that we got a twofer from this. Not only did we get a system, again, that's already in application on the western coast—we have a system in place to protect our eastern seaboard from a launch of an intercontinental ballistic missile, armed by a nuclear warhead by Iran against our eastern coast—but it also gives coverage to our allies and friends in the vast majority of Europe.

Our allies, the Poles and the Czechs, worked hard to educate their public to bring together consensus and to support the two sites—one being a radar site in the Czech Republic and another being an interceptor site in Poland.

What did they do based upon the negotiations with us? What is our response to them? Our response to them is to now reject and to turn away from this site.

Now, the launch sites in Poland are a few interceptors, not the hundreds of offensive missiles that are placed in Russia. The interceptors were never a threat to Russia. However, this administration now bows to the totalitarian regime in Russia at the rejection of our friends and allies in the democratic countries in Eastern Europe—our friends the Poles and the Czechs—who have worked hard, who have solid democratic institutions, who support the war on terror, and who are our allies in the battle of freedom. So we side with the Russians in opposition to our Eastern European friends and neighbors.

You know, Russia may have been successful in causing this administration to back away from its commitment, but I want them to understand there are still many, many Members in this Chamber who will not kowtow to you or bow to the threats imposed by a reemergent Russia. Russia has meddled in the affairs of the Eastern European countries for long enough, most recently in the invasion of Georgia, meddling in the Ukraine and trying to destabilize their neighbors on the borders.

We will continue to fight for those freedom-loving, democratic institutions in Eastern Europe, especially for the countries I mentioned before—the Ukraine and Georgia—and for the people who want democracy in Belarus. We will not allow a reemergent Russia to try to build a new sphere of influence that will deprive these people of freedom.

This battle on national missile defense is the first victory for Russia in, again, attacking the credibility of the leadership of our country and in causing us to back down to commitments we made, not only to our citizens on the eastern coast but also to our allies and friends in Europe as a whole, and particularly to the Eastern European countries.

For years, the Eastern European countries have been called the ''captive nations'' because these were the countries which were under the totalitarian regime, under the old Soviet Socialist Republic system. They were deprived of their freedoms for decades. Of course, that is the desire of this new emergent Russia—to bring them back into that sphere. It is disappointing that this administration didn't stand strong in support of freedom and democracy and keep the movement on the national missile defense reaching forward.

We look forward to continuing this debate. I just want to send a message to our friends in Europe that you will not be forgotten.

THE PROGRESSIVE CAUCUS MESSAGE HOUR

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

Mr. ELLISON. Mr. Speaker, I am KEITH ELLISON, here to claim the time.

The Progressive Caucus message hour, which comes to the House floor every week, week after week, with a Progressive message will be short tonight. We want to let our Republican colleagues know that. Tonight, though short, it will be a very potent and effective message because it is a Progressive message.

Obviously, everything these days is health care. Health care is a crucial issue, but it's important to understand that, from a Progressive standpoint, health care reform is part of an overall package of reform for middle and working class people in America.

How are you doing with your family budget when you see, over the last 10 years, that health care premiums have increased, that deductibles are increasing and that copays are increasing? How is it going when you see your neighbors are foreclosed upon and when the houses in your neighborhood are seeing a reduction in value? That's real wealth you're losing with this foreclosure crisis.

In a Progressive vision of this world, we see middle class people and working class people—people who are making only a little bit, who are making only minimum wage—who are actually seeing their wages rise, who are seeing their health care costs level off and go down, who are seeing their home values go up, and who are seeing the doors to the universities remain open so that young people can have real opportunities in this America.

We have a vision where everybody counts, where everybody matters, where we're not constantly looking for the next person to throw under the bus. With the Progressive vision, we know that it doesn't really matter what your economic station is in life. You still have an opportunity to do well in America. You still should have that opportunity. You should still have an opportunity to have your civil and your human rights respected. As we move forward in this health care debate, we must remember from a Progressive message standpoint that it is a part of a network of things that American middle class and working class people need—people of all colors, people of all cultures and people of all faiths.

The Progressive message: We don't believe that it makes sense to rail against and to demonize people who come from other countries. We welcome new Americans. We think it's a good idea. Immigration has been good for the United States.

We have a Progressive message which says that we believe that everybody's health care in the United States ought to be covered and that your health should not be a commodity which is bought and sold on Wall Street, which is bought and sold on commodity markets, where people basically look at you and your health as an economic entity to make themselves richer and wealthier.

So it is with that opening remark that I talk about our short presentation tonight: the Progressive message about health care. It is in this context that we talk about health care, not so much about the technicalities of health care at this point, but really focusing on health care reform—patients before profits. We believe in this.

Thirty-six other nations in this world provide some form of national health care. Our country does not. We are the richest country in the world. We have a GDP bigger than any other country in the world by double, and still we say we don't have enough to go around to cover the 49 million who are left uninsured or to make sure that we hold prices down and have quality care for the 250 million who do have employer-based health care and government health care but who are seeing their premiums rise.

Tonight, though our friends on the other side of the aisle constantly bang on government and talk about government-sponsored health care, we are here to say that the government is a good thing. There is nothing wrong with government. From a Progressive standpoint, we say that, yes, government must be efficient, that, yes, government must be effective and that, yes, government must not be too intrusive. Yet, just to make blanket statements about how government is bad, this is not part of the Progressive mission, because we know the GI Bill is part of government; we know that Medicare is part of government; we know that Medicaid, which covers the poor, is part of government; we know Social Security is part of government. We don't look at the government as the enemy in a country that is by, for and of the people. The government is us. So what are people talking about when they rail on government-run health care as if it's some horrible thing?

The fact is that we're here to stand up and to stand out for real health care reform as a part of an overall package to make middle and working class people better off, with a higher quality of life and with more opportunities for themselves and for their families.

So, as we discuss this issue and as we keep it in context, it's important to also bear in mind that a key element of reform—an essential element of reform—is the public option. The public option is an essential element of reform, and I want to talk to you about it tonight for just a few minutes because we're not going to be here long. We're going to be here for a while. Most doctors support the public option.

We have this chart here—and I hope I can get a nice, wide camera angle—of both the public and private options.

Sixty-three percent of all doctors—they call it ''doctors/providers'' nowadays, but they're really doctors. Sixty-three percent of doctors support both a public and a private option. Sixty-three percent. That's a lot. Now, you have another 10 percent of doctors who say, You know what? Get profit-based health care out of our American system. We want public-only options.

If you put all of the doctors who believe in both public and private options and doctors who believe in public-only options, that's 73 percent of doctors.

Doctors say they know the public option is better. You might have some folks who are accountable to industry interests in the insurance industry who don't want a public option, but you don't have doctors saying it. Doctors are for the public option—63 percent-plus more.

I am very pleased to be joined right now by my dear friend from the great State of New York, ANTHONY WEINER.

Anthony, how are you doing tonight?

Mr. WEINER. I thank you very much.

I am an honorary member of the Progressive Caucus. I am not a member of the caucus, but I am very interested in the work that you've done on this issue. I just want to pick up on a point that you just made.

Part of the reason doctors understand the need for the public option is that they deal every day with insurance companies. You and I, when we get sick—and God willing, that's not often—and when our constituents get sick, they have to deal with their insurance companies. They deal with them every day. They've got six or seven different in-boxes on their desks. About 20 percent of their overhead is dealing with insurance companies, and I don't mean dealing with them as in, ''Hey, how are you doing? Let's have a doughnut and coffee together.'' I mean sitting on hold, getting approval, trying to find out when they're going to get reimbursed, spending months and months and months waiting for insurance companies to give them money for services they've already provided.

So when doctors look at this debate, they say, You know what? Having some level of competition is helpful to them as well. Just so we understand the context of this, we swing wildly between people who say the public option in this health care debate is going to transform the world and people who say it's not really going to do anything. Somewhere in between is probably right.

When this health care plan goes into effect under the President's proposal we have here in the House, for most Americans, they're not even going to have the ability to go sign up for the public option because they get health insurance at their work. If they decide to leave their employers, they're going to leave whatever the employers are putting into the kitty, so they're probably not going to do that. They effectively are not going to go into the public option. If you're on Medicare, Medicaid, the VA, or the Department of Defense, you're not going to be even eligible to go into the public option.

So the people who are going to benefit are a small group of people, an important group of people who are underinsured, meaning their employers don't provide even the basic health insurance we believe they should, or those who have no coverage at all. They're going to be able to shop. Even for those people, it is going to take a while for this public option to get up and running.

The reason it's so important—and you've made this point continually during the debate—is that we should have at least some experiment with how it might work. We should have some way to look through the lens and say, You know what? Here's a private insurance company that's paying for advertisements and that's paying bonuses. The CEO of the public option will probably make—I don't know—$190,000 a year, whatever it is, versus an institution, a public option, which might say, You know what? Maybe we can do it for less because we don't have to look out for shareholders. That sliver of competition has the insurance companies mortified.

The question is why. Why are they so afraid?

Because, I say to my colleague from Minnesota, at the end of the day, it could just be that these insurance companies say, You know what? If I'm going to compete, maybe I'll have to turn a little bit less over to profits, a little bit less over to advertising and over to bonuses. Now, for them, that might not be so good, but for the rest of us and for the country as a whole, that is actually, probably, a pretty good thing.

Mr. ELLISON. If the gentleman would yield briefly—and I'll hand it right back to the gentleman from New York—I just want to throw this out there:

I propose that the people who support the public option and the people who oppose the public option do so for the same reasons.

□ 1345

One is that the public option will be competitive. Because we don't have to funnel monies into these things that don't really go to care, we will be able to provide cost-competitive products for people to be able to purchase.

Mr. WEINER. Well, let me make one other point. First, that's funny, you made that observation, great minds think alike or average minds think alike.

I had written an op-ed a month ago, made the same exact point that actually the two sides agree on this. But what's interesting about some of my Republicans friends who have fought so vehemently against it is, at the end of the day, we are introducing another market player. That is, you always want more market players because that's where competition comes from.

We are introducing another one. Now we have tied its hands behind its back a bit more than I would have liked, but we are introducing another market player. It's fascinating because the argument seems to be, wait a minute, if you give my constituents choice, they might take it. Now, it's fine that—we apparently believe that our constituents are smart enough to choose us to be their representatives, but, oh, no, we can't trust them to be smart enough to choose the health insurance plan.

By the way, I already see the TV commercials. Don't go with them, you don't want government-funded health care. Yes, the private insurance companies are going to do everything possible to compete in that way. But at the end of the day, we are trying to introduce market forces where they don't exist today.

Let me just make this one final point. We hear all the time from the other side. Let the marketplace work. There is no marketplace for health care as a commodity the way we know it.

If I have an appendix burst right now standing here, I am not going to say, You know what, I am not going to get an appendix, I am going to shop for a liver instead. Or I am not going to say, You know, I am going to wait. I understand appendix goes on sale in December, I am going to wait. Or I don't have the ability to say, I am going to go buy some books and learn how to sew up my own appendix. That doesn't happen.

If I am like 80 percent of all people that get their insurance from an employer, I have one option. My employer walks in and says, Congratulations, everyone here at the supermarket. We have Blue Cross or we have Oxford, and here is the coverage.

I don't get to say, Hey, boss, uh-uh, give me my money, I am going to go shop around a little bit more. That doesn't happen.

So the idea that we have some kind of a free market guaranteed choice doesn't exist. Now we are introducing a little bit here, but at the end of the day, this is not a commodity, like a suit of clothes that you can say I am going to buy or I am going to not. It's also true when people say, Why should I have to get insurance, I am not sick.

Well, you might not be sick today, but if, God forbid, you get hit by a car and you have $170,000 worth of insurance, of health care costs, and $100 in your pocket, you know who is paying? You and I are.

But what happened to the idea of letting us all make free choices? The right of your choice stops where it starts impacting me. As my father would frequently say to me when he was explaining to me the law, the right of my fist stops at your nose. You can't have this kind of conversation that—but if you really believe in the marketplace, introduce more players.

That's what Mr. ELLISON has talked about, and that's what the Progressive Caucus talked about. That's what, frankly, overwhelming numbers of Americans and overwhelming numbers of doctors are talking about.

If you are interested in making sure that we have a marketplace that is not just dominated by the idea if you can afford to pay, you do, and let me make this final—I know I keep saying final point. There is one other thing. You know, I have made the point that insurance companies for health care at the end of the day are not like insurance companies in any other walk of life.

Your car insurance company, since we all have automobile insurance coverage, they are apportioning risk. They are trying to figure out how you spread risk around. Health insurance companies don't do that. They are not covering anyone over 65. They are not covering anyone that has a preexisting condition. People like my father who tried to get health insurance before he was 65 were charged so much he effectively couldn't get it. So they are not doing that either.

So the question becomes what are the insurance companies doing? They are taking our money and giving it to doctors, giving it to hospitals, giving it to clinics. But they are putting 20 percent in their pocket.

So why don't we, if we are trying to figure out savings, not that I have anything—I mean insurance companies aren't venal people; they are doing what we frankly have allowed them to do and they have risen up for natural reasons. Let's start with that 20 percent. Let's start with that 350 or so billion dollars out of a $2.5 trillion pot. You know what, let's put that back into health care, let's put that back into tax cuts. Let's put that back into other service.

Frankly, that's the argument behind the public option, and it's 4 percent overhead, compared to the health insurance plan that I have, which has about a 25 percent overhead.

Mr. ELLISON. If the gentleman would just hang with me for a minute—well, tonight, we are short here tonight, we are going to be handing it over in a little while.

But I just want to explore this issue of competition with the gentleman from New York one more time. Now you pointed out how we have real problems with competition. We have real issues with flexibility within the market because, when you need the operation, you need it. There is not much opportunity for shopping around.

But what about the number of health care insurance companies that are in markets as they exist today? As you look around the cities of our country, are we seeing health insurance companies proliferating throughout these cities where you have multiple companies to choose from or are you looking at large markets being dominated by one to five actors?

I believe 75 percent of all the major markets are dominated by no more than five actors. Even if you could go shop around for that policy, do you have a lot to choose from?

Mr. WEINER. It's an interesting point. One of the most common things we hear from people who oppose this comprehensive health plan is they pick a reed of information and say, Why don't we do this? Why don't we let all insurance companies around the country compete in every market?

Well, I am open to the idea, but I have got to tell you they don't seem to want to. We have 50 States that have 50 State insurance commissions, and you can knock on the door of any one of them and say, I am an insurance company, I want to apply to provide insurance here in Minnesota or New York.

Now you know we have a grand total of zero applications from insurance companies in New York who want to operate in Maine. I tell you why, for an obvious reason. If you are a health insurance company in New York, you don't know any of the doctors in Maine. What your patients and your customers are going to want is my doctor in your network.

So they have to go organize all these doctors, create a whole new network. It's hard to do. I honor health insurance companies for trying to do it. They make a lot of money. Maybe it's because they were able to do that. But you want to know, there is one insurance entity that has been able to do it for the entire country. It's called Medicare. Not only have they have been able to do it, but they have been able to do it at 3.5 percent overhead compared to a 30 percent overhead.

Mr. ELLISON. Wait a minute, isn't this a government-administered program?

Mr. WEINER. Well, not long ago on this floor, my colleagues on the Republican side of the aisle, who thump their chest and beat the rostrum about being against government-funded single payer health care plans, all voted for it. I mean, maybe not all of them; most of them voted for it.

They are the defenders of Medicare? Well, that's a single-payer, government-funded, government-controlled health care. Now it is not one thing, though—that really needs to be clarified. It's not socialism, and I will tell you why. Socialism means that government controls the means of production.

Government doesn't run the doctors or the hospitals any more than Oxford, Blue Cross or Aetna does. Now it's a common thing to say—and never or hardly ever do my colleagues on the other side of the aisle actually try to figure out the literal sense of what they are saying. It's not that.

It is, in a way, trying to figure out a way that we as a society figure out how to deal with the society problem, but the problem that we have here is the private insurance companies pick and choose markets the same way they pick and choose customers. I have got to tell you something. We can pass a law tomorrow saying that everyone can compete, all over the 50 States. You won't have people applying to go into Idaho and set up a—or probably going into Minnesota.

We have in New York a pretty rich—because we have a lot of customers, a lot of senior citizens. But we also have some of the toughest regulatory regimes because of many of the abuses that we have seen.

Look, I want to tell you something. It is my view we should have something like Medicare for all Americans. We should treat health care like we treat the fire department. Hopefully we don't need it very often. We all pay taxes so that when there is a fire they will come and put out the fire. It's good for our economy that our neighborhood shoe store should worry about selling shoes, not health care.

Under a vote that I am going to be offering, and I think it will have your support——

Mr. ELLISON. Absolutely.

Mr. WEINER. We are going to take the shoe store guy and say, You focus on that. We, the government, have an infrastructure that we know that works for health care. It has a financing problem like all health care does. Actually the curve for health care is not as severe as it is for private insurance. That's the way we should do it.

We should make it less expensive, not more expensive for citizens, because we shouldn't say, Your State taxes are going to go up, your local taxes are going to go up, your hospitals are going to close. We are going to run it the way we run Medicare, which is efficiently, and we will provide it as a service.

But putting that aside for a moment, at the very least, if we're going to have insurance companies be the primary place we get it, how about a tiny reed, a tiny sliver of competition. If you don't do it because you think you should have choice, do it because you think we should save money.

The Congressional Budget Office says that if we take a public option and we link it to Medicare plus 5 percent, we will save another $100 billion. If you are a fiscal hawk, you want the public option. If you want choice, you want the public option.

If you are a doctor, you want a public option. If you are uninsured, you want a public option. If you have insurance, you may not know it, but you want a public option too.

I thank the gentleman for just about every day talking about these important issues.

Mr. ELLISON. I want to thank the gentleman for being as eloquent as he has been. We turn on the TV screen and the gentleman has been on national news talking about these critical issues from the standpoint of the numbers, the logic, but also from the standpoint of the person who really, really needs the change.

Congressman, you have done a great service. I have told you on the floor one-on-one how proud I am of the work that you have done. I think that you are going to keep doing it. You can count on me to support the Weiner amendment, which is a single-payer payment.

Mr. WEINER. Let me say very briefly what the single payer—consider it Medicare fraud. Ask your neighbor, if you are not old enough to have Medicare, ask them how their service is.

Every year they do a survey of all Medicare beneficiaries; 96 percent say they are satisfied with it, which any program or any business would be glad to have that. They also ask the providers, the hospitals, the doctors: Rate it on a score of 1 to 6. Last year the average score was 4.5. That is pretty good. That is essentially an A minus.

What it does is say, Look, we are not going have high overhead. We will not pay you the bust-out top of the market. For every single person you are going to get prompt payment. Everyone is going to be covered. You are going to have customers all around the neighborhood, and we will try to do some smart things to contain cost.

Now make no mistake about it. The canard that's raised—wait a minute. Medicare is a successful program. We don't like it, but there are costs to it. It's true. We have more older people. To some degree Medicare's success is why it's having trouble financially.

We are living 10 years longer today than we were when Medicare was passed. By the way, it's not 10 years in our teenage years, we get 10 years at the end of life when we have more health care costs.

But if we want to solve a problem in Medicare, you call your Congressman. You get on the phone. The taxpayers employ those people. If you want to fix your private insurance, if they shut you down, they kick you out, you get on an 800 number or you buy shares in their company. Those are the two ways you influence it.

What we are saying is, let's have a more efficient model, let's have a model that's lower cost, let's have a model that you know works. If you don't think it works, ask our Republican friends how come they keep voting for it over and over and over.

I offered an amendment in the Energy and Commerce Committee. I see my colleague from the Judiciary Committee, but the Energy and Commerce Committee—I said, You don't like single-payer health plan, put your money where your mouth is. I offered an amendment on the day of the 44th anniversary of Medicare to eliminate the program. They say they don't like government-run health care. Eliminate the program.

Not a single one of those people—and I am prohibited on the floor from calling them phonies—not a single one of those people voted ''no''—or voted ''yes'' to eliminate Medicare. Oh, no, no, no, we love Medicare. You like Medicare if you are 65 but not if you are 64?

□ 1400

Not if you're 60, not if you're 45. Why? What's the intellectually honest explanation of that? If you believe the program that you're going to fight and defend—you should have it when you're 65—what's magical about that?

When my dad retired at 60, he wasn't eligible to get Medicare, and he went to the private insurance market. They said, Fine. For $15,000 a year, a retired guy, why not give that guy Medicare? And then maybe in a couple of years we give younger guys Medicare. And we get down to the twenties, where you are, we give you Medicare.

The point is, we know what works. You want simple? We got simple. Medicare for all Americans. You want inexpensive, you want low overhead? We got that. Medicare for all Americans. You want something that every doctor accepts? Medicare for all Americans. You want complete, 100 percent choice of what doctor you go to? Medicare for all Americans.

Now, one thing it doesn't do. It doesn't skim off 20 percent for profits. You won't see TV commercials with people sitting in rocking chairs saying, Boy, I'm glad I got Medicare. No, they're going to put that money into health care.

Does it need some fixing? Yeah. We do some dumb things. We'll put $900 for someone to be in a hospital bed. We won't pay $50 to put up a handrail when one-third of all seniors get into a hospital emergency room because of slips and falls. We do some dumb things, and we need to fix it.

But I've got to tell you something. As a Member of Congress representing 650,00, 660,000 people in Brooklyn and Queens in New York City, in God's country, I would much rather fight with CMS, fight with the Federal bureaucracy which, by the way, I get far fewer complaints about them than I do about private insurance companies, than having to hope that I get a good response from my insurance company.

So that's basically the philosophy behind the single-payer thing. I have to

take exception to one thing the President said in his speech. He said, Some people in this Chamber want a single-payer system like they have in Canada. No. I want a single-payer system like we have in the United States of America. I want a single-payer plan that my father has. I want a single-payer plan that my mother has.

I want a single-payer plan that took my grandparents, whose generation had a 30 percent poverty rate before Medicare, and is now at 8 percent. That's the American single-payer.

So don't let people distract you by, Oh, it's Europe; it's socialism; it's Canada. It's the United States of America. We know how to do health care in the United States, and it's called Medicare. The Democrats created it. The Republicans now embrace it. It's got bipartisan support. Let's expand it.

I appreciate it. Let me just yield on this point. First of all, I appreciate it. I'm not a member of the Progressive Caucus. The final stage of the application, as you know, is the talent competition, and I was never able to make it through that last threshold.

But the fact that you, in hour-long blocks, have real thoughtful conversation—this present company excluded—but real thoughtful conversations about this issue that explore the actual facts and the underpinning is exactly why this has been, I believe, a proud moment in our American civic life.

You put aside the people yelling, call people names, put that aside for a moment. This is something all Americans see through the lens of their own experience. They feel very compassionate about it.

So I ask all of the people watching today and all of the people here observing this debate, ask someone about their experience with Medicare and you'll see it's a pretty good ambassador for a government program that works pretty well that we should try to expand to more Americans.

I thank you for your kindness.

Mr. ELLISON. I do thank the gentleman. This will be the conclusion of our Progressive message tonight. The Progressive Caucus, appearing with ANTHONY WEINER, who did such a fine job, we will be back next week, everybody.

This has been KEITH ELLISON with the Progressive message, and we yield back.

CONFERENCE REPORT ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Ms. WASSERMAN SCHULTZ (during the Special Order of Mr. ELLISON) submitted the following conference report and statement on the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes:

CONFERENCE REPORT (H. REPT. 111–265)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2918), making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

REFERENCES

SEC. 1. Except as expressly provided otherwise, any reference to ''this Act'' or ''this joint resolution'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

LEGISLATIVE BRANCH

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Victoria Reggie Kennedy, widow of Edward M. Kennedy, late a Senator from Massachussetts, $174,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $178,982,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,517,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $752,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,212,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,288,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,844,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,726,000 for each such committee; in all, $3,452,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $850,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,763,000 for each such committee; in all, $3,526,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $415,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $25,790,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $70,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,836,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $45,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $7,154,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,544,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $140,500,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $153,601,000, which shall remain available until September 30, 2014.

MISCELLANEOUS ITEMS

For miscellaneous items, $19,145,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $422,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS

SEC. 1. Effective on and after October 1, 2009, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2009, increased by an additional $50,000 each.

REPORTING REQUIREMENT

SEC. 2. Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88–454; 2 U.S.C. 104a) is amended—

(1) in the last sentence of paragraph (1), by striking ''shall'' and inserting ''may''; and

(2) by adding at the end the following:

''(6) Beginning with the report covering the first full semiannual period of the 112th Congress, the Secretary of the Senate—

''(1) shall publicly post on-line on the website of the Senate each report in a searchable, itemized format as required under this section;

''(2) shall issue each report required under this section in electronic form; and

''(3) may issue each report required under this section in other forms at the discretion of the Secretary of the Senate.''.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,369,025,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $25,881,000, including: Office of the Speaker, $5,077,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,530,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,565,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,194,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,690,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $517,000; Republican Steering Committee, $981,000; Republican Conference, $1,748,000; Republican Policy Committee, $362,000; Democratic Steering and Policy Committee, $1,366,000; Democratic Caucus, $1,725,000; nine minority employees, $1,552,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $497,000; and Cloakroom Personnel—minority, $497,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $660,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $139,878,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2010, except that $1,000,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $198,301,000, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $30,089,000 of which $2,600,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $9,509,000; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $130,782,000, of which $3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $5,045,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $4,445,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,415,000; for the Office of the Chaplain, $179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, $859,000; for other authorized employees, $1,249,000; and for salaries and expenses of the Office of the Historian, including the cost of the House Fellows Program (including lodging and related expenses for visiting Program participants), $597,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $313,665,000, including: supplies, materials, administrative costs and Federal tort claims, $3,948,000; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $276,703,000, including employee tuition assistance benefit payments, $3,500,000, if authorized, and employee child care benefit payments, $1,000,000, if authorized; Business Continuity and Disaster Recovery, $25,098,000, of which $5,425,000 shall remain available until expended; transition activities for new members and staff, $2,907,000; Wounded Warrior Program, $2,500,000, to be derived from funding provided for this purpose in Division G of Public Law 111–8; Office of Congressional Ethics, $1,548,000; Energy Demonstration Projects, $2,500,000, if authorized, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $760,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''House of Representatives—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. Effective with respect to fiscal year 2010 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by $96,000.

(2) The allowance for the office of the Minority Whip is increased by $96,000.

HOUSE FITNESS CENTER

SEC. 103. Any active duty member of the Armed Forces who is assigned to a congressional liaison office of the Armed Forces at the House of Representatives may obtain membership in the exercise facility established for employees of the House of Representatives (as described in section 103(a) of the Legislative Branch Appropriations Act, 2005) in the same manner as an employee of the House of Representatives, in accordance with such regulations as the Committee on House Administration may promulgate.

SEC. 104. (a) Section 101(d) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(d)), as added by section 103(a) of the Legislative Branch Appropriations Act, 2009, is amended by striking ''and made available'' and inserting ''and merged with and made available''.

(b) The amendment made by subsection (a) shall apply to funds appropriated for fiscal year 2010 and succeeding fiscal years.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,814,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,327,000, to be disbursed by the Chief Administrative Officer of the House of Representatives. For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Navy for expenses incurred for

staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,805,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,377,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $265,188,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $63,130,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2010 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. Amounts appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings ''Salaries'' and ''General expenses'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,377,000, of which $884,000 shall remain available until September 30, 2011: Provided, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISION

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1101. (a) IN GENERAL.—Title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) is amended by inserting after section 305 the following:

"SEC. 306. DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY.

''The Executive Director may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended by inserting after section 305 the following:

''Sec. 306. Disposition of surplus or obsolete personal property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $45,165,000.

ADMINISTRATIVE PROVISION

EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE

SEC. 1201. Section 1201 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 611 note; Public law 110–161; 121 Stat. 2238) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''3'' and inserting ''5''; and

(B) in paragraph (2), by striking ''3'' and inserting ''5'';

(2) by striking subsection (d), and redesignating subsection (e) as subsection (d); and

(3) in subsection (d) (as redesignated by this section), by striking ''Subject to subsection (d), this'' and inserting ''This''.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $106,783,000, of which $5,400,000 shall remain available until September 30, 2014.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $33,182,000, of which $6,499,000 shall remain available until September 30, 2014.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $10,974,000, of which $1,410,000 shall remain available until September 30, 2014.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $74,392,000, of which $15,390,000 shall remain available until September 30, 2014.

HOUSE OFFICE BUILDINGS

For necessary expenses for the maintenance, care and operation of the House office buildings, $100,466,000, of which $53,360,000 shall remain available until September 30, 2014.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, $50,000,000, to remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $119,133,000, of which $25,610,000 shall remain available until September 30, 2014: Provided, That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2010.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $45,795,000, of which $19,560,000 shall remain available until September 30, 2014.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $27,012,000, of which $8,150,000 shall remain available until September 30, 2014.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $11,390,000, of which $900,000 shall remain available until September 30, 2014: Provided, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $22,459,000.

ADMINISTRATIVE PROVISIONS

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1301. (a) IN GENERAL.—The Architect of the Capitol shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by interagency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Architect of the Capitol and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

FLEXIBLE AND COMPRESSED WORK SCHEDULES

SEC. 1302. Chapter 61 of title 5, United States Code, is amended—

(1) in section 6121(1) by striking ''and the Library of Congress'' and inserting ''the Library of Congress, the Architect of the Capitol, and the Botanic Garden''; and

(2) in section 6133(c) by adding at the end the following:

''(3) With respect to employees of the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Architect of the Capitol.''.

ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1303. (a) Section 3111 of title 5, United States Code, is amended by adding at the end the following:

''(e) For purposes of this section the term 'agency' shall include the Architect of the Capitol. With respect to the Architect of the Capitol, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.''.

HOUSE HISTORIC BUILDINGS REVITALIZATION TRUST FUND

SEC. 1304. (a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States, as an account for the Architect of the Capitol, the House Historic Buildings Revitalization Trust Fund (hereafter in this section referred to as the ''Fund'').

(b) USE OF AMOUNTS.—Amounts in the Fund shall be used by the Architect of the Capitol for the revitalization of the major historical buildings and assets of the House of Representatives which the Architect is responsible for maintaining and preserving, except that the Architect may not obligate any amounts in the Fund without the approval of the Committee on Appropriations of the House of Representatives.

(c) CONTINUING AVAILABILITY OF FUNDS.—Any amounts transferred to and merged with, or otherwise deposited into, the Fund shall remain available until expended.

(d) PERMITTING TRANSFERS FROM AMOUNTS APPROPRIATED FOR HOUSE OF REPRESENTATIVES.—Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b), as amended by section 103(a) of the Legislative Branch Appropriations Act, 2009, is amended by adding at the end the following new subsection:

''(e) Amounts appropriated for any fiscal year for the House of Representatives under any heading other than the heading 'Members' Representational Allowances' may be transferred to the Architect of the Capitol and merged with and made available under the heading 'House Historic Buildings Revitalization Trust Fund', subject to the approval of the Committee on Appropriations of the House of Representatives.''.

(e) EFFECTIVE DATE.—This section and the amendment made by this section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

SUPPORT AND MAINTENANCE DURING EMERGENCIES

SEC. 1305. (a) During an emergency involving the safety of human life or the protection of property, as determined or declared by the Capitol Police Board, the Architect of the Capitol—

(1) may accept contributions of comfort and other incidental items and services to support employees of the Office of the Architect of the Capitol while such employees are on duty in response to the emergency; and

(2) may incur obligations and make expenditures out of available appropriations for meals, refreshments, and other support and maintenance for the Office of the Architect of the Capitol if, in the judgment of the Architect, such obligations and expenditures are necessary to respond to the emergency.

(b) This section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; activities under the Civil Rights History Project Act of 2009; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $446,151,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2010, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2010 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $7,315,000 shall remain available until expended for the digital collections and educational curricula program: Provided further, That of the total amount appropriated, $750,000 shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $250,000 shall be used to carry out activities under the Civil Rights History Project Act of 2009: Provided further, That of the total amount appropriated, $200,000 shall be used for the purpose of preserving, digitizing and making available historically and culturally significant materials related to the development of Nebraska and the American West, which amount shall be transferred to the Durham Museum in Omaha, Nebraska.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $55,476,000, of which not more than $28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2010 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $5,861,000 shall be derived from collections during fiscal year 2010 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,612,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $112,490,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $70,182,000, of which $30,577,000 shall remain available until expended: Provided, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1401. (a) IN GENERAL.—For fiscal year 2010, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $123,328,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2010, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''Library of Congress'', under the subheading ''Salaries and Expenses'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1402. (a) IN GENERAL.—Amounts appropriated for fiscal year 2010 for the Library of Congress may be transferred during fiscal year 2010 between any of the headings under the heading ''Library of Congress'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading ''Library of Congress'' for fiscal year 2010 may be transferred from that account by all transfers made under subsection (a).

CLASSIFICATION OF LIBRARY OF CONGRESS POSITIONS ABOVE GS–15

SEC. 1403. Section 5108 of title 5, United States Code, is amended by adding at the end the following:

''(c) The Librarian of Congress may classify positions in the Library of Congress above GS–15 pursuant to standards established by the Office in subsection (a)(2).''.

LEAVE CARRYOVER FOR CERTAIN LIBRARY OF CONGRESS EXECUTIVE POSITIONS

SEC. 1404. Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking ''or'' at the end;

(2) in subparagraph (G), by striking the period and inserting ''; or'' and

(3) by adding after subparagraph (G) the following:

''(H) a position in the Library of Congress the compensation for which is set at a rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314.''.

(4) The amendments made by subsection (a) shall apply with respect to annual leave accrued during pay periods beginning after the date of the enactment of this Act.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $93,768,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $40,911,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2008 and 2009 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $12,782,000 for information technology development and facilities repair: Provided, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $556,849,000: Provided, That not more than $5,449,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than $2,350,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than $7,423,000 of reimbursements received under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

REPEAL OF CERTAIN AUDITS, STUDIES, AND REVIEWS OF THE GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1501. (a) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by striking subsection (d).

(b) AUDITS OF SMALL BUSINESS PARTICIPATION IN CONSTRUCTION OF THE ALASKA NATURAL GAS PIPELINE.—Section 112 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720j) is amended by striking subsection (c).

(c) AUDITS OF ASSISTANCE UNDER COMPACTS OF FREE ASSOCIATION.—Section 104(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c(h)) is amended by striking paragraph (3).

(d) SEMIANNUAL AUDITS OF INDEPENDENT COUNSEL EXPENDITURES.—The matter under the heading ''Salaries and Expenses, General Legal Activities'' under the heading ''Legal Activities'' under title II of the Department of Justice Appropriation Act of 1988, (28 U.S.C. 591 note; Public Law 100–202; 101 Stat. 1329, 1329–9) is amended by striking ''Provided further, That the Comptroller General shall perform semiannual financial reviews of expenditures from the Independent Counsel permanent indefinite appropriation, and report their findings to the Committees on Appropriations of the House and Senate:''.

(e) REPORTS ON AMBULANCE SERVICE COSTS.—Section 414 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $12,000,000.

ADMINISTRATIVE PROVISION

OPEN WORLD LEADERSHIP CENTER

SEC. 1601. (a) BOARD MEMBERSHIP.—Section 313(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)) is amended—

(1) in subparagraph (A), by striking ''members'' and inserting ''Members of the House of Representatives''; and

(2) in subparagraph (B), by striking ''members'' and inserting ''Senators''.

(b) EXECUTIVE DIRECTOR.—Section 313(d) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(d)) is amended in the first sentence by striking ''The Board shall appoint'' and inserting ''On behalf of the Board, the Librarian of Congress shall appoint''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to—

(1) appointments made on and after the date of enactment of this Act; and

(2) the remainder of the fiscal year in which enacted, and each fiscal year thereafter.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2010 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LANDSCAPE MAINTENANCE

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW, on the northeast, Second Street, SW, on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

LIMITATION ON TRANSFERS

SEC. 208. 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.

GUIDED TOURS OF THE CAPITOL

SEC. 209. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

This Division may be cited as the ''Legislative Branch Appropriations Act, 2010''.

DIVISION B—CONTINUING APPROPRIATIONS RESOLUTION, 2010

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2010, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2009 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2009, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110–252).

(2) Section 155 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329), except that subsections (c), (d), and (e) of such section shall not apply to funds made available under this joint resolution.

(3) Divisions C through E of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329).

(4) Divisions A through I of the Omnibus Appropriations Act, 2009 (Public Law 111–8), as amended by section 2 of Public Law 111–46.

(5) Titles III and VI (under the heading ''Coast Guard'') of the Supplemental Appropriations Act, 2009 (Public Law 111–32).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2009 or prior years; (2) the increase in production rates above those sustained with fiscal year 2009 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2009.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2009.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2010, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2010 without any provision for such project or activity; or (3) October 31, 2009.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2010 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2009, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2009, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2009 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2009, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department

Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. Amounts made available by this joint resolution related to amounts provided in chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110–252), and titles III and VI of the Supplemental Appropriations Act, 2009 (Public Law 111–32), are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, except that amounts so designated under this section shall not exceed $129,989,000,000.

SEC. 115. The provisions of section 14103 of Public Law 111–32 shall continue in effect through the date specified in section 106(3) of this joint resolution, and such provisions shall also apply to funds made available in this joint resolution.

SEC. 116. Section 9(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(5)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 117. The authority provided by paragraphs (3) and (4) of section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3); 1758(h)(4)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 118. The authority provided by section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 119. Section 21(g)(1)(A)(ii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1(g)(1)(A)(ii)) shall be applied by substituting ''October 1, 2008, and October 1, 2009'' for ''October 1, 2008'' and shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 120. The authority provided by section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 121. Notwithstanding section 101, amounts are provided for ''Department of Commerce—Bureau of the Census—Periodic Censuses and Programs'' at a rate for operations of $7,065,707,000.

SEC. 122. The authority provided by section 8116 of division C of Public Law 110–329 and section 310 of title III of Public Law 111–32 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 123. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended by section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

SEC. 124. The authority provided by section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), as amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

SEC. 125. The authority provided by section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as amended by section 1024 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

SEC. 126. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds for programs and activities under the heading ''District of Columbia Funds'' for such programs and activities under title IV of S. 1432 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under ''District of Columbia Funds'' as included in the Second Fiscal Year 2010 Budget Request Act (D.C. Act 18–188).

SEC. 127. The authority provided by section 5739 of title 5, United States Code, shall continue in effect through the date specified in section 106(3) of this joint resolution, notwithstanding subsection (e) of such section 5739.

SEC. 128. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''the 11-year period beginning on the first day the pilot program is in effect''.

SEC. 129. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016a and 4026) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 130. The requirement set forth in section 610(b) of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall continue through the date specified in section 106(3) of this joint resolution.

SEC. 131. Section 550(b) of Public Law 109–295 shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''three years after the date of enactment of this Act''.

SEC. 132. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 133. Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 134. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 135. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291), as amended by section 336 of the Consolidated Appropriations Act, 2005 (Public Law 108–447), shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 136. Section 339(h) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by Public Law 106–113), as amended by section 335(6) of Public Law 108–108, shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

SEC. 137. The authority provided by section 325 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108), as amended by section 426 of division E of Public Law 111–8, shall continue to apply through the date specified in section 106(3) of this joint resolution.

SEC. 138. The authority provided by the 19th unnumbered paragraph under heading ''Administrative Provisions, Forest Service'' in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109–54, shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 139. Notwithstanding any other provision of law, including section 703 of Public Law 109–415, the authorities provided in title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) shall continue in effect as they were in effect during fiscal year 2009, and apply through the date specified in section 106(3) of this joint resolution.

SEC. 140. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ''the end of fiscal year 2009''.

SEC. 141. Notwithstanding section 101, amounts are provided for ''Veterans Health Administration—Medical Services'', ''Veterans Health Administration—Medical Support and Compliance'', and ''Veterans Health Administration—Medical Facilities'' of the Department of Veterans Affairs at rates for operations not exceeding the lower of the amount in the President's fiscal year 2010 Budget Request (H. Doc. 111–3), the amount in H.R. 3082, as passed by the House of Representatives on July 10, 2009, or the amount in S. 1407, as reported by the Committee on Appropriations of the Senate on July 7, 2009.

SEC. 142. Notwithstanding section 7042(b) of division H of Public Law 111–8, amounts provided by section 101 of this joint resolution for Iraq shall be obligated under the terms and conditions of section 1106(b) of Public Law 111–32.

SEC. 143. Notwithstanding section 7040(f) of division H of Public Law 111–8, amounts provided by section 101 of this joint resolution for the Palestinian Authority shall be obligated under the terms and conditions of section 1107 of Public Law 111–32.

SEC. 144. Notwithstanding sections 7042(a) and 7070(e) of division H of Public Law 111–8, amounts provided by section 101 of this joint resolution for assistance for Iraq and Zimbabwe shall be obligated under the terms and conditions of section 1108 of Public Law 111–32.

SEC. 145. The authority provided by section 1113 of Public Law 111–32 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 146. The authority provided by section 309(f) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(f)) shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 147. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 148. The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831 (a)(3)) shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 149. Notwithstanding any other provision of this joint resolution, other than section 106, the Secretary of Housing and Urban Development shall obligate funds provided by section 101 at a rate the Secretary determines is necessary to renew or amend, in a timely manner, all section 8 project-based, section 202, and section 811, rental assistance contracts. In renewing or amending such contracts, the Secretary may provide for payments to be made beyond the period covered by this joint resolution.

SEC. 150. Commitments to guarantee loans, as authorized by the National Housing Act and insured under the Mutual Mortgage Insurance Fund, shall not exceed a loan principal of $1,500,000,000 multiplied by the number of days covered by this joint resolution.

SEC. 151. Commitments to guarantee loans, as authorized by section 306 of the National Housing Act, shall not exceed a loan principal of $2,500,000,000 multiplied by the number of days covered by this joint resolution.

SEC. 152. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, through the date specified in section 106(3) of this joint resolution, insure, and enter into commitments to insure mortgages under section 255 of such Act. During the period covered by this joint resolution, for new loans guaranteed pursuant to section 255 of the National Housing Act (12. U.S.C. 1715z–20), the Secretary shall adjust the factors used to calculate the principal limit (as such term is defined in HUD Handbook 4235.1) that were assumed in the President's Budget Request for 2010 for such loans, as necessary to ensure that the program operates at a net zero subsidy rate.

SEC. 153. Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for the date specified in such section 24(o).

SEC. 154. Funds made available under section 101 for the National Transportation Safety Board shall include amounts necessary to make lease payments due in fiscal year 2010 only, on an obligation incurred in 2001 under a capital lease.

SEC. 155. (a) Section 48103(6) of title 49, United States Code, shall be applied: (1) by substituting the amount specified in such section with an amount that equals $3,820,000,000 multiplied by the ratio of the number of days covered by this joint resolution to 365; and (2) by substituting the fiscal year specified in such section with the period beginning October 1, 2009, through the date specified in section 106(3) of this joint resolution. This subsection shall be in effect through the earlier of the date of enactment of an Act amending section 48103 of title 49, United States Code, or the date specified in section 106(3) of this joint resolution.

(b) Section 47104(c) of title 49, United States Code, shall be applied by substituting ''2010'' for ''2009''.

(c) Nothing in this section shall affect the availability of any balances of contract authority provided under section 48103 of title 49, United States Code, for fiscal year 2009 and any prior fiscal year.

SEC. 156. (a) Sections 4081(d)(2)(B), 4261(j)(1)(A)(ii), and 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 shall each be applied by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''.

(b) Subsections (d)(1) and (e)(2) of section 9502 of such Code shall each be applied by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for ''October 1, 2009''.

(c) Subparagraph (A) of section 9502(d)(1) of such Code is amended by inserting ''or any joint resolution making continuing appropriations for the fiscal year 2010'' before the semicolon at the end.

SEC. 157. (a) EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.—Except as otherwise provided in this section, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, and chapter 53 of title 49, United States Code, which would otherwise expire on or cease to apply after September 30, 2009, are incorporated by reference and shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) USE OF FUNDS.—Except as otherwise expressly provided in this section, funds made available for obligation under this joint resolution and expended under the authority of this section shall be distributed, administered, limited, and made available for obligation in the same manner and at the same rate as funds authorized to be appropriated for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, chapter 53 of title 49, United States Code, including section 5338(f)(1) of title 49, United States Code, chapter 303 of part A of subtitle VI of title 49, United States Code, and part B of subtitle VI of title 49, United States Code.

(c) DISTRIBUTION OF FUNDS UNDER TITLES III AND V OF SAFETEA–LU.—Funds made available for programs authorized under titles III and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1544 and 1779) and continued under this joint resolution shall be distributed to major program areas under those programs in the same proportion as funds were allocated for those program areas for fiscal year 2009, except that any designations for specific activities in sections 3044 and 3046 under title III and in title V of such Act shall not be required to be continued for the duration of this joint resolution.

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—Notwithstanding any other provision of law, the portion of the share of funds of a State under subsection (b) determined by the amount that the State received for fiscal year 2009 to carry out sections 1301(m), 1302(e), 1307, 1702, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1202, 1205, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(1) made available to the State for purposes described in section 133(b) of title 23, United States Code; and

(2) administered in the same manner and with the same period of availability as such funding is administered under section 133 of title 23, United States Code, except that subsections (d)(2) and (d)(3) of such section shall not apply to amounts administered pursuant to this section.

SEC. 158. (a) APPROPRIATION OF FUNDING FOR CERTAIN HIGHWAY TRUST FUND PROGRAMS.—For the period from October 1, 2009, through the date specified in section 106(3) of this joint resolution, an amount shall be available from the Highway Trust Fund (including from the Mass Transit Account) to carry out each program, project, and activity continued under section 158 of this joint resolution that was funded from the Highway Trust Fund (including from the Mass Transit Account) during fiscal year 2009 in a sum equal to and from the same account as—

(1) the total amount available for such program, project, and activity for fiscal year 2009 under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144) and the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), divided by 365; and multiplied by

(2) the number of days between September 30, 2009, and the date specified in section 106(3) of this joint resolution.

(b) CONTRACT AUTHORITY.—Funds made available under this joint resolution to be expended under the authority of section 158 of this joint resolution shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, or section 5338(f)(1) of title 49, United States Code, whichever appropriate.

(c) CALCULATION.—The amounts made available under this joint resolution to be expended under the authority of this section shall be calculated by taking into account any rescission or cancellation of funds or contract authority for fiscal year 2009 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or any other law.

SEC. 159. (a) EXTENSION OF AUTHORITY FOR EXPENDITURES FROM HIGHWAY TRUST FUND.—

(1) Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 shall be applied—

(A) by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''; and

(B) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for ''October 1, 2009''.

(2) Paragraph (1) of section 9503(c) of such Code is amended by striking ''under'' and all that follows and inserting ''under the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution).''.

(b) MASS TRANSIT ACCOUNT.—

(1) Paragraph (3) of section 9503(e) of such Code shall be applied by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for ''October 1, 2009''.

(2) Paragraph (3) of section 9503(e) of such Code is amended by striking ''in accordance with'' and all that follows and inserting ''in accordance with the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution).''.

(c) EXCEPTION TO LIMITATIONS ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code shall be applied—

(1) by substituting the date specified in section 106(3) of this joint resolution for ''September 30, 2009''; and

(2) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for ''October 1, 2009''.

SEC. 160. Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), by inserting ''and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,'' after ''2009,''; and

(2) in subsection (b)(1)(A), by inserting ''and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law,'' after ''2009''.

SEC. 161. (a) Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''(as in effect'' in subparagraph (A) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010),'';

(2) by striking ''(as in effect'' in subparagraph (B) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010), and''; and

(3) by striking ''(as in effect'' in subparagraph (C) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010).''.

(b) Paragraph (2) of section 9504(d) of such Code shall be applied by substituting the date

that is one day after the date specified in section 106(3) of this joint resolution for ''October 1, 2009''.

SEC. 162. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to sections 158 through 162 of this joint resolution shall be available until (1) enactment into law of an Act to extend or reauthorize surface transportation programs, or (2) the date specified in section 106(3) of this joint resolution, whichever first occurs, and shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 163. None of the funds made available by this joint resolution or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 164. (a) Clause (iii) of section 8909a(d)(3)(A) of title 5, United States Code, is amended to read as follows:

''(iii) $1,400,000,000, not later than September 30, 2009;''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of section 803(a)(1)(B) of the Postal Accountability and Enhancement Act (Public Law 109–435; 120 Stat. 3251).

This division may be cited as the ''Continuing Appropriations Resolution, 2010''.

And the Senate agree to the same.

DAVID R. OBEY,
DEBBIE WASSERMAN SCHULTZ,
MICHAEL HONDA,
BETTY MCCOLLUM,
TIM RYAN,
C.A. RUPPERSBERGER,
CIRO RODRIGUEZ,
Managers on the Part of the House.

BEN NELSON,
DANIEL K. INOUYE,
MARK PRYOR,
JON TESTER,
LISA MURKOWSKI,
THAD COCHRAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amended the House bill with a single amendment which deleted the full text of the House passed bill and inserted a complete substitute. The conference agreement includes a revised substitute for the Senate amendment which addresses all the differences contained in the two versions of the bill.

Many items in both the House and Senate Legislative Branch Appropriations bills are identical and are included in the conference agreement without change. The conferees have endorsed statements of policy contained in the House and Senate reports accompanying the appropriations bills, unless amended herein. With respect to those items in the conference agreement that differ between the House and the Senate bills, the conferees have agreed to the following with the appropriate section numbers, punctuation, and other technical corrections:

DIVISION A

TITLE I

SENATE

The conferees agree to appropriate $926,160,000 for Senate operations. Inasmuch as these items relate solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the amendment of the Senate as amended.

HOUSE OF REPRESENTATIVES

The conferees agree to appropriate $1,369,025,000 for House operations. Inasmuch as these items relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendment of the House as amended. The agreement includes two new administrative provisions not included in the House passed bill. These amendments (1) establish eligibility at the House Fitness Center for military liaison officers; and (2) make a technical change in transfer language enacted in Public Law 111–8.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

The conference agreement includes $4,814,000 as proposed by the House and the Senate.

JOINT COMMITTEE ON TAXATION

The conference agreement includes $11,327,000 as proposed by the Senate instead of $11,451,000 as proposed by the House.

OFFICE OF THE ATTENDING PHYSICIAN

The conference agreement includes $3,805,000 as proposed by the House and the Senate.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

The conference agreement includes $1,377,000 as proposed by the Senate instead of $1,314,000 as proposed by the House.

CAPITOL POLICE

SALARIES

The conference agreement includes $265,188,000 for salaries of officers, members, and employees of the Capitol Police instead of $263,198,000 as proposed by the House and $267,203,000 as proposed by the Senate. This level will support a staffing level of 1,799 sworn officers and 444 civilian personnel including staff transferred as a result of the merger with the Library of Congress police force. The staffing level provided by the conference agreement includes five civilian FTEs for radio technicians to facilitate the acquisition, installation and operation of the new radio system which was approved earlier this year. The conference agreement sets a limit of $25,500,000 for overtime for the Capitol Police force as proposed by the Senate instead of $24,000,000 as proposed by the House. This cap on overtime may only be exceeded if the Capitol Police Board notifies the Committees on Appropriations that this cap needs to be exceeded due to unanticipated safety or security concerns. The conferees note that both House and Senate reports request that the Government Accountability Office work with the Chief and the Capitol Police Board on improving workforce management systems, including overtime. The GAO is to report to the Committees on their progress in this area on a quarterly basis beginning in January 2010.

Based on the detailed review of the Capitol Police 2010 budget conducted in August and September of this year in preparation for conference discussions, the conferees are concerned that, despite progress over the last year, chronic problems related to budget preparation and execution continue. Estimates of end of year staffing levels for 2009 fluctuated significantly, not only from the original estimates submitted in February, but also from revisions submitted as late as July of this year. Basic estimates of the cost of benefits for transferred employees were erroneously calculated in the original budget. Based on these concerns, the Committees request that the GAO expand its work with the USCP to include a review and validation of the accuracy of its fiscal year 2011 budget request. A report of this validation review should be submitted not later than 30 days after the USCP budget is transmitted to Congress.

The House and Senate Committees on Appropriations expect the report on new posts requested in S. Rpt. 111–29 to be submitted within 60 days of the date of this conference report and that the USCP fully comply with the notification requirements related to new posts stated in that report.

GENERAL EXPENSES

The conference agreement includes $63,130,000 for general expenses of the Capitol Police instead of $61,914,000 as proposed by the House and $64,354,000 as proposed by the Senate. This amount includes funding for improved egress/evacuation systems for House Office Buildings including the full cost for installation of two cameras in the stairwell areas used as egress routes during emergencies. The installation of the new cameras will be accomplished over a two year period. Funds have also been included to support the replacement of older equipment as part of the life-cycle replacement program.

GSA vehicle lease proposal.—The conferees are fully supportive of the proposal transmitted to the Appropriations Committees on June 29, 2009 to manage the primary vehicle fleet of the USCP through the General Services Administration and urges implementation on an expedited basis.

ADMINISTRATIVE PROVISION

(INCLUDING TRANSFER OF FUNDS)

The conferees have included a routine administrative provision, section 1001, which continues authorization for transfers between accounts upon the approval of the Committees on Appropriations of the House and Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

The conference agreement includes $4,377,000 for salaries and expenses of the Office of Compliance, instead of $4,335,000 as proposed by the House and $4,418,000 as proposed by the Senate. The agreement includes a general provision providing authority for the Office of Compliance to dispose of surplus property. This language was included in both the House and Senate bills in slightly different form.

The conferees are concerned that the Congressional Accountability Act of 1995 may enable the Office of Compliance (OOC) to apply a higher enforcement standard for certain health and safety standards than those applied to the Executive Branch and private sector. Strict statutory deadlines for remedying citations exacerbate this situation, and have led AOC to give highest priority to projects for which OOC has issued citations regardless of whether they represent the highest risk to health and safety.

The conferees believe that the standards applied to the legislative branch should be consistent with their application to the private sector and the executive branch. Therefore, the conferees expect the Office of Compliance General Counsel (OOCGC) to work

with legislative branch agency heads to implement corrective actions in a realistic and reasonable time frame, taking into consideration the risks the deficiencies pose, the costs involved in remedying the deficiencies, as well as mitigating factors which have been implemented (sprinklers, alarms, and other building improvements) to reduce risk. The conferees expect the OOCGC to amend its regulations to establish criteria that use a comprehensive risk-based approach, including the cost of remedial actions as well as building renovations planned for the future, in working with agencies to address needed corrections.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

The conference agreement includes $45,165,000 for salaries and expenses of the Congressional Budget Office as proposed by both the House and Senate.

ADMINISTRATIVE PROVISION

The conferees have agreed to Section 1201, as proposed by the House and the Senate, to extend the Congressional Budget Office's Executive Exchange Program and increase the number of potential participants from three to five.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

The conference agreement includes $106,783,000 for General Administration of which $5,400,000 shall remain available until September 30, 2014, instead of $109,392,000 of which $8,950,000 would remain available until September 30, 2014 as proposed by the House, and $106,587,000 of which $5,400,000 would remain available until September 30, 2014, as proposed by the Senate.

The utility metering project, funded by the House at $3,550,000 in this account, is instead funded in the Architect of the Capitol Power Plant account.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$101,383,000
Project Budget:	
1. Capitol Complex Tertiary Pumping Options (Study)	150,000
2. ESPC Management Program	2,000,000
3. Energy Reduction Program	3,250,000
Total, General Administration	$106,783,000

CAPITOL BUILDING

The conference agreement includes $33,182,000, of which $6,499,000 shall remain available until September 30, 2014, for maintenance, care and operation of the Capitol, instead of $32,800,000 of which $6,241,000 would remain available until September 30, 2014 as proposed by the House, and $33,305,000 of which $6,499,000 would remain available until September 30, 2014, as proposed by the Senate.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$26,683,000
Project Budget:	
1. Dome Rehabilitation, Phase 1B (Interim Painting)	2,500,000
2. Conservation of Fine and Architectural Art	499,000
3. Minor Construction	3,500,000
Total, Capitol Building	$33,182,000

CAPITOL GROUNDS

The conference agreement includes $10,974,000, of which $1,410,000 is to remain available until September 30, 2014, for the care and improvement of the grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power Plant, as proposed by the Senate, instead of $10,920,000 as proposed by the House.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$9,564,000
Project Budget:	
1. Independence Avenue Repaving	910,000
2. Capitol Grounds Study	500,000
Total, Capitol Grounds	$10,974,000

SENATE OFFICE BUILDINGS

The conference agreement includes $74,392,000 for Senate Office Buildings, of which $15,390,000 would remain available until September 30, 2014, for the maintenance, care and operation of the Senate office buildings. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

Operating Budget	$59,002,000
Project Budget:	
1. Senate Underground Garage Expansion (Study)	1,000,000
2. Air Handling Unit Replacement, DSOB	1,100,000
3. Replace Modular Furniture, HSOB	3,500,000
4. Fire Protection System Upgrade Subway Tunnels	2,260,000
5. Skylight Replacement	2,480,000
6. HSOB Truck Tunnel Roadway/Ramp Replacement	1,050,000
7. Minor Construction	4,000,000
Total, Senate Office Buildings	$74,392,000

HOUSE OFFICE BUILDINGS

Base funding, House Office Buildings.—The conference agreement includes $100,466,000 for the basic and recurring needs of the House within the House Office Buildings account, of which $53,360,000 would remain available until September 30, 2014. These funds support the regular maintenance, care and operation of the House office buildings by the Architect of the Capitol.

Operating Budget	$47,106,000
Project Budget:	
1. CAO Project Support	4,390,000
2. Interior Rehabilitation of the East House Underground Garage	37,640,000
3. Rayburn Roof Replacement	6,330,000
4. Minor Construction	5,000,000
Total, House Office Buildings (base program)	$100,466,000

House Historic Buildings Revitalization Trust Fund.—In addition to funding for core facility needs, the conference agreement includes $50,000,000 for a newly created House Historic Buildings Revitalization Trust Fund, to remain available until expended, instead of $60,000,000 as originally proposed by the House. These funds are included to begin to address known major building requirements to repair and upgrade the historic icon buildings and facilities of the U.S. House of Representatives. The House bill included these funds in a separate appropriations account to address additional Capitol complex needs. The Senate bill did not include a similar provision.

Inasmuch as these funds relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

CAPITOL POWER PLANT

In addition to the $8,000,000 made available from receipts credited as reimbursements to this appropriation, the conference agreement includes $119,133,000 for maintenance, care and operation of the Capitol Power Plant, instead of $125,083,000 as proposed by the House and $118,597,000 as proposed by the Senate. Of this amount, $25,610,000 would remain available until September 30, 2014, instead of $31,560,000 to remain available until September 30, 2014 as proposed by the House and $25,074,000 to remain available until September 30, 2014 as proposed by the Senate.

The conference agreement includes $84,262,000, as requested, for utility costs for the Capitol Complex, including an increase of $4,340,000 to purchase 100 percent natural gas for use at the power plant. The agreement does not include the funding requested in the budget for conversion of the large coal burning boiler to natural gas. The conferees understand that the conversion of this boiler is not necessary to achieve 100 percent natural gas use at the power plant and that conservation of the boiler will allow for the potential future use of other environmentally safe, renewable solid fuels.

With respect to operations and project differences the House and Senate conferees have agreed to the following:

Operating Budget (net)	$93,523,000
Project Budget:	
1. Tunnel Program	16,850,000
2. Replacement of Existing WRP Switchgear (Design)	740,000
3. Mechanical System Survey & CPP Retro-Commissioning (Study)	250,000
4. Structural Fireproofing & Integrity (Study)	220,000
5. Utility Metering, Energy Program	3,550,000
6. Minor Construction	4,000,000
Total, Capitol Power Plant	$119,133,000

LIBRARY BUILDINGS AND GROUNDS

The conference agreement includes $45,795,000 for Library of Congress buildings and grounds, instead of $41,937,000 as proposed by the House and $40,754,000 as proposed by the Senate. Of this amount, $19,560,000 would remain available until September 30, 2014, instead of $15,750,000 to remain available until September 30, 2014 as proposed by the House and $14,470,000 to remain available until September 30, 2014 as proposed by the Senate.

With respect to operations and projects the House and Senate conferees have agreed to the following:

Operating Budget	$26,235,000
Project Budget:	
1. Sprinkler System, West Main Pavilion 1st Floor, TJB (Design)	500,000
2. Book Conveyor System Modifications (Design)	1,170,000
3. Monumental Exterior Exit Doors, JAB	1,600,000
4. Fire Door Improvements (Design)	730,000
5. ADA Bathroom Renovations, JAB	3,100,000

6. Elevator Modernization, MA–1 to MA–4, JMMB	3,590,000
7. ABA Space Reorganization, JMMB	2,000,000
8. Rain Leader Replacement, JAB	4,870,000
9. Minor Construction	2,000,000
Total, Library Buildings and Grounds	$45,795,000

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

The conference agreement includes $27,012,000 for Capitol Police Buildings, Grounds and Security instead of $26,364,000 as proposed by the House and $26,160,000 as proposed by the Senate. Of this amount, $8,150,000 would remain available until September 30, 2014, instead of $7,750,000 as proposed by the House and $7,050,000 as proposed by the Senate. Included within the total is $1,500,000, to install emergency call boxes and camera equipment in congressional building stairwells, as proposed by the House.

With respect to operations and projects the conferees have agreed to the following:

Operating Budget	$18,862,000
Project Budget:	
1. Security Upgrades, Power Plant and Coal Yards	2,000,000
2. Hazardous Device Unit Facility Purchase	3,000,000
3. Power Switchgear Replacement (Design)	250,000
4. Energy Audit Projects	400,000
5. Minor Construction (including security camera installation)	2,500,000
Total, Capitol Police Buildings, Grounds and Security	$27,012,000

BOTANIC GARDEN

The conference agreement includes $11,390,000 for salaries and expenses, Botanic Garden, instead of $11,263,000 as proposed by the House and $11,898,000 as proposed by the Senate. Of this amount, $900,000 shall remain available until September 30, 2014 as proposed by the House, instead of $1,280,000 as proposed by the Senate.

With respect to operations and projects the conferees have agreed to the following:

Operating Budget	$10,490,000
Project Budget:	
1. Administration Building	900,000
Total, Botanic Garden	$11,390,000

CAPITOL VISITOR CENTER

The conference agreement includes $22,459,000 for the Capitol Visitor Center (CVC), instead of $23,166,000 as proposed by the House and $22,756,000 as proposed by the Senate.

Funding is included for improvements to the existing online reservation system, training programs, and way-finding signage at the CVC. In addition, funding is provided to support the hiring of 5 full-time equivalents (FTE) to support critical operations of the CVC, including financial management and information technology. Funding is not provided for the additional 20 requested FTEs.

ADMINISTRATIVE PROVISIONS

The conference agreement includes several administrative provisions related to the operations of the Architect of the Capitol (AOC). Section 1301 provides the AOC authority to retain proceeds from the sale of used or surplus personal property. Section 1302 provides that AOC utilize flexible work schedules. Section 1303 provides AOC the authority to accept voluntary student services. Section 1304 establishes the House Historic Buildings Revitalization Trust Fund. Section 1305 provides the AOC certain authorities to operate during emergencies. The conference agreement does not include Senate provision 1202 related to the CVC as this language has already been enacted into law. The conference agreement deletes Senate provision 1303 related to noncompetitive appointments without prejudice as this is an authorizing issue.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

The conference agreement includes $439,801,000 in direct appropriations for salaries and expenses, Library of Congress instead of $443,861,000 as proposed by the House and $434,683,000 as proposed by the Senate. In addition to this amount $6,350,000 is available from receipts collected by the Library of Congress and is to remain available until expended. The conference agreement provides the following specific allocations of funds:

$3,554,000 for start-up costs at the new Ft. Meade storage facilities;

$7,677,000 for the National Digital Information Infrastructure and Preservation Program;

$5,317,000 for Department of State capital security cost-sharing;

$700,000 for the Global Legal Information Network;

$2,000,000 for support of the new custodial services contract;

$7,315,000 for the digital collections and educational curricula program;

$750,000 for the Abraham Lincoln Bicentennial Commission;

$15,000,000 for the technology infrastructure improvements initiative;

$250,000 to implement the new Civil Rights History Project Act;

$2,213,000 for the Veterans Oral History program;

$200,000 for the Durham Museum digitization program; and

$150,000 for the American Folklife Center Fellowship program.

Archie Green fellowship program.—The conference agreement deletes without prejudice House bill language related to the honoring of Dr. Archie Green, one of the Founders of the American Folklife Center (AFC) at the Library of Congress. In lieu of naming the Center after Dr. Green, as proposed in the House bill, the conference agreement establishes a new fellowship program at the Library as a living memorial to his work. The AFC was established in 1976 to ''preserve and present American folklife'' by conducting original field research, archiving cultural heritage collections, presenting public programs, providing reference services and publishing research findings. The AFC owes its existence in large part to the efforts and vision of Dr. Green, who passed away earlier this year. As recognition of his contributions, the Librarian of Congress is directed to establish the ''Archie Green Fellowship Program at the American Folklife Center'' for which the Librarian may enter into contracts with individuals and groups to promote the initiation, encouragement, support, organization, and promotion of research, scholarship, and training in American folklife in accordance with the provisions of the American Folklife Preservation Act (Pub. L. 94–201, 20 U.S.C. 2101–2107).

COPYRIGHT OFFICE

SALARIES AND EXPENSES

The conference agreement includes $20,864,000 in direct appropriations to the Copyright Office as proposed by both the House and the Senate. An additional $34,612,000 is made available from receipts for salaries and expenses.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

The conference agreement includes $112,490,000 for salaries and expenses, Congressional Research Service (CRS), as proposed by the House instead of $112,836,000 as proposed by the Senate. The conferees are fully supportive of a program of telework at the CRS and urge its implementation not later than January 2010. The conference agreement also includes funding for the CRS evaluation study directed by the House in H. Rpt. 111–160.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

The conference agreement includes $70,182,000 as proposed by both the House and Senate. This amount includes $650,000 for costs to provide recorded newspaper services for the blind and physically handicapped.

ADMINISTRATIVE PROVISIONS

The conferees have agreed to include administrative provisions carried in both bills related to reimbursable and revolving fund activities, transfer authorities, classifications of Library positions, and leave carryover policies. The conference agreement does not include section 1301 of the House bill related to incentive awards. The agreement modifies section 1306 as proposed by the House to create a fellowship program at the American Folklife Center (see description under the ''Salaries and Expenses'' appropriations account).

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $93,768,000, an increase of $472,000 above the amount proposed by both the House and Senate. These funds will support costs not anticipated when the fiscal year 2010 budget was transmitted to the Congress.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $40,911,000 as proposed by both the House and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The conference agreement includes $12,782,000 as proposed by the Senate instead of $12,000,000 as proposed by the House.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

The conference agreement includes $556,849,000 in direct appropriations for salaries and expenses, Government Accountability Office instead of $558,849,000, as proposed by the House and $553,658,000 as proposed by the Senate. In addition, $15,222,000 is available from offsetting collections. A total of 3,220 FTEs will be supported with these funds. The agreement modifies an administrative provision proposed by the Senate repealing a number of recurring statutory reports which are no longer required.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

The conference agreement includes $12,000,000 for payment to the Open World Leadership Center Trust Fund, instead of $9,000,000 as proposed by the House and $14,456,000 as proposed by the Senate. The conferees are fully supportive of expanded efforts of the Open World Center to raise private funding and expect this effort to reduce

the requirements for funding from the Legislative Branch appropriations bill in future years. The Committees look forward to a report of progress being made by the Center's fundraising program prior to hearings on its fiscal year 2011 budget request. The conference agreement also includes language proposed by the Senate making technical corrections in the Center's authorization language related to Board appointments.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The conference agreement includes $430,000 as proposed by both the House and Senate.

TITLE II—GENERAL PROVISIONS

The conference agreement continues in sections 201 to 208 eight routine provisions carried in prior years. The conference agreement does not include language proposed by the Senate but not included by the House amending the Congressional Accountability Act. The agreement includes Sec. 209 related to employee-led tours of the U.S. Capitol as proposed by the House instead of the language proposed by the Senate.

REPROGRAMMING GUIDELINES FOR LEGISLATIVE BRANCH AGENCIES

For Fiscal Year 2010, the House and Senate Appropriations Committees have jointly agreed that, unless otherwise stated in this report, a formal reprogramming letter will be required if an agency proposes to reallocate amounts which exceed a threshold of $500,000 or 10 percent for any program, project or activity funded in this Act. Reprogramming requests are also required for reallocations of funds below these thresholds if they represent significant changes in policy. Each reprogramming request should be transmitted through a formal letter which should be signed by the Agency head. It should include a specific justification for each increase as well as for each offsetting reduction being proposed. The Committees have set annual spending levels in the reports accompanying this bill, including in this conference agreement, and do not expect the reprogramming process to be used as a mechanism for making routine changes to the directions in this report. It should be used only in the case of unanticipated needs or significant and unexpected changes in program requirements. Operating Plans are not required for Fiscal Year 2010.

DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the conference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to clause 9(b) of rule XXI of the rules of the House of Representatives, neither the conference report nor the joint satement of managers contains any congressional earmarks, limited tax benefits, or limited tariff benefits that were not (1) committed to the conference committee by either House or (2) in a report of a committee of either House on this bill or on a companion measure.

LEGISLATIVE BRANCH

[Congressionally Directed Spending Items]

Account	Project	Amount	Requester(s)
Library of Congress	Durham Museum Photo Archive Project.	$200,000	Senator Ben Nelson

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follows:

[In thousands of dollars]

Budget estimates of new (obligational) authority, fiscal year 2010	$5,041,787
House bill, fiscal year 2010	$3,674,500
Senate bill, fiscal year 2010	$4,611,666
Conference agreement, fiscal year 2010	$4,656,031
Conference agreement compared with	
Budget estimates of new (obligational) authority, fiscal year 2010	−$385,756
House bill, fiscal year 2010	+$981,531
Senate bill, fiscal year 2010	+$44,365

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - LEGISLATIVE BRANCH						
SENATE						
Payment to Widows and Heirs of Deceased Members of Congress	---	---	---	---	174	+174
Expense allowances:						
Vice President	20	20	---	20	20	---
President Pro Tempore of the Senate	40	40	---	40	40	---
Majority Leader of the Senate	40	40	---	40	40	---
Minority Leader of the Senate	40	40	---	40	40	---
Majority Whip of the Senate	10	10	---	10	10	---
Minority Whip of the Senate	10	10	---	10	10	---
Chairman of the Majority Conference Committee	5	5	---	5	5	---
Chairman of the Minority Conference Committee	5	5	---	5	5	---
Chairman of the Majority Policy Committee	5	5	---	5	5	---
Chairman of the Minority Policy Committee	5	5	---	5	5	---
Subtotal, expense allowances	180	180	---	180	180	---
Representation allowances for the Majority and Minority Leaders	30	30	---	30	30	---
Total, Expense allowances and representation	210	210	---	210	210	---
Salaries, Officers and Employees						
Office of the Vice President	2,413	2,517	---	2,517	2,517	+104

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Office of the President Pro Tempore	720	752	---	752	752	+32
Office of the President Pro Tempore Emeritus	100	---	---	---	---	-100
Offices of the Majority and Minority Leaders	4,998	5,212	---	5,212	5,212	+214
Offices of the Majority and Minority Whips	3,096	3,288	---	3,288	3,288	+192
Committee on Appropriations	15,200	15,844	---	15,844	15,844	+644
Conference committees	3,310	3,452	---	3,452	3,452	+142
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	814	850	---	850	850	+36
Policy Committees	3,380	3,526	---	3,526	3,526	+146
Office of the Chaplain	397	415	---	415	415	+18
Office of the Secretary	24,020	25,790	---	25,790	25,790	+1,770
Office of the Sergeant at Arms and Doorkeeper	66,800	75,044	---	70,000	70,000	+3,200
Offices of the Secretaries for the Majority and Minority	1,758	1,836	---	1,836	1,836	+78
Agency contributions and related expenses	44,693	47,531	---	45,500	45,500	+807
Total, Salaries, officers and employees	171,699	186,057	---	178,982	178,982	+7,283
Office of the Legislative Counsel of the Senate						
Salaries and expenses	6,743	7,154	---	7,154	7,154	+411
Office of Senate Legal Counsel						
Salaries and expenses	1,484	1,544	---	1,544	1,544	+60

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	30	30	---	30	30	---
Contingent Expenses of the Senate						
Inquiries and investigations	137,400	172,989	---	145,500	140,500	+3,100
Expenses of United States Senate Caucus on International Narcotics Control	520	520	---	520	520	---
Secretary of the Senate	2,000	2,000	---	2,000	2,000	---
Sergeant at Arms and Doorkeeper of the Senate	153,601	168,461	---	153,601	153,601	---
Miscellaneous items	21,043	19,145	---	19,145	19,145	-1,898
Senators' Official Personnel and Office Expense Account	400,000	450,830	---	425,000	422,000	+22,000
Official Mail Costs						
Expenses	300	300	---	300	300	---
Total, Contingent expenses of the Senate	714,864	814,245	---	746,066	738,066	+23,202
Total, Senate	895,030	1,009,240	---	933,986	926,160	+31,130

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
HOUSE OF REPRESENTATIVES						
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	4,879	5,077	5,077	5,077	5,077	+198
Office of the Majority Floor Leader	2,436	2,530	2,530	2,530	2,530	+94
Office of the Minority Floor Leader	4,390	4,565	4,565	4,565	4,565	+175
Office of the Majority Whip	2,115	2,194	2,194	2,194	2,194	+79
Office of the Minority Whip	1,630	1,690	1,690	1,690	1,690	+60
Speaker's Office for Legislative Floor Activities	501	517	517	517	517	+16
Republican Steering Committee	950	981	981	981	981	+31
Republican Conference	1,777	1,748	1,748	1,748	1,748	-29
Republican Policy Committee	337	362	362	362	362	+25
Democratic Steering and Policy Committee	1,315	1,366	1,366	1,366	1,366	+51
Democratic Caucus	1,749	1,725	1,725	1,725	1,725	-24
Nine minority employees	1,502	1,552	1,552	1,552	1,552	+50
Training and Program Development:						
Majority	290	290	290	290	290	---
Minority	290	290	290	290	290	---
Cloakroom Personnel:						
Majority	476	497	497	497	497	+21
Minority	476	497	497	497	497	+21
Subtotal, House Leadership Offices	25,113	25,881	25,881	25,881	25,881	+768

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	609,000	699,344	660,000	660,000	660,000	+51,000
Committee Employees						
Standing Committees, Special and Select	154,000	175,189	139,878	139,878	139,878	-14,122
Committee on Appropriations (including studies and investigations)	31,300	33,303	31,300	31,300	31,300	---
Subtotal, Committee employees	185,300	208,492	171,178	171,178	171,178	-14,122
Salaries, Officers and Employees						
Office of the Clerk	27,457	33,901	32,089	32,089	30,089	+2,632
Office of the Sergeant at Arms	8,355	10,092	9,509	9,509	9,509	+1,154
Office of the Chief Administrative Officer	125,838	133,948	130,782	130,782	130,782	+4,944
Office of the Inspector General	4,945	5,062	5,045	5,045	5,045	+100
Office for Emergency Planning, Preparedness and Operations	3,974	4,469	4,445	4,445	4,445	+471
Office of General Counsel	1,357	1,431	1,415	1,415	1,415	+58
Office of the Chaplain	173	179	179	179	179	+6
Office of the Parliamentarian	2,007	2,060	2,060	2,060	2,060	+53
Office of the Parliamentarian	(1,442)	(1,466)	(1,466)	(1,466)	(1,466)	(+24)
Compilation of precedents of the House of Representatives	(565)	(594)	(594)	(594)	(594)	(+29)
Office of the Law Revision Counsel of the House	3,057	3,299	3,258	3,258	3,258	+201
Office of the Legislative Counsel of the House	8,337	8,900	8,814	8,814	8,814	+477

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Office of Interparliamentary Affairs	777	866	859	859	859	+82
Other authorized employees	1,158	1,320	1,249	1,249	1,249	+91
Office of the Historian	519	597	597	597	597	+78
Subtotal, Salaries, officers and employees	187,954	206,124	200,301	200,301	198,301	+10,347
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	4,135	3,979	3,948	3,948	3,948	-187
Official mail for committees, leadership offices, and administrative offices of the House	201	201	201	201	201	---
Government contributions	260,703	302,776	278,278	278,278	276,703	+16,000
Capitol Visitor Center	1,900	---	---	---	---	-1,900
Business Continuity and Disaster Recovery	18,698	32,516	27,698	27,698	25,098	+6,400
Transition activities /1	4,721	2,907	2,907	2,907	2,907	-1,814
Wounded Warrior program /1	2,500	2,500	---	---	---	-2,500
Energy demonstration projects	---	10,000	2,500	2,500	2,500	+2,500
Office of Congressional Ethics /1	300	1,548	1,548	1,548	1,548	+1,248
Miscellaneous items	742	787	760	760	760	+18
Subtotal, Allowances and expenses	293,900	357,214	317,840	317,840	313,665	+19,765
Total, Salaries and expenses	1,301,267	1,497,055	1,375,200	1,375,200	1,369,025	+67,758
Total, House of Representatives	1,301,267	1,497,055	1,375,200	1,375,200	1,369,025	+67,758

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
1/ FY 2009 funding derived from Supplies, materials, administrative costs and Federal tort claims account						
JOINT ITEMS						
Joint Economic Committee	4,626	4,814	4,814	4,814	4,814	+188
Joint Committee on Taxation	10,719	12,823	11,451	11,327	11,327	+608
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	3,105	3,832	3,805	3,805	3,805	+700
Office of Congressional Accessibility Services	800	1,377	1,314	1,377	1,377	+577
Capitol Guide Service and Special Services Office	9,940	---	---	---	---	-9,940
Statements of Appropriations	30	30	30	30	---	-30
Total, Joint items	29,220	22,876	21,414	21,353	21,323	-7,897
CAPITOL POLICE						
Salaries	248,000	268,675	263,198	267,203	265,188	+17,188
Emergency appropriations, P.L. 111-32	71,606	---	---	---	---	-71,606
General expenses	57,750	141,394	61,914	64,354	63,130	+5,380
Total, Capitol Police	377,356	410,069	325,112	331,557	328,318	-49,038
OFFICE OF COMPLIANCE						
Salaries and expenses	4,072	4,474	4,335	4,418	4,377	+305

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Capitol Visitor Center:						
CVC Project (cost-to-complete)	31,124	---	---	---	---	-31,124
CVC Operations	9,103	24,568	23,166	22,756	22,459	+13,356
Total, Capitol Visitor Center	40,227	24,568	23,166	22,756	22,459	-17,768
Total, Architect of the Capitol	529,586	644,609	541,391	545,889	601,586	+72,000
LIBRARY OF CONGRESS						
Salaries and expenses	419,030	458,577	450,211	441,033	446,151	+27,121
Authority to spend receipts	-6,350	-6,350	-6,350	-6,350	-6,350	---
Subtotal, Salaries and expenses	412,680	452,227	443,861	434,683	439,801	+27,121
Copyright Office, salaries and expenses	51,592	55,476	55,476	55,476	55,476	+3,884
Authority to spend receipts	-33,315	-34,612	-34,612	-34,612	-34,612	-1,297
Subtotal, Copyright Office	18,277	20,864	20,864	20,864	20,864	+2,587
Congressional Research Service, salaries and expenses	107,323	115,136	112,490	112,836	112,490	+5,167
Books for the blind and physically handicapped, Salaries and expenses	68,816	70,182	70,182	70,182	70,182	+1,366
Total, Library of Congress	607,096	658,409	647,397	638,565	643,337	+36,241
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	96,828	93,296	93,296	93,296	93,768	-3,060

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
Office of Superintendent of Documents						
Salaries and expenses	38,744	40,911	40,911	40,911	40,911	+2,167
Government Printing Office Revolving Fund	4,995	32,100	12,000	12,782	12,782	+7,787
Total, Government Printing Office	140,567	166,307	146,207	146,989	147,461	+6,894
GOVERNMENT ACCOUNTABILITY OFFICE						
Salaries and expenses	538,635	582,719	574,071	568,880	572,071	+33,436
Offsetting collections	-7,635	-15,222	-15,222	-15,222	-15,222	-7,587
Emergency appropriations (P.L. 111-5)	25,000	---	---	---	---	-25,000
Total, Government Accountability Office	556,000	567,497	558,849	553,658	556,849	+849
OPEN WORLD LEADERSHIP CENTER						
Payment to the Open World Leadership Center Trust Fund	13,900	14,456	9,000	14,456	12,000	-1,900
JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT						
Stennis Center for Public Service	430	430	430	430	430	---
Grand total	4,500,606	5,041,787	3,674,500	4,611,666	4,656,031	+155,425
Regular appropriations	(4,402,000)	(5,041,787)	(3,674,500)	(4,611,666)	(4,656,031)	(+254,031)
Emergency appropriations	(98,606)	---	---	---	---	(-98,606)

LEGISLATIVE BRANCH APPROPRIATIONS BILL - FY 2010 (H.R. 2918)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	44,082	46,365	45,165	45,165	45,165	+1,083
Emergency appropriations, P.L. 111-32	2,000	---	---	---	---	-2,000
Total, Congressional Budget Office	46,082	46,365	45,165	45,165	45,165	-917
ARCHITECT OF THE CAPITOL						
General administration	90,659	121,460	109,392	106,587	106,783	+16,124
Capitol building	35,840	33,305	32,800	33,305	33,182	-2,658
Capitol grounds	9,649	10,974	10,920	10,974	10,974	+1,325
Senate office buildings	69,359	76,032	---	74,392	74,392	+5,033
House of Representatives buildings:						
House office buildings	65,814	111,926	100,466	100,466	100,466	+34,652
House Historic buildings revitalization fund	---	---	---	---	50,000	+50,000
Capitol Power Plant	157,042	162,503	133,083	126,597	127,133	-29,909
Offsetting collections	-8,000	-8,000	-8,000	-8,000	-8,000	---
Subtotal, Capitol Power Plant	149,042	154,503	125,083	118,597	119,133	-29,909
Library buildings and grounds	39,094	69,144	41,937	40,754	45,795	+6,701
Historic buildings revitalization fund	---	---	60,000	---	---	---
Capitol police buildings, grounds and security	18,996	30,777	26,364	26,160	27,012	+8,016
Botanic garden	10,906	11,920	11,263	11,898	11,390	+484

DIVISION B—CONTINUING APPROPRIATIONS RESOLUTION, 2010

Division B provides continuing appropriations for all agencies and activities that would be covered by the regular fiscal year 2010 appropriations bills, until enactment of the applicable regular appropriations bill, or until October 31, 2009, whichever occurs first.

DAVID R. OBEY,
DEBBIE WASSERMAN SCHULTZ,
MICHAEL HONDA,
BETTY MCCOLLUM,
TIM RYAN,
C.A. RUPPERSBERGER,
CIRO RODRIGUEZ,
JERRY LEWIS,
ROBERT B. ADERHOLT,
Managers on the Part of the House.

BEN NELSON,
DANIEL K. INOUYE,
MARK PRYOR,
JON TESTER,
LISA MURKOWSKI,
THAD COCHRAN,
Managers on the Part of the Senate.

THE REMARKABLE CAREER OF CONGRESSMAN BOB DOUGHTON OF ALLEGHANY COUNTY

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

Ms. FOXX. Thank you, Mr. Speaker. Next month, Alleghany County, a beautiful rural mountain county in northwest North Carolina, which I represent, will celebrate Bob Doughton Day and mark the beginning of the celebration of the 75th anniversary of the creation of the Blue Ridge Parkway.

Congressman Bob Doughton was an Alleghany County native from the town of Laurel Springs, who is fondly remembered for the instrumental role he played in the passage of Social Security and the creation of the Blue Ridge Parkway.

Congressman Doughton, who was sometimes known as ''Farmer Bob,'' served in the House of Representatives for 42 consecutive years, from 1911–1953.

According to his congressional biography, Congressman Doughton was educated in the public schools of Laurel Springs and Sparta in Alleghany County. He began his career as a very successful Alleghany County farmer known for raising excellent cattle. He also worked as a banker and was the owner and president of the Deposit Savings and Loan Bank of North Wilkesboro until 1936.

He launched his political career as a member of the State Board of Agriculture from 1903 to 1909. He was later elected to the North Carolina State Senate in 1908 and in 1909, and was finally elected as a Democrat to the 62nd Congress in 1910.

For 6 years he chaired the Committee on Expenditures in the Department of Agriculture and then later he rose through the ranks to chair the powerful Ways and Means Committee for nine terms. He also served as chairman for the Joint Committee on Internal Revenue Taxation for two terms.

He retired from Congress in 1952, and died about 2 years later at the age of 90, on October 1, 1954, in his hometown of Laurel Springs.

He had a remarkable congressional career, chairing the Ways and Means Committee for 18 years through some of the must tumultuous years of the 20th century. In his final year in Congress he became the longest serving Member of the House, preceding Congressman Sam Rayburn as what is known as the dean of the House, in 1952.

As we mark the 75th anniversary of the Blue Ridge Parkway, which is the most visited park of the National Park System, it is very appropriate today to stop and remember this influential North Carolina lawmaker whose vision helped create this beautiful scenic highway.

SOCIALIST VERSUS PROGRESSIVE

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

Mr. KING of Iowa. I very much appreciate you recognizing me to address the House of Representatives and you today. As we near the close of this week and I listened to the emphatic presentation of the gentleman from New York and the more low-key, but I think equal conviction, presentation of the gentleman from Minnesota, it caught my ear that the gentleman from New York gave us a definition of socialism. He said, Socialism is when the government controls the means of production. I'm going to tell you that I believe that is a closer definition to communism than it is socialism.

Yet, I think the people who are the self-professed socialists in this country know who they are, and I think we should know who they are. They are the members of the Democratic Socialists of America. The Web site dsausa.org is the central source, the most important and influential source of socialist thinking in America.

They write in there—and I have a whole series of documents since the gentleman made the statement about what socialists are. I have spent a little time probing around in this Web site location. And I find out some things in there that I think the public should know, Mr. Speaker.

It tells about the organization. It says that, We are socialists because we reject an international economic order sustained by private profit. Socialists reject private profit. Now that didn't seem to be what I heard the gentleman from New York say.

They also reject alienated labor, race and gender discrimination, which certainly I also reject, environmental destruction and brutality and violence in defense of the status quo. We are socialists because we share a vision of a humane international social order based both on democratic planning and market mechanisms to achieve equitable distribution of resources, meaningful work, and a healthy environment, sustainable growth, gender and racial equality and non-oppressive relationships, like having to work ''for the man.''

These socialists have a difference. On the Web site dsausa.org, there is a link that opens up and it says—first, it leads with, We are not Communists. Now I have always been very suspicious of any group that would start out with: I'm not a Communist. But the Democratic Socialists of America, that's how they start it.

They say, We're not Communists. Communists want to control everything. They want to nationalize everything. They want to nationalize not only the major corporations, the industry refining industry, the automobile manufacturers, the banks, the insurance companies, the lending companies. The Communists want to do all that and they want to nationalize small business: the butcher, the baker, and the candlestick maker, to keep it simple, Mr. Speaker. That's communist by the definition of the socialists on dsausa.org Web site for the Democratic Socialists of America.

They also contend on those Web site links that they are a political party and they do support candidates, but they just don't actively ask them to carry around with them the socialist label. You'll find at the Web site dsausa.org that the people who are their candidates are labeled themselves and by the socialist Web site as progressives. That would be the blue posters we saw within the last hour. The Progressive Caucus. And we wonder what progressives are.

Well, they are socialists. They have a far bigger influence on this Congress than the public is aware. There are 75 members of the Progressive Caucus that are listed on their Web site.

Now, there was a time that you could have gone to the socialist Web site and opened up the link and read down through the list of the members of the Progressive Caucus who are, every one of them a Democrat in this Congress, and every one is claimed by the socialists as being the legislative party and arm of their political activism.

You cannot disconnect progressive and socialist. You can't give them a different definition. And if you wonder about the heritage and the genesis of progressives, their Web site was hosted by the socialists up until a few years ago. And when it became known publicly that the socialist Web site was actually managing the progressives' Web site—and you can go down the list: Marxist, Leninist, Trotskyite, Maoist, Stalinist, Communist, Socialist, Progressive. You see where I've gone. It's less egregious to be a progressive than a socialist. So they took another step away.

Socialists took a step away from communism because communism had a

bad name. And they stepped away from it and they defined themselves differently and put it on their Web site. They said, Well, we're not communists because we don't want to do all these things. But they also say progressives are socialists. They're our people. And they used to host their Web site. Now the Progressive Caucus does their own Web site. But they advocate directly from the legislative agenda of the social Web site. Facts easy to find at dsausa.org.

Now what does a socialist do that's different than a communist? That's the question. Communists want to nationalize everything. They want to control the means of all production. They want to nationalize the corporations because the corporations aren't running consistent with their belief. And they want to also nationalize the butcher, the baker, and the candlestick maker. Small business. That's communists.

Socialists, right on their Web site, speaking presumably for the progressives as well, that they're anticorporate. They don't want to go nationalized to small business because they believe that small business can actually function okay without being repressive of the worker and can produce hair cuts and set up beer upon the bar and maybe hand you a sandwich out through the deli without them having to be involved as government in any means except to oppressively tax the profits that come. And then if you set up a sandwich store and it turns out to be a sandwich chain and it gets big enough, then they're going to want to nationalize it.

That's what socialists do. They want to nationalize corporations, large corporations. And it's all in the Web site. It's not a mystery. We have to do our reading. Dsausa.org. That's the socialist Web site.

When the gentleman from New York says, There's a difference; they're not socialists because they're not calling for controlling the means of production, well, I have to say, gentlemen, your names are on the list. I read it in the Web site. It's there. It exists. It's a matter of fact.

When you're anti-free enterprise, that puts you in the camp of the people who are on the hard core left. It's a philosophy that's been rejected by Americans.

By the way, you can also go to this Web site and read in here, dsausa.org, the people who advocate and support the progressives in this Congress and have not been repudiated by any progressive that I know of. You can also go to that Web site and you can see the agenda they have about nationalizing the major corporations in America. The nationalization of the Fortune 500 companies, for example, is written about on the Web site. They say, though, that they don't have to do it all at once, not in one fell swoop, that it can happen incrementally.

So you have an active political party with 75 Members in the House of Representatives and one Member in the United States Senate, a self-professed socialist, Senator BERNIE SANDERS, who are part of a movement to nationalize major corporations in America. And now we've elected the most liberal President in the history of the United States. And what has he done?

He has in the term that he has had so far, and this is only September, he has nationalized three large investment banks: AIG, the largest insurance company in America; Fannie Mae; Freddie Mac; General Motors and Chrysler. Eight huge entities nationalized and now under the control of the White House.

□ 1415

And how did he do that, and how was it brought about, the economic crisis, the crisis that Rahm Emanuel said we should never let go to waste? The President and others utilized the crisis to nationalize the largest entities they could get their hands on.

I recall looking at a picture of President Obama standing next to Hugo Chavez, and they asked what I thought. I said, well, my reflection is that there are two huge nationalizers here. Hugo Chavez has been nationalizing right and left in Venezuela, but in the previous 30 days, he had only nationalized a Cargill rice plant, a Minnesota proud, privately held company, and nationalized that rice plant down in Venezuela. He simply said, I don't like the way you are running your rice plant; I will run it. And they will decide what the production is and what the people get paid that work there, and what they are going to pay for the product, and they will take their margin out that goes in to run the Government of Venezuela.

Well, what is going on with General Motors and Chrysler and Fannie Mae and Freddie Mac and AIG and the three large investment banks, what is different about that? You are paying back TARP funding. That is one thing. But you have the President of the United States involved in, or at least his direct appointees, involved in the day-to-day management, for example, of General Motors. The President fired the CEO of General Motors, don't forget. He hired his CEO of General Motors. He put in place all but two of the board members of General Motors. And then he appointed a car czar who didn't hold up to the standard, apparently, because he never made a car or sold a car. I suspect he had driven and ridden in them. But the car czar didn't quite meet the standard and so he appointed a new car czar.

And the CEO of General Motors admitted he was on the phone with the car czar sometimes multiple times a day. That is not what you would call disinterested. I wish the President took as much interest in ACORN as he did in General Motors. If that would happen, maybe we could get the President to the position where he would have a public comment on ACORN, after we have watched this saga unfold from across the country.

The films on ACORN have emerged in Baltimore; here in Washington, D.C.; Brooklyn, New York; San Bernardino, California; and then San Diego, California. The pattern that we have seen, people posing as a prostitute and as pimp walking into ACORN's headquarters in each of those five cities and proposing that ACORN help them set up a house of ill repute so they could funnel teenage girls, young girls into child prostitution. And what did the ACORN people do in each of those five cities? They helped facilitate this. They helped facilitate child prostitution, setting up a house of ill repute. It was a promotion of prostitution of children.

The first film I saw that was in Baltimore, there were two women that were telling the young girl who was posing as a prostitute and the fella who was posing as a pimp how they could best circumvent the law in order to get it done, how they could best circumvent the tax laws, and how they could game the taxpayers, all under this process, telling them how they could qualify for the earned income tax credit. If you make $96,000 a year, just report $9,600 a year, then you will get the earned income tax credit, which is a check from the Federal Government out of the pocket of the working people in America into the pockets of somebody running a prostitution ring advocated by ACORN.

And they told them, If you are going to have 13 prostitutes, you really should just claim three of them as dependents. And if you do that, then you can qualify for the child tax credit, which is a thousand dollars a year.

So that counseling at ACORN that came about spontaneously after they rummaged around through their records to come up with the right kind of label for these young girl prostitutes and to call them performing artists, and that would fit, and you could game the Federal Government, circumvent, defy the law, break the law, and not only turn your house of prostitution into a profit center, but also be able to draw down funds from the Federal Government.

These are some very effective people at taking our tax dollars, Mr. Speaker, when it comes from them as a matter of instinct how you game the system, how you avoid taxes and cheat the government, and how you reach into the Federal coffers, the people's money, and draw that down for your own.

What a corrupt demonstration was taking place in Baltimore and in the other cities. But in Baltimore, the women who were working in there, the two women that were working at ACORN that were telling the young girl posing as a prostitute how to bring in young girls, 14-year-old girls plus or minus a year, how to bring them in, how to get this done and how to game the system, these women, I don't know if they were mothers, the ones working

for ACORN, but I could hear children playing in the background in the tape as if they were right behind the wall. The door was open behind them into presumably another office, and you could hear children playing in there.

Could it be in the middle of raising children we have people who are advocating for child prostitution? Could it be that the children who were making the noise that we could overhear on the tape, could they have been the actual children of the women who were advocating child prostitution as representatives of ACORN? I suspect that is the most likely scenario, although I haven't confirmed it.

That is the part that bothers me perhaps as much as anything else, that a worker for ACORN that could be a mother that had children within earshot could be advocating for child prostitution. And what would be the difference between bringing a girl in from El Salvador, bringing in a baker's dozen of girls from El Salvador illegally, put them up in a house of ill repute with money borrowed by the advocacy and the brokership of ACORN housing, we presume, to help fund and set up the capital base and loan that would be a business enterprise? And what happens when those kids that we could hear playing, what happens when they get to 13 or maybe 12 or 14? Do the ACORN workers just turn around and funnel them right into that house and put them to work?

The lack of outrage on the part of my colleagues on the other side of the aisle, the people who have for years railed against child labor and have pushed so hard for child labor laws, 75 of them voted to continue funding to ACORN. Seventy-five Members of the House of Representatives voted to continue funding for ACORN even though the tapes in five cities confirm absolutely that there is a culture of that type of corruption, child prostitution, within the doors of ACORN.

Who could imagine that out of 120 cities where ACORN has a presence, that they were able to do the sting operation on all of them that were helping to facilitate child prostitution or susceptible to doing that. I can't imagine that they went to 115 other locations and the people at ACORN said, Get out. I don't want to have anything to do with illegal behavior; and, by the way, I am going to call the police. We don't have any evidence that happened anywhere except Bertha Lewis told us that, who has consistently given us misinformation over the media airwaves. Mr. Speaker, I think America needs to know that she is the CEO, in effect, of ACORN, known formally as ACORN's chief organizer.

We have a great big problem in this country, and the biggest part of this problem, in my view, that undermines our country the most is not the child prostitution component. That is the most repulsive, but the biggest problem is ACORN's involvement in corrupting our election process. They have, for election cycle after election cycle, been complicit in false or fraudulent voter registrations. They bragged that they had produced 1.3 million voter registrations in the last cycle. That is on a document that they are using to raise money to go down and protest Sheriff Joe Arpaio of Maricopa County.

The document that they are using as a fund-raiser says we registered 1.3 million voters, and we need you to write us a check so we can continue to go in here and try to intimidate people who are standing up for the rule of law. That is how I would interpret it. They didn't produce 1.3 million registrations. On closer analysis, the number comes down to be less than half a million. But they did produce, by their own admission, over 400,000 fraudulent voter registration forms, false or fraudulent. To be more precise, voter registrations turned in.

Now imagine, the integrity of our vote. The franchise that every voter has is predicated upon the integrity of the voter registration rolls. That's why we register voters. If we didn't care how many times people voted, we wouldn't register them. We would just say, Go ahead and go vote. If you think you are an adult, walk in there and do so as many times as you like. But we do care. One person, one vote, and that is all that can be allowed, and we can't allow the process to be corrupted and we can't allow people to vote in multiple jurisdictions. One person, one vote per election. That's why you have to declare your residence. That is why you have to register, and that is why we have to go through the voter registration rolls and verify that they are legitimate registrations.

By the way, if you don't care about that, if you don't care about the integrity of the election process, you might be, Mr. Speaker, among those kind of people that would advocate for things like motor voter registration. Or if you go in and get a driver license's, they will say to you, Do you want to register to vote? That person might answer, No comprende. It happens thousands of times in America. People get a driver's license, whether or not that is legitimate, and they sign here, now you are registered to vote. That happens thousands of times in America. All they have to do is assent to that. Yes, there is a check box that asks if you are citizen. But if they can't understand the language, how could they possibly know that they are checking the right box and that they are guilty of perjury if they put down the wrong information? We know this happens tens of thousands of times in America. I suspect the number is a lot larger.

Why would an organization promote fraudulent voter registrations—I'm talking about ACORN—and why would they brag about it?

I can only come to this conclusion: If you can corrupt the voter registration rolls so badly that they didn't have any value any more, then anybody could vote and the election process would be who can herd the most people through the most polls the most times, and that is kind of the logical progression of it.

Who can imagine that with over 400,000 fraudulent registrations that we didn't have a fraudulent vote take place in America? ACORN would tell you that. Well, we may have gotten a little overzealous in our voter registrations, but we didn't have any fraudulent votes.

Please. With 400,000, why did you spend millions of dollars to register voters if there was no advantage, if you didn't think that you could game the system?

I will submit they benefit from confusion, especially in close elections, and I believe they benefit also from fraudulent votes. And when you have a fluid registration system, then you can have people on buses that go back and forth across State lines, jurisdictional lines, county lines, and vote multiple times. Once the ballot is cast, there isn't a means by which you can go back and prove it unless you have a video camera sitting in the polling place and you can show the full act of someone walking into the polling place and acknowledging their name and address, going in and voting, and seeing the same thing take place with the same face in another place. This is almost a perfect crime. In the means of trying to actually catch them, you really need confessions.

As we went through the election process in the year 2000 when there were all kinds of allegations that were made, Mr. Speaker, I sat for 37 days and drilled down into this and chased every rabbit trail I could find on the Internet. I was on the phone and I had a network of communications on my e-mail, and I found example after example of stealing elections. That happens to be the title of John Fund's book, who will be speaking in this Capitol shortly.

I found example after example, 400,000 fraudulent voter registrations turned in by ACORN, and still we can't pass a law that requires the person that hands those registrations over to the voter registrar, and in my State it will be the county auditor, we can't require them to identify themselves so that at least when it turns out to be fraudulent you can go back and say, Well, that was Sally Smith or Joe Jones that did that, and here's their address and here's their identification document when they turned this in.

□ 1430

And it's because there has been a concerted effort to undermine the integrity of the ballot box. And it isn't every Democrat, but that's where the chorus comes from, that's where the arguments come from, that's where the push comes from.

Now, that's not just Motor Voter that took place under Bill Clinton back

in the nineties; we've got same-day registration taking place all across America in many, many States, including mine, same-day registration.

My Governor, Governor Culver, was Secretary of State; and in the middle of an election when he was Secretary of State, he advised people, If you don't know what precinct you live in, if you didn't get around to voting or changing your registration if you moved, or if you just moved in, don't worry about that, go to a polling place wherever you can, find one and go in there and vote. And we'll just call it a provisional ballot if anybody calls you on it, and we'll sort those ballots out later.

Can you imagine? We have 3 million Iowans, and I don't know the total of votes, perhaps 1.5 million, thousands of them went anywhere that was convenient and asked for a provisional ballot and cast it. And the ability to sort that all out and argue over the integrity of them, it overloaded our system.

Now, I come from a State that is the first-in-the-nation caucus. We have the great privilege to have the first bite of the apple to make a recommendation to the rest of America on whom we would like to see nominated for each political party, Democrats and Republicans, first-in-the-nation caucus. It's a high responsibility to maintain a high level of integrity. We were first-in-the-nation caucus, last in the Nation to certify the vote because our then-Secretary of State, now Governor, gave information to the voters all across the State that they could just go anywhere, further corrupting and confusing the system.

Now, add this up; Motor Voter registers anybody that will agree when they're asked, Do you want to be registered to vote. Who's going to say no? Especially if you think you're in the country illegally, you don't want to say no—you might think it's a responsibility to assent to registration.

So we've got Motor Voter registration, we've got same-day registration where somebody can just drive across the board into, name your State—Iowa, Minnesota, Wisconsin all come to mind—drive across the border, walk in, register to vote and vote on the spot. You don't have to prove residence to speak of. You maybe have to have somebody attest to who you are. There's a limit to the number of people that the bus driver can bring in and attest for, but it corrupts the process, Mr. Speaker.

And so I'm watching this country, this country that I love, this country that I was raised from the standpoint of, Eat your cold mashed potatoes, there are people starving in China. You've been born in the greatest Nation in the world and you hit the jackpot because God chose to have you born here in the United States—and I'll say especially in Iowa, from my perspective—a Nation that had never lost a war, that stood proud, that stood for freedom, that had the blessing and the gift of the Founding Fathers and the Declaration and the Constitution and the rule of law and all the pillars of American exceptionalism.

This great Nation that went through manifest destiny from the Atlantic to the Pacific Oceans, settled a continent in the blink of a historical eye. And we did it founded upon the values that are in our Declaration and our Constitution and our values of faith and our work ethic, with these unlimited natural resources, low or no taxation, no regulation when Americans settled this continent.

We built a culture and a civilization built on—I'll use the Superman term, ''Truth, justice and the American way,'' and now I am watching it corrupted in the electoral process by an organization like ACORN. Four hundred thousand fraudulent voter registrations turned in, and still they count them when they brag about how many they registered, they count the fraudulent ones too. It's like saying I made $2 million last year, but not bothering to mention that you stole $1 million from the bank. That's the equivalent of their brag.

Now, we saw what ACORN did in five cities when confronted with child prostitution rings and illegal immigration. They promoted it, and they said, Game the system and you can get a check from Uncle Sam in the process. We've seen what they've done to corrupt the voter registration process and the election process. We've seen them get involved politically as a partisan organization over and over again. Nobody in this country believes that ACORN is out here to get out the vote for Republicans. They are a partisan organization that gets out the vote for Democrats. They are the machine. They are the foundational machine across the country that gets out the vote for Democrats. We all know that, but it can't really be challenged.

And so as I look at their activities, and I understand that they say—well, I guess they changed their definition a little bit, 501(c)(3), that's what it says on a press release I just picked up, Mr. Speaker. There is apparently some intention that the IRS is going to take a look into ACORN. The first thing the IRS needs to do, Mr. Speaker, is take a look at ACORN's corporate filings and verify that they are a 501(c)(3). 501(c)(3) is a not-for-profit status, and if you violate that not-for-profit status, then your income becomes taxable.

And so I'm suggesting—no, I'm stating flat out—ACORN is a partisan organization, a get-out-the-vote organization for Democrats. They take millions of dollars and use them for partisan purposes. They were hired—an affiliate was hired by President Obama to get out the vote for him at the cost of—if I remember the number exactly, it was close to $832,000. There is strong evidence that the President's fundraising list, once people maxed out to him, it was handed over to ACORN so they could use it to raise money.

We know that they've drawn down at least $53 million in Federal tax money that will be posted on the 990 form as grants from government; $53 million since 1994. I suspect the number is a lot larger. But if anybody would like to come down and defend ACORN, I would welcome you to come down and do that. If anybody thinks anything I've said here is even marginally factual, let's fine-tune it just a little bit. But I'm standing on the solid ground of fact. And the facts are this; 501(c)(3) organization, self-professed—it's in the press release, it has to do with the IRS now talking about investigating similar organizations, not specifically ACORN.

But if you're not for profit, it also means you're a nonpartisan, and you are barred by law from participating in partisan activities. Partisan activities would be, Mr. Speaker, advocating for a particular candidate or political party. So, working on a campaign, putting up yard signs, door hangers, running ads that advocate for candidates—especially by name—would all constitute violations of the not-for-profit status and make their income taxable.

Well, Mr. Speaker, I have here an interesting little picture. And the good part of this picture is that I don't have to wonder about the source; this is a picture that I took. This picture was taken in early July, before the Fourth of July. This is a picture of ACORN's national headquarters. They're at 2609 Canal Street, New Orleans, Louisiana. I walked up to the door. The door looks like a jail cell. It's got a glass business door entry behind it, but it's black bars and welded steel with an outdoor lock on the outside. This is the most fortified building in the neighborhood. This is the second or third story where you see the bars here yet in the second or third story.

Mr. Speaker, right behind the glass at the national headquarters of ACORN is a poster here and it says, ''Obama '08,'' a campaign poster for President Obama proudly displayed in the front window of ACORN's national headquarters. I don't know how you could get any more definitive evidence that it's a violation of the 501(c)(3) not-for-profit, no partisan activity if you're going to hang a partisan campaign sign in your window and leave it there, let's see—6, 7, 8 months after the election, it's still there. Does anybody imagine that it wasn't there before the election? And by the way, if anybody wonders if this is real, they can see over on the right-hand side, this hangs outside the glass, this is the ACORN banner, the ACORN logo, it's their logo on there. They fly that flag like we fly Old Glory.

So here's the flag, the glory of ACORN, the ignominy of it all, and here's the Obama poster. There are other posters behind there; I can't verify that they are Obama posters; it doesn't matter. This one is in the window. They're advertising for a political candidate. It's clearly a violation of the law. And it's blatant and it's open—and curiously, it's unnecessary. How sloppy can they be?

And so I think I've tied together the corrupt election process, the corrupt promotion of child prostitution rings, and also illegal immigration, which, out of the San Diego office especially, when the ACORN worker said, you've got to trust us; we have to work with Mexicans, I can bring people in through Tijuana, we'll help set this up for you. Child prostitution, violations, and then clear violations of voter laws.

In fact, there have been as many as 70 convictions for voter registration violations of ACORN employees. ACORN, as an entity, is under indictment in the State of Nevada. In the last couple of weeks they have put out, in the State of Florida, 11 warrants for arrests to pick up ACORN employees for voter registration violations. They did pick up 6 of the 11; the last I saw the news there were five still on the loose. And that was before the prostitution emerged from the film that was taken by the two intrepid reporters—whom I'm quite pleased and proud that they have done what they've done.

And that's not all, Mr. Speaker. If we continue on with ACORN, I would say here's another major concern of ACORN's involvement, and that is the practice of shaking down lenders, especially within the inner cities. Back in the seventies—it was either '77 or '78—Congress passed an act called the Community Reinvestment Act. It was an act that recognized a practice that I reject. It was the practice of red lining, as they called it—taking an ink pen and drawing a red line around a neighborhood in a city or several neighborhoods in the city. Banks that were loaning money for real estate, home mortgages, and commercial property identified that property that had its value going down, and they defined it. And it happened to also be inner city property.

Often one could index race with that declining value of property and the red lining. If it turned out it was a racial conclusion, it was utterly wrong. If it was a business conclusion purely, then it could be justified. But Congress passed the Community Reinvestment Act that set the stage so that banks were then given an incentive to make loans into those communities where they had previously not been making loans. That was a direction of Congress to try to fix an ill that I believe at least was, in significant part, a wrong that needed to be corrected.

But ACORN exploited this. They were founded in 1977 or '78, as I said, and they began seeing the opportunities with the Community Reinvestment Act. And I don't know their involvement in getting the legislation passed. I suspect they were there at the table when it happened, but I don't know that. But I do know that they went in and shook down lenders and demonstrated outside the banks and intimidated the banks into giving money to ACORN. Not just in the first round of this. This wasn't, Give loans to the people in the inner city, it was, Write a check to ACORN, and we'll go away. Sometimes they would go into the lender's office, push his desk over to the wall, surround that lender and intimidate him, yell at him, shout at him and make demands, and eventually the intimidation tactics worked because banks wanted them to go away. So sometimes they wrote the check and sometimes they went away. Oftentimes they came back after a passage of time and began the process all over again.

Now, one demand was the shakedown that compelled—well, gave a strong incentive for—lenders to write the check to ACORN. That helped fund ACORN. You've also heard of this taking place from other organizations—Rainbow/PUSH comes to mind. They wrote the check to get ACORN off their back and then ACORN went away. And then they came back. And they did that over and over again. At a certain point, ACORN then demanded that the banks loan money into the neighborhoods that ACORN specified. They did their own red lining. They drew their red line around and said, You loan money into these neighborhoods or we'll come back and we'll protest so your customers can't get through the door. And so banks began loaning money into those neighborhoods and showing their records to the ACORN representatives, and now they're influencing a business practice. That's stage two.

Stage three is the lenders. In order to get ACORN off their back after they came back over and over again and escalated this, demanded money, demanded that loans be made into ACORN's red line district, then the next one was to grant ACORN a block of funds to be brokered into the communities of their choice, giving them more and more power.

□ 1445

This kind of shakedown undermines the free enterprise system, and it gives power to people through intimidation rather than market principles or moral principles. In fact, it is utterly corrupting in a society, and I can't draw a moral distinction between an ACORN shakedown, a Mafia shakedown, or a shakedown that might come from Hugo Chavez or some strongman in some other country. ''You will pay the protection or you will not be in business.''

I wonder if Cargill refused to pay protection in Venezuela and that was why Hugo Chavez nationalized the rice company down there, the rice plant in Venezuela earlier this spring, in about April.

So this is some of the pattern of ACORN's activity, Mr. Speaker, and it isn't, by any means, all of it. In fact, Wade Rathke, who was the founder of ACORN and was their CEO up until about a year ago, has a brother named Dale Rathke. Dale Rathke embezzled $948,000 and change from ACORN. It is a matter of public record. They found out about it within ACORN and covered it up for 8 years. They covered up a crime, a felony, for 8 years. And in order to solve the bookkeeping problem, they took money from donors and money from pension plans and backfilled the hole in the accounting which was created by the embezzlement of the brother of the CEO who helped cover up this crime. Then it erupted and finally blew up to the point where Wade Rathke was pushed out of ACORN—or I should say, off to the side of ACORN. They're still players today. He and his brother are both engaged in, let me say, community organizing. Activist community organizers, people who read the book by Saul Alinsky, people who read Cloward-Piven and now people who are writing their own book, the Rathke brothers.

Mr. Speaker, we need to clean up this mess that is ACORN. This Congress has a responsibility. We know it now. I offered an amendment to unfund ACORN back in 2007. It did not have a lot of support at the time. Today we have seen this Congress vote to unfund ACORN, and we've seen 75 Members—every one a Democrat—vote against unfunding ACORN. We know what our duty is. Our duty is oversight. It's our constitutional responsibility, Mr. Speaker. And we need to use all of the tools in this Congress to drill into ACORN, to get to the bottom of it, to bring the truth and the facts out. That will require, with all of these resources we have, in the House alone—and I call upon the Senate as well to engage in this. But in the House alone, we must have a full committee investigation and hearings by the Judiciary Committee, taking a look at the voter registration fraud that we know exists and look at it on a national scale. And from this, we need to drill into ACORN and pull out all of the rotten apples that are in there and shut down everything that is questionable. If there is anything left that has any integrity, I don't know what to do in that situation because I don't know how there would be any entity within ACORN that is not stained by this. But the Judiciary Committee has an obligation to investigate where there are violations of the law and where there are violations of voter registration and election fraud. That's our responsibility in the Judiciary Committee.

Government Reform—and this has been headed up very well in Government Reform by Congressman ISSA of California—needs to look into this from the standpoint of: how is government tied into this; what does it do to corrupt our government; what about all the tentacles of ACORN that would reach into government; how many places are they working in cooperation with government? And let's sever all of those relationships. That's the Government Reform component of this. To the extent that we can overlap and cooperate, we should do so committee by committee.

We need to go into the Financial Services Committee. Chairman FRANK needs to come all the way around to

cleaning up ACORN. He was not here for the vote that would have unfunded ACORN. He had a couple of different announcements. But the most recent announcement of his intentions was that he would have voted to shut off funding to ACORN. Well, we can speculate if we like. But, Mr. Speaker, to verify the position of the chairman of the Financial Services Committee, we'll have to see what he does with ACORN. Will Chairman FRANK investigate? Will he use the powers of the gavel and the staff that he has in Financial Services? Will he work with the ranking member of the Republicans to drill into ACORN and go back and pull out those pieces that he put in himself over the years in this Congress that set up the scenario by which ACORN still today—let me say it this way: still today, ACORN is looking at categories of as many as $8.5 billion that they could tap into of Federal tax dollars. Our tax dollars, Mr. Speaker. Altogether, $8.5 billion in categories. That is money that's within the Community Development Block Grant, a low-income housing grant, and the stimulus package. Those three add up to $8.5 billion. ACORN, as far as anything that has been signed into law today, would still qualify to go into those funds.

The chairman of Financial Services, Mr. FRANK, has been involved in setting up the language, setting the stage. And it's not a practice of just this year. It's a practice of each year that I have been aware since I have been in this United States Congress, Mr. Speaker. So let's see if the chairman of the Financial Services Committee uses his gavel to investigate and provide proper oversight, with all the resources that he has at his disposal, working in full cooperation with Republicans on our side of the aisle and staffs working together. Let's see if that happens.

The Judiciary Committee needs to do a full investigation and hearings. Financial Services needs to do a full investigation of ACORN and hearings. By the way, when I say ACORN, that's a general term for ACORN and all of their affiliates, 361 of which have been identified by the Government Reform Committee in the report that was put out July 23 by the Government Reform Committee and Ranking Member DARRELL ISSA. The Judiciary Committee and the Government Reform Committee need to investigate ACORN and all of their 361 affiliates.

We also need to ask the Ways and Means Committee and Chairman RANGEL—who I recognize has his own problems in this Congress, but this is an opportunity for Mr. RANGEL to redeem himself as chairman. The chairman of the Ways and Means Committee needs to commence a full, all-out, full-court investigation of ACORN and all of their affiliates and use the tools at his disposal, the power of the gavel and the subpoena ability that that committee has to bring in ACORN and examine their taxes and also to turn the pressure up and direct the IRS to do a complete audit of ACORN and all of their affiliates. The only way to get a clean bill of health is to put them all through, let me say, the fiscal physical, that is, a complete analysis of all of the funds that come into ACORN and all of their affiliates. Chairman RANGEL can bring that about, and certainly he needs to work in cooperation with the ranking member on the Ways and Means Committee. I'm pushing very hard that we get this done.

I have named three committees. We have Judiciary, Ways and Means, Government Reform, all of them need to commence their investigations. We need the House Admin, who works in cooperation with the voter election laws. They're the ones that brought about the HAVA act, the Help America Vote Act. They need to be involved in this working in cooperation with the Judiciary Committee. We need to bring the Appropriations Committee into this. We need to examine every dollar that's been appropriated that may have gone into the coffers of ACORN and their affiliates. How did that money get used? Was it matching funds? And how does it go down into the States?

All of this needs to happen out of this Congress, Mr. Speaker, and we need the IRS doing a complete forensic audit of ACORN and all of their affiliates. And we need the Department of Justice doing more than just an Inspector General's investigation to determine if Justice has written checks to ACORN or their affiliates and whether there's justice in Justice paying ACORN and their affiliates. If the limit of Justice's scope of justice is, did they actually pay somebody that was violating the not-for-profit laws, and did they use it for partisan purposes, that's pretty narrow.

ACORN wants to examine themselves and audit themselves. That's laughable that we should accept the idea that ACORN has appointed someone to audit themselves. It's a joke. But we do have the Justice Department who has said, We want to audit ourselves too with respect to what money we might have sent to ACORN, so that they find it before someone else finds it. Then they can make their press release and say they've cleaned it up and sworn off and washed their hands of ACORN—like the Census Bureau finally did? For the second time, by the way. They put out a press release 3 months ago. After we turned up the pressure, they said, Well, we won't be hiring ACORN to do our Census. We turned up some more pressure, and when they saw the prostitution film, they put out another release that said, We have now finally—for the second and perhaps final time—severed our relationship with ACORN. Well, if you have to do something twice, who would believe you did it the first time? And then if you do something once, who is going to believe that that actually got done the first time? They will do it over and over again. Justice wants to look at it and wash their hands of ACORN, but I don't see them moving towards a complete investigation at the Department of Justice, which we must have, Mr. Speaker. The scrubbing that's taking place on the Census and now the U.S. Treasury. The Treasury has said that they no longer want to work with ACORN. ACORN was helping out with tax forms. So maybe they're going to rely on TurboTax instead. But they no longer want to have the relationship with ACORN because they're too hot a political potato.

These aren't things that these departments didn't know before. I have known this for months and, much of it, years. Yet we couldn't penetrate the minds of the Census Bureau until we beat on them through the media. We couldn't penetrate into the Department of the U.S. Treasury until the prostitution films came out. And the Department of Justice only wants to examine far enough to determine if they have written checks to ACORN and then what those checks were for, if they were legitimate or not.

It doesn't look to me, Mr. Speaker, like this administration is determined to do this forensic analysis. In fact, if you would draw a line down through the middle of the piece of paper—you could draw it figuratively right down this aisle, Democrats on this side, Republicans on this side—Democrats, as a party, beneficiaries of ACORN; Republicans on this side, a lot of them who are not here, are victims of ACORN's partisan activities. They've already lost their elections. They aren't here now, and many of them are not coming back. But that same line can be this: who has consistently called for the cleanup of the corrupt ACORN, the criminal enterprise ACORN and all of their affiliates? It's been people on the Republican side of the aisle who have done that, the survivors. Who has finally made some little mouse noises about cleanup of ACORN? Well, it's been Democrats. And it's been people who have redirected—it would be Chairmen Frank and Conyers who have called for the Congressional Research Service (CRS) to take a look at ACORN and write a report. Well, CRS doesn't have the authority to go in and actually do a criminal investigation or a tax audit. They don't have the authority that these chairmen have themselves. If they want to get to the bottom of it, they don't have to ask anybody. They call for hearings and an investigation, and they levy their subpoena power, and they do that. But instead, they would like to redirect the American people into believing that calling for a CRS report is somehow a substitute of a congressional investigation. It's not. The Justice Department should be doing a complete, thorough criminal investigation, working hand in glove with the IRS. Instead, it simply announces that they're going to take a look to see if they've written checks to ACORN and then react accordingly. The U.S. Treasury finally

takes a position that they don't want to have ACORN cooperating with them in helping out with taxes.

These are all of the weak things on this side. These are redirections. These are straw men. They are red herrings. They don't have substance to accomplish what we need to get accomplished, which is clean up ACORN. On this side, we've called for substance for a long time, and we haven't cracked through because the people on this side hold the gavel, and they were determined to protect and defend ACORN until the political heat got so hot that all but 75 of them voted to stop Federal funds from coming into ACORN.

That's what's taken place, Mr. Speaker. Those are the facts. They cannot be denied. By the way, we need to ask some questions about why the chief organizer of America has not had a statement to say about ACORN, except for his statement on the Sunday talk show circuit; when asked about this, he said, Well, it's really not on my radar screen. It's not the most important thing before America. So I'm not really paying attention to ACORN.

Really, Mr. President? This is the star of ACORN. He is the lead chief organizer. He is the person who told the people at ACORN, I will invite you in, and we will be setting the agenda for America, even before he is inaugurated as President of the United States. This is the man who worked for ACORN. He is the man who was an attorney for ACORN. He is the man who trained ACORN's workers. Remember what he said before the election to his people: ''Get in their face. Get out, and get in their face.'' Does that sound like what was happening around the lenders' desks when they were capitulating to ACORN's intimidation of the shakedown? ACORN's activists got in the lenders' faces. The President said, Get in their face.

□ 1500

He worked for ACORN, trained ACORN's workers, headed up Project Vote. And Project Vote is integral to ACORN. You can't separate the two, and there are people who are labeled Project Vote and ACORN who concur with that.

Then on top of that, the President of the United States, as a candidate, hired ACORN to get out the vote. And then the evidence exists that his donor list was transferred over to ACORN. Once it was maxed out and they couldn't write another check in the Presidential campaign, the list went over so ACORN could raise money on that.

This man's not interested in ACORN? He's ambivalent about it? That's what he told us just last Sunday. Curious. He could inject himself into police operations of a professor of Harvard, Officer Crowley and Professor Gates. He can inject himself into that and have a beer summit, but he can't pay attention to what's going on when things are melting down around him?

This man stands at the top of ACORN. He's the man that directed that the Census be pulled out of the Department of Commerce and put into the White House. This is a man that hired ACORN to help hire individuals to work for the Census. And he's not paying attention? Do we think Rahm Emanuel is running this country or President Obama, or is it just Chicago politics? I think it's all of those things, actually, Mr. Speaker. But the President cannot deny knowledge of what's going on.

The United States Senate voted 83–7 to shut off funding to ACORN housing, Senator JOHANNS from Nebraska's amendment. That sent a resounding message. It shook through all the media. I'll bet you even Charlie Gibson knows about that one. And shortly after that, the House acted; and we had a motion to recommit that, if it functions the way we'd like to have it function, would shut off funding to ACORN. 345 Members of the House of Representatives voted to shut off funding to ACORN; 75 voted to defend ACORN, but there were a couple of them that wanted to change their intentions after the fact.

Chairman FRANK wanted to change it. He wasn't here. He had a good excuse. He got to redefine his vote after he saw the politics of it. No allegations. Those are just the facts. Chairman CONYERS said even though, let's see, whatever side he was on when he voted, he meant to vote the other way. I don't remember very many Members having to explain any votes in that fashion. I don't get to use that excuse. Maybe once in a career, not multiple times on a single issue by multiple Members of Congress.

But this man, Mr. Speaker, has a deep abiding involvement in ACORN. His history goes back to it. At the genesis of President Obama's political life, there he stands with ACORN, and he walks with them all the way through. It isn't my supposition; it's his own assertion, that ACORN was with him from the beginning. He's been with ACORN all of the way through, and one of the affiliates that he headed up was Project Vote.

There still are 360 other affiliates out there. We need to audit Project Vote. We need to audit the other 360 affiliates. We need all of the tools of the IRS and the Department of Justice. We don't need a lame little announcement that Justice is going to go look and see if they maybe wrote a check to some bad people and they'll correct that. We need to have them drilling into everything. And we also need every committee that has jurisdiction in the House of Representatives doing the examination of ACORN.

I yield to the gentlewoman from Minnesota.

Mrs. BACHMANN. I'm so grateful for the gentleman from Iowa and the comments that he's been making regarding ACORN and the situation that they find themselves in.

One thing that we have seen from the American people in a recent Gallup survey is that today, at the highest level ever in the history of our country, more people believe that government is wasting money than at any other time in modern times. Today the American people believe that the government wastes about 50 cents of every dollar. And as if these activities were bad enough that the gentleman from Iowa was speaking about, the stunning STEVE KING of Iowa, I think, Mr. Speaker, one thing we recognize is that the American taxpayer should not be paying for these activities.

Now, this is stunning. This truly is a stunning feature, that you have an organization that's been the recipient of about $53 million since 1994. And you have a photo, I noticed, a poster, of the President with an ACORN emblem on his shirt. Since President Obama, who formerly was the attorney for Project Vote, yet one of the many affiliates of ACORN, since that time, he has made available to his patron, to ACORN, he has made available to them $8.5 billion.

And if a bill that went through this House actually passes, that would be $10 billion that is available to this organization, who we have seen has been furthering the trafficking of illegal aliens, minor girls into childhood prostitution and child abuse. This is unconscionable. And this same organization has been educating individuals that they should take their money and bury it in a tin can in the backyard rather than paying taxes.

And we're giving this organization $10 billion in tax money? How could this be? No wonder that the American people are saying, at the highest time ever, that they believe 50 cents of every dollar is wasted.

We need an investigation, I believe, Mr. Speaker, into that fact. Do we know how much of our tax money is being wasted? The American people think it's 50 percent of every dollar. Perhaps it is if you have $10 billion going to an organization like this.

Mr. KING of Iowa. Reclaiming my time, I thank the gentlewoman from Minnesota. And I'm looking forward to some future comments with regard to this as well.

The waste that's there is a significant part of all of this. But another one is just the lack of conscience and using Federal funds to do something of a partisan nature and do so with impunity in a completely cynical approach that we've known for years were designed to produce this result.

Mr. Speaker, I appreciate your indulgence. I will introduce the DSAUSA documents into the RECORD.

THE ORGANIZATION

The Democratic Socialists of America (DSA) is the largest socialist organization in the United States, and the principal U.S. affiliate of the Socialist International. DSA's members are building progressive movements for social change while establishing an openly socialist presence in American communities and politics.

At the root of our socialism is a profound commitment to democracy, as means and end. We are activists committed not only to

extending political democracy but to demanding democratic empowerment in the economy, in gender relations, and in culture. Democracy is not simply one of our political values but our means of restructuring society. Our vision is of a society in which people have a real voice in the choices and relationships that affect the entirety of our lives. We call this vision democratic socialism—a vision of a more free, democratic and humane society.

In this web site you can find out about DSA, its politics, structure and program. DSA's political perspective is called Where We Stand. It says, in part:

We are socialists because we reject an international economic order sustained by private profit, alienated labor, race and gender discrimination, environmental destruction, and brutality and violence in defense of the status quo.

We are socialists because we share a vision of a humane international social order based both on democratic planning and market mechanisms to achieve equitable distribution of resources, meaningful work, a healthy environment, sustainable growth, gender and racial equality, and non-oppressive relationships.

DSA has a youth section, Young Democratic Socialists (YDS). Made up of students from colleges and high schools and young people in the work force, the Youth Section works on economic justice and democracy and prison justice projects. It is a member of the International Union of Socialist Youth, an affiliate of the Socialist International. The Youth Section meets several times during the year. More information is available from YDS staff.

This web site also includes an extensive set of resources, including bibliographies, pamphlets and links to information on socialism and U.S. politics in general.

Please join DSA as we work to help build a better and more just world for all.

WHERE WE STAND: THE POLITICAL PERSPECTIVE OF THE DEMOCRATIC SOCIALISTS OF AMERICA

PREAMBLE

At the beginning of the 20th century, a young and vibrant socialist movement anticipated decades of great advances on the road to a world free from capitalist exploitation—a socialist society built on the enduring principles of equality, justice and solidarity among peoples.

At the end of the 20th century, such hope and vision seem all but lost. The unbridled power of transnational corporations, underwritten by the major capitalist nations, has created a world economy where the wealth and power of a few is coupled with insecurity and downward mobility for the vast majority of working people in both the Northern and Southern hemispheres. Traditional left prescriptions have failed on both sides of the Communist/socialist divide. Global economic integration has rendered obsolete both the social democratic solution of independent national economies sustaining a strong social welfare state and the Communist solution of state-owned national economies fostering social development.

The globalization of capital requires a renewed vision and tactics. But the essence of the socialist vision—that people can freely and democratically control their community and society—remains central to the movement for radical democracy. Those who the collapse of communist regimes, for which the rhetoric of socialism became a cover for authoritarian rule, as proof that capitalism is the foundation of democracy, commit fraud on history. The struggle for mass democracy has always been led by the excluded—workers, minorities, and women. The wealthy almost never join in unless their own economic freedom appears at stake. The equation of capitalism with democracy cannot survive scrutiny in a world where untrammeled capitalism means unrelenting poverty, disease, and unemployment.

Today powerful corporate and political elites tell us that environmental standards are too high, unemployment is too low, and workers earn too much for America to prosper in the next century. Their vision is too close for comfort: inequality of wealth and income has grown worse in the last 15 years: one percent of America now owns 60 percent of our wealth, up from 50 percent before Ronald Reagan became president. Nearly three decades after the ''War on Poverty'' was declared and then quickly abandoned, one-fifth of our society subsists in poverty, living in substandard housing, attending underfunded, overcrowded schools, and receiving inadequate health care.

TOWARDS FREEDOM: DEMOCRATIC SOCIALIST THEORY AND PRACTICE

[By Joseph Schwartz and Jason Schulman]

THE DEMOCRATIC SOCIALIST VISION

Democratic socialists believe that the individuality of each human being can only be developed in a society embodying the values of liberty, equality, and solidarity. These beliefs do not entail a crude conception of equality that conceives of human beings as equal in all respects. Rather, if human beings are to develop their distinct capacities they must be accorded equal respect and opportunities denied them by the inequalities of capitalist society, in which the life opportunities of a child born in the inner city are starkly less than that of a child born in an affluent suburb. A democratic community committed to the equal moral worth of each citizen will socially provide the cultural and economic necessities—food, housing, quality education, healthcare, childcare—for the development of human individuality.

Achieving this diversity and opportunity necessitates a fundamental restructuring of our socio-economic order. While the freedoms that exist under democratic capitalism are gains of popular struggle to be cherished, democratic socialists argue that the values of liberal democracy can only be fulfilled when the economy as well as the government is democratically controlled.

We cannot accept capitalism's conception of economic relations as ''free and private,'' because contracts are not made among economic equals and because they give rise to social structures which undemocratically confer power upon some over others. Such relationships are undemocratic in that the citizens involved have not freely deliberated upon the structure of those institutions and how social roles should be distributed within them (e.g., the relationship between capital and labor in the workplace or men and women in child rearing). We do not imagine that all institutional relations would wither away under socialism, but we do believe that the basic contours of society must be democratically constructed by the free deliberation of its members.

The democratic socialist vision does not rest upon one sole tradition; it draws upon Marxism, religious and ethical socialism, feminism, and other theories that critique human domination. Nor does it contend that any laws of history preordain the achievement of socialism. The choice for socialism is both moral and political, and the fullness of its vision will never be permanently secured.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–266) on the resolution (H. Res. 772) providing for consideration of the conference report to accompany the bill (H.R. 2918) making appropriations for the Legislative Branch for the Fiscal Year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HEALTH CARE

The SPEAKER pro tempore (Mr. DRIEHAUS). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 60 minutes.

Mrs. BACHMANN. Mr. Speaker, the focus of my remarks over the next hour will be on the issue of health care. This is the issue that has really captured the attention of the American people over these summer months, and well it should. This for many States is one of the top spending priorities in their States and here for the Federal Government as well.

We have learned, as we've looked through the budget this year, since President Obama has assumed the Presidency, under his leadership we have seen the Federal budget increase 22 percent at a time when the American economy is contracting. In one quarter alone we saw a 5 percent contraction rate. The private sector is contracting in this current economy, and yet what's government's response? Government is on a party. It is growing. Growing to the tune of 22 percent. That's almost a one-fourth level of increase.

Imagine if any of us, Mr. Speaker, in our own lives, in our own businesses, in our family situation would increase our spending 22 percent when our income had fallen 6 percent. None of us would ever consider treating our own finances in that way. No business could consider treating its own finances in that way. It's only a government that looks to our pockets and to our resources to finance its party, only a government that's out of control, that has capitulated to practically fiscal hedonism, fiscal hedonism, to run up bills that are unconscionable for the next generation.

I think we are looking at a time, Mr. Speaker, unlike any other in the history of the United States. That's why this health care debate plays into the center of where our economy is at.

Mr. Speaker, I'm a former Federal tax litigation attorney, and I had done a study when I was in my post-doctorate program at William and Mary Law School down in Williamsburg, Virginia, back in the late 1980s. And at

that time, the study came out that said the kids who are today about 22 years of age, when they get to be in their prime earning years, knowing what we know about the current demographics, the number of people who will be 65 or older, eligible for Medicare, those who will be 62 and older, eligible for Social Security, we know approximately how many Americans we have to support who will be age 62 when today's current 22 years olds will be in their peak earning years.

And what this study showed, Mr. Speaker, is those now-22-year-old children, those born back in about the year 1987, will look at an unprecedented debt load out of their paycheck. And here it is:

Those kids will be looking at spending approximately 25 percent of their earnings just for Social Security. So imagine 25 percent of your earnings goes just to pay for Social Security.

What else do we know? We know that Medicare is also an obligation that the Federal Government has made, a promise, if you will, that we have made to America's senior citizens. Medicare costs exceed those of Social Security. So if, then, America's young people, now 22 years of age, in their peak earning years have 25 percent of their income taken to support Social Security and if we know that Medicare is more than Social Security, those two components alone would consume 50 percent of the average person's paycheck in just a few years hence, 50 percent of the paycheck just going for Social Security and Medicare.

That doesn't even contemplate Medicare part D, which is the pharmaceutical portion, a relatively new entitlement that has been put before the American people. So let's be very conservative and say 5 percent of that young person's paycheck. That would be 25 percent for Social Security. Government would take another 25 percent for Medicare. Now we're up to 50. Let's say another 5 percent for Medicaid part D, and that's very conservative. Now we're at 55 percent.

Well, what about the Federal income tax? That doesn't even contemplate what an individual would pay in Federal income tax. Federal income tax could easily be another 30 percent of that young person's income. Now we're up to 85 percent. For an American born in 1987, we are up to 85 percent of their income check going to the Federal Government just to pay for entitlement programs.

Well, Mr. Speaker, that doesn't include the State income tax program. In Minnesota, the State that I'm from, that could well be an additional 8 percent, which would add up to 93 percent of an American's paycheck. An American born in 1987, when they get in their peak earning years, could be looking at a minimum of 93 percent of their paycheck going to pay just Social Security, Medicare, Medicare part D, Federal income tax, and State income tax.

But, Mr. Speaker, that doesn't include property tax. Mr. Speaker, that does not include sales tax. So property tax, sales tax, gas tax, every-time-you-turn-around tax. There won't be enough money, Mr. Speaker, in the next generation of young people that are only now just beginning to earn their first W–2 wage withholding. Those young people are looking at a burden no other generation has ever yet contemplated.

In the middle of this financial crisis that we are looking at, Mr. Speaker, now comes forward the health debate. And what is the solution put forward by President Obama and by the majority that controls the House of Representatives, the Democrat majority? We have one-party rule in Washington, D.C. One party controls every level of power. And what is the solution? Well, let's just have government take over the rest of health care. As if we already haven't obligated ourselves on health care, now the proposal being advanced is that the government would take over the rest of health care.

□ 1515

What would that mean?

Well, we know at minimum, according to the Congressional Budget Office, it would be an additional, perhaps, $990 billion in expenses. That's according to President Obama's figures. Yet what were the initial figures we were given when we were told of and were talked to about this government takeover of health care? Mr. Speaker, it was $2 trillion, upwards of $2 trillion, according to the Congressional Budget Office.

Why do we think that this isn't stretching things, $2 trillion?

Well, because we know, when President Johnson implemented the modern welfare state in 1965, President Johnson and those here in Washington, D.C., estimated that the cost of Medicare to Americans would be about $9 billion, adjusting for inflation by 1990. What was the actual cost? The actual cost was $67 billion. The Federal Government only undershot its estimate by a factor of 7, but it wasn't just on Medicare. It was on hospitalization insurance. You can go down the list. One new revision of Medicare after another undershot the true cost to the American people of what Medicare would cost them down the road, sometimes by as much as 17 to 1. The Federal Government was off by that much.

Well, what has that done to our budgets?

That has caused us to go into a deficit mode so severe that now the Chinese are lecturing Americans. Chinese Communists are lecturing American free marketers on our out-of-control spending and on our debt. Why? Because China owns so much of our debt.

Mr. Speaker, what are the options, if you will, that the Federal Government has in front of itself when it comes to paying for these government programs? Well, there are three:

The Federal Government can either increase taxes or it can increase borrowing from countries like China, countries which are a lot more reluctant to purchase our debt. When we were a producing country—when we were making washing machines and irons and cars—other countries were only too happy to purchase our debt; but now that our new industry is producing more welfare, countries like China aren't quite so interested because they know we aren't actually producing a good. We're providing government welfare benefits. Now China is not quite so interested in purchasing our debt.

So we can raise taxes on the American people—that's not going to work in a down economy—or we can issue more debt. That's not working. China is calling for throwing over the American dollar as the international currency and means of exchange. Now China, now the U.N., now Russia, now Brazil, now South America, now country after country is calling for a new international, one-world currency. This is a new event, Mr. Speaker. This is a new happening. Why? Because this is the greatest country that has ever been in the history of man. In 5,000 years of recorded human history, there has never been a country greater or freer or more powerful than the United States of America. That is our richness and that is our legacy. Now, for the first time, we're hearing a call for the replacement of the U.S. dollar as the international means of exchange, to be replaced with a new international, one-world currency, probably regulated by a world regulator, perhaps under the International Monetary Fund.

What would that mean for the dollar? What would that mean for the stability of our country economically? What would that mean for America's senior citizens who are dependent upon the Federal Government now for their health care through Medicare and for their Social Security/retirement? What does that mean for our senior citizens?

Well, here is the third option that's available to the government when it comes to dealing with finances. Again, the government can tax our people. Ouch. That really hurt. The government is already whacking us a lot with our taxes.

Then we talked about the area of borrowing. Well, other countries aren't too keen on that right now.

What's the third option, Mr. Speaker? It's this: As a last resort, governments can do what the Weimar Republic did in the 1920s. They can print money. They can print money that's basically worthless. In some sense, the paper is worth more than what's printed on it. What that is and what that represents is the good faith, the hard work, the years, and the toil of the American people.

Just this afternoon, I made a call to some constituents back in my district. One man named Richard told me that he was thinking about moving to Singapore. Richard said the reason he is moving to Singapore, Mr. Speaker, is

that he spent his whole life working. He worked so hard. He took his American dollars, and he put them in the bank, and now he sees what our government has done. Our government has flooded the money supply with money that they've printed.

From one of our leading financial papers, one gentleman told me that we had about $1 trillion in currency in circulation. We had about 1 trillion U.S. dollars in circulation here in the United States. Last year, the Federal Reserve pumped an additional $1 trillion into the currency.

Well, what does that mean?

If you had a dollar in the bank when your government flooded the money supply with an additional $1 trillion on top of the $1 trillion we had with no more goods and services backing that money up, that meant that an American's dollar was only worth 50 cents.

Well, that's why Richard was upset. He said to me, Congresswoman, I don't want to hold onto American dollars if my government is going to inflate its way out of this current problem. If they do that to pay their bills—to pay their Medicare bills, to pay their Social Security bills—then we're all poorer. We're not richer. We're poorer.

That brings us to the context, Mr. Speaker, of our debate in health care, and that's why I believe we are seeing the American people soundly rejecting the Federal Government's taking over of health care—yet one more area where it seems that it's wasting money.

Again, a Gallup Poll was just released that showed, for the first time, the American people believe that this government wastes 50 percent of every dollar it gets, which is why we should have an investigation. Truly, what amount of money does Congress waste? What actually goes to a true and a beneficial purpose? What are the alternatives for us as we look at health care?

Today, 85 percent of Americans have health insurance. They like it. They enjoy it. One of our Democrat colleagues was on the floor here earlier this afternoon, and he said that the majority of doctors in our country support the government takeover of health care. Only he didn't call it the ''government takeover of health care,'' Mr. Speaker. He called it the ''public option,'' which is the government takeover of health care.

Well, that isn't true. That isn't what doctors in this country believe. Surveys were sent out. There was a survey sent out by Investors Business Daily that has been reported for the last 7 days. They received surveys back from 28,000 physicians in the United States. They sent the surveys out to all physicians, and physicians responded back—28,000 physicians. Of those physicians, two-thirds of them said that they believe that the government takeover of health care will lead to diminished care in the United States. They believe that senior citizens will be worse off if the government takes over their health care.

That's exactly what I'm hearing from my constituents as well and from senior citizens who don't care if it's a Republican plan or a Democrat plan. They don't care. They're very smart, Mr. Speaker. America's senior citizens are very smart. They're watching this debate carefully. They're watching. They're paying attention. They're listening to what the conversations are because they know they have the most to lose in this system.

Why?

President Obama was here, speaking to the 535 Members of Congress in a speech to the joint session of Congress. He spoke to all of America when he said he will be cutting the Medicare Advantage program. That's about $149 billion out of Medicare. He also said that he will have about $500 billion in savings from Medicare. Well, what does that mean? It means $500 billion that America's seniors will no longer be able to count on.

That's not what we want to do to America's senior citizens. We can do so much better than this. We have a great option, great plans that do not put the government in charge. That is one thing, Mr. Speaker, that I would say to America's young people, to America's middle-aged and to our senior citizens. In the middle of the debate on health care, Americans really need to ask one question, and it is this:

Once this health care bill goes through and is passed, will it give more power to the government and more control to the government over my health care or will it give me more control over my own health care? Will I have more options or will I have fewer?

With every plan put forward so far by the Democrat majorities that run Washington, D.C.—whether it's our Democrat President or the Democrats who control the House or the Democrats who control the Senate—they've all run to the left, to the liberal option. They've all said there is only one way to handle this health care problem: Me. You need me. You need more government. That's what the liberals are saying in Congress, that government needs to be the one to take this over.

Well, I don't think so, Mr. Speaker. The American people don't think so. They think this Congress wastes 50 cents of every dollar. They may be right. The American people are some of the sharpest people in the world, and they know when they've been had. We don't have to go down that road. There is a positive alternative which we can embrace and which can immediately bring down costs.

Again, 85 percent of the American people already enjoy health care, and they enjoy the health care that they have. For those who don't have health care today, a large percentage are illegal aliens. We have no business as American citizens being forced to subsidize and to pay for the health care of illegal aliens, of people who are in our country against our law. We have no obligation to pay for that health care. We also have a large segment of our population, Mr. Speaker, which makes over $75,000 a year. They could purchase their own health care. They simply choose not to. They choose to spend their money on other items. It's not their priority. We have a huge segment of our population which makes over $50,000 a year, which also chooses not to purchase health care. Many people in that category are between the ages of 18 and 35. They are, perhaps, without health care maybe for 4 months, so they roll the dice and think maybe they'll be healthy for the next 4 months and won't need it.

Mr. Speaker, I've been in that situation. My husband and I were in that situation when we had children. We had a few months where we didn't have health care coverage, and we simply could not afford the very high rate that we would have had to have purchased by ourselves to have been able to cover ourselves and our children, so we rolled the dice. A lot of Americans do that.

Yet there is a segment of our population which truly can't afford health care, and we have safety net after safety net after safety net that this body has put into place for people who truly, through no fault of their own, can't afford to purchase health care. There certainly are people in that category. We will always have that safety net. What can we do? We have a positive alternative. It's very simple. This is what we can do:

Every American can purchase and own their own health care. Today, it's not that way, but we could be that way. Today, we have American employers owning most people's health care. So it's either our employer who owns our health care or it's the Federal Government or it's the State government—one of the two. It's either the government or an employer who owns our health care. Very few Americans actually own their own health care, but they would like to. It's the same way they own their car insurance. It's the same way they own their homeowners' insurance. It's the same way when they go out and purchase any other item. They would like to be able to purchase their own health insurance. We can make that possible for them. So this is where we start:

We start by letting every American purchase and own their own health insurance coverage. How do we do that? We allow Americans to band together with anyone they want to. Maybe it will be with people who live in their communities. Maybe it's all teachers. Maybe it's farmers. Maybe it's Realtors. You can band together. Maybe it's other senior citizens. You can band together so you can have a large purchasing power. It's like a credit union would act. It's with people in the geographical area. Maybe you live in a rural area, Mr. Speaker. People could band together, and they could purchase

health insurance as a pool. They own it. They purchase it as a pool, together in a big, large group so that they can have better purchasing power. It's just like if you go to Sam's Club or if you go to Costco. They're able to offer cheaper prices because they buy such a large volume of the product. Well, let's let American citizens do that.

If it's good enough for Sam's Club, if it's good enough for Costco, why can't it be good enough for the average American person?

□ 1530

You have banded together with whoever you want, buy your own insurance. Then, Mr. Speaker, we let people buy whatever level of coverage they want. Maybe they want to buy a policy that is expensive that has all the bells and whistles on it. Or maybe, Mr. Speaker they only want a small amount of coverage.

Maybe they only want hospitalization. So in case something happens to them, they have to go to the hospital for a heart attack or for cancer treatments or they get laid up somehow and they have to go to the hospital. They only want catastrophic coverage, truly catastrophic. That would be a very inexpensive plan.

Why don't we allow people to do that? In my home State of Minnesota, Mr. Speaker, we are the most, if not the most, we are one of the most heavily mandated States in the country. In other words, our State legislature, where I used to be a State senator, we have about 70 different mandates. In other words, 70 different requirements before any insurance company can sell an insurance policy.

An insurance company might decide I would like to sell this low-cost, low-frills insurance plan. I think that maybe I could sell it for, oh, $60 a month.

Well, in my State, an insurance company can't do that. Why? They are prohibited by law. Because my State mandates that an insurance company has to have 70 different requirements before they can sell the policy.

In other words, they have to sell a Cadillac policy rather than a Kia. No offense to Kia owners, no offense to Cadillac owners.

But the point is simply this. We should allow insurance companies to sell truly a wide variety of products. Isn't that what President Obama said when he was here in this Chamber? He said he wants choice. He wants competition.

Well, his words don't line up with his actions. There is a little problem here with what the President has said. How is it choice and competition if government is the choice, if, after 5 years time, as the House bill has said, all insurance plans have to look exactly like the government plan?

You could have 45,000 different insurance plans but so what? If they all look exactly the same, and if the Federal Government controls what you would spend on premiums for that policy, this is nonsense.

The thing is, Mr. Speaker, the American people are too smart. They are seeing through the rhetoric from the President and from the majorities that dominate this Congress. That's why, Mr. Speaker, the American people are embracing our plan, which has rested on the groundwork of freedom, which is about the American people owning their own insurance policy, banding together with whomever they want to, to purchase whatever level of coverage they want from any State in the country.

I will tell you, Mr. Speaker, you will see States all across this great country change the number of mandates that they require on insurance policies. Their State can be the go-to State for issuing insurance policies, and from there, as a former tax lawyer, I would recommend this: I would recommend that every American be allowed to set aside, tax free, in an account, money that every American believes that they want to set aside to pay for their own health care. It's completely tax free. No taxes paid on it.

If they have a catastrophic event, where their expenses out-pace their tax-free money, they can fully deduct the cost of their premiums, of their copays, of their medicines, of their medical devices, of their surgeries, of their hearing aides, of their chiropractic care, of their acupuncture care. Whatever it is, they would be allowed to fully deduct that on their income tax returns. In other words, truly own and take responsibility for your own health care.

Then from there, finally, true lawsuit reform. Everybody knows this. You ask a doctor what do we need to do? Lawsuit reform, without a doubt. Eighty-three percent of all doctors sued in this country today are found not liable for the alleged problem. What's happening?

We are seeing now today people filing lawsuit after lawsuit. And rather than go through the hassle and worry about a jury award, doctors are settling, Mr. Speaker, when they don't want to settle, when they know they are innocent, when they know they didn't do anything wrong.

This isn't helping anyone, not anyone, not even the trial lawyers. Because, why? It's bringing down this great country. We truly do have the finest health care that has ever been offered to people ever in the history of the world. From my State of Minnesota, we are a leader in medical ally and medical devices. We have Medtronic. We have Boston Scientific. We have Guidance. We have great companies in Minnesota that have contributed mightily to medical advances and breakthroughs.

And now what? Now the government wants to impose a 10 percent tax on these medical devices? Why would we do this? Who gains? Who gains from all of this?

We have a positive alternative. Rather than the government taking it over, rather than the government ramping up expenses, rather than taking away choice from America's most vulnerable citizens, we could instead embrace a positive alternative where Americans own their own health care, ban together with more people so they have purchasing power, purchasing any level of care they want from anyone they want in any State they want, putting aside tax-free money, deducting on their income tax return, their orthodontia, their hearing aids, their eyeglasses, truly owning their health insurance. Then they finally get rid of these evil lawsuits that are eating up so much of America's substance.

This is a positive alternative. It won't break the bank. When our country is functionally bankrupt now, this won't break the bank. It will cause our country to turn itself right-side up so we can get back on track, get people back to work. We want to be able to see this positive alternative.

Right now, Mr. Speaker, I am joined by two great physicians here in our body. One is Dr. JOHN FLEMING, and he is a new Member of Congress with great ideas.

Another Member in our Congress is Dr. PHIL GINGREY, who we are just so proud of for his courage. He offered an amendment in his committee that would keep illegal aliens from having access to taxpayer-subsidized health care. President Obama told America that illegal aliens will not receive taxpayer-subsidized health care.

That was after the Democrats in this body rejected Dr. GINGREY's amendment that would have denied taxpayer subsidized coverage to illegal aliens. We have a lot we can talk about.

I want to now turn over to my colleague, Dr. JOHN FLEMING.

Mr. FLEMING. I thank my colleague, Gentlewoman BACHMANN, for providing leadership in this hour and particularly on the subject of health care.

You know, Mr. Speaker, there is really a fundamental economic, that I think we always have to go back to. I practiced family medicine for over 30 years, still practice from time to time.

There is something very important that we all need to learn. That is that, yes, Medicare and Medicaid is government-run health care. If you ask the average person who has Medicare, they will say they are happy with it.

But there is a very important reason why they say this. Medicare currently pays a fraction of the actual cost and delivery of Medicare care.

So who pays the rest? The rest is paid for by private insurance. Private insurance today subsidizes Medicare and Medicaid. If you ask the average physician in practice, he or she will tell you that they can only have a certain number of Medicare and Medicaid patients in their office. Otherwise, they become insolvent.

So when the President says, Well, we need to have this government-run option to pull the cost of private insurance down, that really defies reasoning. It's really upside down from what economically is going on.

What is happening is, when you make your private insurance payment to the tune of about $1,800 per family per year, what you are really finding is that that is the subsidy that goes for Medicare.

So, if you enlarge Medicare or government-run health care in general, and you artificially depress the price, which is what the President and H.R. 3200, our colleagues on the other side of the aisle call for, what will in fact happen is you will cause the cost of health care, private insurance premiums, to actually accelerate.

Under this plan, the employers are given the option: They can either pay 8 percent as a fine, if you will, or a tax, and dump their employees into this plan, this government-run option, or they can try to continue to keep up with the growing cost of private insurance. Over time and through competition, employers will be forced to dump their employees into enlarging, if you will, a black hole, a public option or government-run medicine.

What we end up with at the very end of the day is a very small flange, if you will, of private insurance, that which we all know and appreciate today. And everyone else, of course, is in this large government-run system.

Who will be left in the private insurance market? Well, it will be the very healthy, it will be the elite and, of course, Members of Congress.

I proposed House Resolution 615, and I have many of my colleagues, now, who have signed on to it and over a million Americans who have signed in support of it, that simply says that if a Congressman votes for the public option, he or she should be willing to sign up for it themselves. So far I have not had one person on the other side of the aisle who has also signed up for that.

In closing, let me say that we also need to focus on who the insured group is. You have heard this number: 46 million Americans who are uninsured. Well, who is that group?

About 10 million of them actually are not Americans at all. They are illegal immigrants. Ten to perhaps 17 million of them are young healthy adults, what we call the invincibles, who have opted out of the insurance, who have decided it's not worth the money because they are healthy anyway.

We also have a number who are eligible for Medicaid but simply don't sign up for it. Really what we have is 10 million Americans who qualify for health insurance as Americans, but they can't afford it because of a preexisting illness or a current illness; the expense is too high. Perhaps they own a small business or they are employees of a small business. Because the risk pool is so small, they simply can't find affordable insurance. All of that is fixable for that targeted 10 million Americans who want insurance but can't buy it.

Instead, Mr. Speaker, what our colleagues on the other side of the aisle want us to do is totally dismantle the best health care system in the world and put in place a UK- or Canadian-style medicine, form of medicine, form of health care, which provides universal coverage but not universal care.

What do I mean by that? Certainly, I think we can all agree that care delayed is care denied.

In America today, those who are uninsured still can go to the emergency room and, by law, be treated for whatever ails them, even if they don't have the ability to pay for it. In fact, we are not even allowed to ask them, as providers, whether they can afford that.

If someone has needed surgery, perhaps, or they need to be admitted to the hospital for lifesaving treatment, it's going to be done. Now, you take the UK, you take Canada and much of Europe, yes, they have coverage. But what good is coverage if it takes 4 years to get the treatment?

The average waiting time in Canada today is a year to get an MRI scan. Then after the scan is done, you get in line for the needed surgery. Talking in my district, a lot of folks in my district have relatives back in Canada. One lady said, Well, my brother tore his rotator cuff, but it took a year to get an MRI. When he finally saw the doctor, it was too late to repair it. The definition of elective surgery in Canada is surgery that's not lifesaving. For us, elective surgery is surgery that you elect to have. You don't necessarily need to have it.

Mr. Speaker, I really think that we on this side of the aisle have won the debate on this issue. The American people agree with us today, 56 versus 32 percent, that the current health care we have today is better than this Obama care or this government-run option.

The problem is, we still have Members of Congress, we have Members of the Senate and even a President, who insist on going down that road and taking one-sixth of our entire economy and reforming it into a socialist government-run system. I think if we look back on what the government is doing today and what it has done in the past, whether you are talking about the post office, which has a $9 billion deficit, whether you are talking about Medicare itself, which will run out of money completely within 8 years, and all the fraud, waste and abuse that exists there, and the $350 billion that our President says he is going to save out of that, when after 40 years not one single politician has been able to find the solution to that problem. I think it's really the wrong decision to make, to have more government control of our health care.

With that, I appreciate so much my good friend, MICHELE BACHMANN, for inviting me and allowing me to participate in this discussion today.

□ 1545

Mrs. BACHMANN. I want to thank the gentleman so much for his remarks and for his comments. It is tremendous credibility to be able to come here on the floor and speak as a physician. You've had years of service treating and healing patients all across the United States. You look into the eyes of your patients and know the fear that they feel, knowing that they may lose some of the finest health care ever. And we don't want to see our physicians have their hands bound.

As a matter of fact, I just want to refer to, again, Investors Business Daily, which did a seven-part series, and they have said that 45 percent of American doctors may leave the profession if government takes over health care. As a matter of fact, doctors, more than anyone, detest the current status quo and the role played by insurance companies.

They want to see us change health care, which we agree. But this is not the route to go. And physicians are telling us that. As a matter of fact, two-thirds of practicing physicians said that senior citizen care will suffer under the government's plan. Three of five doctors think that drug development of new drugs will also be thwarted. Also, they see that fewer doctors will be entering the new profession of medicine.

Before I hand this over to my colleague, Dr. GINGREY of Georgia, I would like to just add something that we saw happen. There was an article in The Wall Street Journal. This just happened. Now we have a directive last week from one of our Senators, Mr. BAUCUS. He has ordered Medicare regulators to investigate and likely punish Humana for trying to educate their enrollees in their Advantage plan about the fact of the Medicare Advantage.

This is very concerning. We're seeing a United States Senator calling for an investigation of a company that is communicating with its enrollees in its companies. So a company with its customers is simply communicating material and now a company is given a gag order by the government?

Well, this didn't occur with the AARP. The government isn't telling the AARP, which also offers Medicare Advantage plans. They aren't putting a gag order on them.

This is really concerning, Mr. Speaker, because we can't have the Federal Government engaging in censorship. That's what this is, pure and simple.

The Obama administration and Democrat Senators are calling for censorship. They want to stop insurance companies from communicating with their customers about what government takeover of health care might mean for them. This is unconscionable. Who would have ever thought we would live in a time when government would be calling for censoring a company because the company is not communicating the message that government wants it to communicate.

Well, with that, I want to hand the next few minutes over to my colleague from Georgia, the great Dr. PHIL GINGREY, who courageously has offered amendment after amendment after amendment in committee to try and make it clear that no bureaucrat should ever come between you and your doctor, and also that no illegal alien should ever receive taxpayer-subsidized health care.

These issues were all brought up by the President in his joint session speech. Dr. GINGREY put Members of Congress on record. And that's why the American people are concerned—and rightly so.

Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I certainly appreciate the gentlelady from Minnesota for carrying this hour of important information in regard to the health care reform proposal, H.R. 3200, and also my good friend and colleague, physician colleague from the great State of Louisiana, Dr. JOHN FLEMING.

As the gentlelady has said, before coming to Congress from the State of Georgia, I spent something like 32 years practicing medicine; 26 as an OB/GYN physician. The physician Members in this body—and there are about 17 of us; 5 on the Democratic side, 12 on the Republican side—probably have over 400 years of clinical experience combined in regard to health care.

We bring to this issue, I think, a fund of knowledge that needs to be listened to—and listened very carefully to. Not that we're necessarily the experts on the last word, but I think we are a very important word.

As Representative BACHMANN was saying, the President right here, Mr. Speaker, 2 weeks ago, as he spoke to the Nation about the need for health care reform and he had a joint session here—the Senate, the House of Representatives, his Cabinet, the Supreme Court Justices—the President was talking about promises that he had made to the Nation in regard to health care reform.

You remember, Mr. Speaker, that was when one of the Members on our side of the aisle in a moment of extreme passion and emotion suggested that the President was guilty of serial disingenuity.

But as we look at the speech and we look at the things that the President said about health care reform and you go through it almost line by line, certainly there are some statements that need to be questioned. And we will continue to question, and I think the American people will continue to question, Mr. Speaker. And they deserve answers. They deserve straightforward and accurate answers.

I have a little chart, Mr. Speaker, that I want my colleagues on both sides of the aisle this afternoon to pay close attention to. It's called the Obama Health Care Test. This is just sort of an abstract, really, of a much larger test. But I think it gives the Members and their constituents an idea of where this test is going and what the likely grade would be.

The President said, ''The reforms I'm proposing would not apply to those who are here illegally.'' Well, quite honestly, Mr. Speaker, H.R. 3200, that bill that has passed three committees of this body, including the committee that I serve on, Energy and Commerce, well, H.R. 3200 fails in regard to the President's pledge that the reforms would not apply to those who are here illegally because in this bill, while it says no one in this country illegally will be eligible for any government subsidies in this health reform plan to help them purchase health insurance, it takes out the provision that currently exists in law that says if you are going to be a beneficiary of a safety net program such as Medicaid in the 50 States, or the CHIP program, the Children's Health Insurance Program—a great program, but it's heavily federally funded with taxpayer dollars—in those programs you have to show verification: a Social Security card, a verifiable number; in some cases in some States, a photo identification. All of that is taken out in H.R. 3200.

So, quite honestly, that first statement the President makes, H.R. 3200 fails on that pledge.

The second quote I would like to have my colleagues be aware of, the President said—and this, again, is in his speech 2 week ago: ''Nothing in the plan requires you to change what you have.''

H.R. 3200 fails miserably in regard to the President's pledge of: if you like what you have, you can keep it. That certainly is not true for those 10 million of our Medicare recipients—that's 25 percent, by the way, of everybody that's on Medicare that gets their coverage through Medicare Advantage. And they pick Medicare Advantage because it covers so much more. And I think Dr. FLEMING spoke about that.

Under traditional fee-for-service Medicare, you can't even, Mr. Speaker, go to the doctor for a routine annual physical and have it paid for, other than that first entry level when you turn 65. But under Medicare Advantage, certainly you do; and you can on an annual basis. You don't have to be sick to be seen.

You can get coverage for things like hearing aids, and you have the opportunity when you get your prescriptions filled that a nurse will call and make sure that you're taking those medications.

So wellness and prevention, two aspects of improving health care in this country that the President, the Democratic majority has continued to stress. That is a huge part of Medicare Advantage. That's why we created Medicare Advantage and that's why 25 percent of our seniors choose that as the delivery system that they get.

In this bill, to help pay for it, $500 billion, Mr. Speaker, $500 billion, is ripped out of the Medicare system, and $170 billion for Medicare Advantage. That is a 17 percent cut per year over the next 10 years, each and every year, cutting that program by 17 percent.

It's estimated now by the Congressional Budget Office that at least 3 million people—that's 30 percent of those who are on Medicare Advantage—will lose that coverage because of the plan to pay for this massive new government takeover of our health care system.

Again, going back to the test, nothing in the plan requires you to change what you have. That is just absolutely, Mr. Speaker, not true. H.R. 3200 fails on that account.

I'm going to skip down to the last question on my little mini-test in the interest of time. The President says, I will not sign a plan that adds one dime to our deficit. I will not sign a plan that adds one dime to our deficit.

Well, again, Mr. Speaker, let's go back to what the nonpartisan Congressional Budget Office says—and the director, Mr. Elmendorf, is chosen by the Speaker of the House and by the Democratic leadership. And he says this bill is not fully paid for. In fact, $260 billion are not paid for. That's a little bit more, Mr. Speaker, than one thin dime, isn't it, $260 billion?

So I could go on and on and on. But the Obama health care test, quite honestly—my colleagues may have trouble seeing this—but we have a grade in the left-hand corner, and it's a big old fat F.

The American people understand that, and the American people are not happy with it. They're not happy with this idea also of a public option that they know and that we on this side of the aisle know is going to lead to a government takeover.

I'm going to close out, Mr. Speaker, so I can yield the time back to the gentlelady from Minnesota so she can yield to other speakers. But I want to close out with this: in our committee yesterday, as we continued to mark up some amendments to H.R. 3200, one of the most powerful members of that committee on the Democratic majority side made this statement: ''When there is a marked failure in this country, the government must step in.''

Now let me repeat that, Mr. Speaker. One of the most powerful members of the most powerful committees drafting and writing this health care legislation made this statement: ''When there is a marked failure, the government must step in.'' I guess just like they did with Government Motors, just like they did with AIG, just like they want to do now with health care.

That's not the American way. And I don't think the American people want that. We should have the freedom under our Constitution to succeed or fail and not have the government come in and take over. That sounds like some other country that, thank God, I was not born and raised in.

Mr. KING of Iowa. Will the gentleman yield?

Mr. GINGREY of Georgia. I yield back to the gentlelady from Minnesota for a question from the gentleman from Iowa.

Mrs. BACHMANN. Thank you to the gentleman from Georgia.

I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady from Minnesota and the gentleman from Georgia.

Dr. GINGREY, I wanted to just step in and reinforce your statement in looking at your poster. As ranking member of the Immigration Subcommittee, I want to reinforce the analysis that you've laid out, especially on that first point. The President said, The reforms I'm proposing would not apply to those who are here illegally.

H.R. 3200, not only has it been the vote in your committee, a vote of 29–28 that voted down the Deal amendment, which would have required proof of citizenship, which has been a consistent standard in Federal law under Medicaid, that pattern is played out here. Democrats want to fund illegals in this program and many others.

There is also a vote in the Ways and Means Committee that is consistent. That was a straight party-line vote on a very similar amendment that would have required proof of citizenship.

And the third piece of proof that you were right and your critics are wrong and my critics are wrong would be the Congressional Budget Office's estimate of the cost of funding illegals in this. Their estimate leaves as many as 5.6 million that would qualify under the language of H.R. 3200—5.6 million illegals.

The fourth reinforcement of your statement would be Congressional Research Services, who reached a similar conclusion, although from a different approach and a little bit different language.

So there's four ways that says that this bill will fund illegals. The President has denied that, and now he wants to simply legalize the illegals in order to be able to maintain his statement that he's not proposing anything that will fund illegals. That's a pretty deft maneuver, if you can get by with it. But this is a modern world, and we see it happening.

Then I drop down to the statement that the President said, which is, I will not sign a plan that adds one dime to our deficits.

□ 1600

All I need to say about that is the President said he will not sign a bill that has earmarks. We know he has signed bills that had thousands of earmarks in them, so I don't make that statement at face value. And I don't make allegations about labels of the President.

No Federal tax dollars will be used to fund abortions. We know historically if there is not a specific prohibition, Federal funds will be used to fund abortions, 300,000 of them in the first couple years alone after Roe v. Wade.

Nothing in the plan requires you to change what you have. No, probably not specifically requiring you to change what you have, but there are certainly many threats as to the viability of the health insurance companies and the existence of the policies after the new health choices administration czar gets done writing new rules.

So this is ambiguous language designed to cause people to believe what they want to hear. But upon analysis, I rise to support your analysis, Dr. GINGREY.

Mrs. BACHMANN. I thank the gentleman from Iowa. I think that is something that we wanted to consider when the President was here was speaking to the joint session of Congress. He made it clear there were some large details that had yet to be worked out. Essentially what that is is the President saying to the American people, Trust me. Trust me. Not only the American people, but to the Senators and the Members of Congress that were here serving as representatives of the people in this Chamber. Trust me. Because the details aren't worked out. There are so many vagaries. We don't know, for instance, how the bill will be paid for. Trust me, the President says.

Then the President talks about various commissions that will be set up. We know another health care czar will be set up in the bill. A czar? The American people are already saying government is wasting too much money. The American people's opinion is that 50 percent of every dollar we spend is wasted, and now we are supposed to give authority to a health care czar to basically write the bill over a 4-year period because as the current bill, H.R. 3200, is written, it is very interesting, who is the enforcer of this bill? Well, none other than the Internal Revenue Service, the IRS. That's the enforcer of this bill. Loads of new taxes larded onto the backs of the American taxpayer. Loads of new taxes enforced by the IRS. My goodness, Mr. Speaker, could we add insult to injury to the American people? It is amazing.

And the taxes would be scheduled to go in place January 1. In just a few months, the taxes will go into effect on insurance companies, on individuals, on businesses. The taxes will go into place January 1, 2010. Well, what about the care? What about all of the new care that people are going to get? Oh, that doesn't go into effect for another 3, 4 years down the road. What?

So we are paying for this with larded new taxes to the Federal Government for 3 or 4 years, and then the care comes down? And we are supposed to trust this administration? We are supposed to trust this Democrat majority that they will figure it all out and somehow it won't cost any money and we won't have to worry about it. We are going to bring another 47 million people into the system, not add any new doctors, and we are going to actually cut costs? That is like saying you can eat a chocolate cake and it has no calories. This doesn't add up. That's why there is no credibility on the government takeover of health care, which is why our colleague, Dr. GINGREY, offered his very simple amendments, put up or shut up.

Will illegal aliens be covered or not? Oops, Democrats apparently think they will.

Will abortion be covered by taxpayers? Our colleague, JOE PITTS, put that in. Oops, I guess that it will because they didn't take it out.

What about bureaucrats? Will bureaucrats be able to substitute their decisions for you and those of your doctor? Will a bureaucrat get between you and your doctor? That was offered by Dr. GINGREY. Oops, I guess it is up to a bureaucrat now, not a doctor.

There is a reason why the American people are panicking on this issue, and we are right there with them. Because we think you deserve better than that. Because, Mr. Speaker, this is the American people's money; and because, Mr. Speaker, this is about life and death. That's why we have such a great alternative. That's why we say to the American people, you own your own insurance policy. You ban together with whoever you want to buy that policy. You buy it from anyone you want to buy it from. You buy it in any amount you want to buy it, and you buy it anywhere in the United States. And that's why we say buy it with your own tax free money and deduct the rest on your income tax return. And then let's truly have lawsuit reform. That is 95 percent of the problems; done just like that. What does it cost the Treasury? I guarantee it doesn't bankrupt it, not the way that this $2 trillion monstrosity will do.

That is why we are here this afternoon, because we have a positive alternative to the government takeover of health care. We can do far better.

I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. I thank the gentlelady for yielding.

I just want to refer back to the other night and the President's speech and the issue of whether or not illegal immigrants were covered. That was the point at which my good friend, Mr. WILSON, JOE WILSON from South Carolina, made his comment, and it kind of upset the applecart a little bit, if you will.

But, Mr. Speaker, after the speech was over with and the President was back at the White House, I don't know, possibly talking with Rahm Emanuel or David Axelrod and they went through the speech, went through H.R. 3200 and said, Mr. President, the gentleman from South Carolina was a little bit on the rude side, but by golly, maybe he was a little bit on the right side as well and we need to do something about this verification, because if we don't, then illegal immigrants are going to be able to take advantage of our hardworking taxpayers across this country.

And so the President in subsequent speeches, and on Sunday morning he was on a number of shows and he is continuing to give speeches, he made the comment, you know, we absolutely do need a verification system very similar to what we currently have with our safety net programs that I referenced earlier, Medicaid and the SCHIP program.

So I think the President is certainly paying attention and is maybe getting a little more careful about understanding and reading those—how many pages are in the bill, 1,200?

Mrs. BACHMANN. There are 1,018.

I thank the gentleman from Louisiana, the gentleman from Georgia and the gentleman from Iowa. Clearly, the American people know we can do better. That is what we will do.

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. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

(The following Members (at the request of Mr. KING of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 1.

Mr. JONES, for 5 minutes, October 1.

Mr. BURTON of Indiana, for 5 minutes, September 28, 29, 30 and October 1.

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. FORBES, for 5 minutes, today and September 25.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 41. Concurrent resolution providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama, to the Committee on House Administration.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Friday, September 25, 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:

3772. A communication from the President of the United States, transmitting FY 2010 Budget Amendments for the Department of Energy; (H. Doc. No. 111—65); to the Committee on Appropriations and ordered to be printed.

3773. A communication from the President of the United States, transmitting FY 2010 Budget Amendments for the Department of Defense; (H. Doc. No. 111—66); to the Committee on Appropriations and ordered to be printed.

3774. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers, Write-Your-Own Arrangement [Docket ID FEMA-2008-0001] (RIN: 1660-AA58) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3775. A letter from the Office of Chief Counsel, Department of Homeland Security/FEMA, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8083] received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3776. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Making Home Affordable Program [Docket ID: OCC-2009-0007] (RIN: 1557-AD25) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3777. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding the Financial Accounting Standards Board's Accounting Standards Codification received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3778. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Examination of the 2008 Summer Youth Employment Program Contracts'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3779. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the letter report entitled ''Audit of Advisory Neighborhood Commission 1D for Fiscal Years 2006 Through 2009, as of March 31, 2009'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3780. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Audit of the Department of Employment Service's 2008 Summer Youth Program'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3781. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Audit of Advisory Neighborhood Commission 3E for Fiscal Years 2007 Through 2009, as of March 31, 2009'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3782. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XQ52) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3783. A letter from the Deputy Assistant Administrator for Operations, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea/Aleutian Islands Crab Rationalization Program; Amendment 28 [Docket No.: 080630808-91192-03] (RIN: 0648-AW97) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3784. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 0810141351-9087-02] (RIN: 0648-XQ93) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3785. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Total Allowable Catch (TAC) Harvested for Loligo Squid Trimester II [Docket No.: 0808041043-9036-02] (RIN: 0648-XQ73) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3786. A letter from the Deputy Assistant Administrator for Operations, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands (Amendment 92) and Gulf of Alaska License (Amendment 82) Limitation Program [Docket No.: 0808011016-91210-04] (RIN: 0648-AX14) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3787. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XQ26) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3788. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No. 0812171612-9134-02] (RIN: 0648-XQ35) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3789. A letter from the Acting Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; State Waters Exemption [Docket No.: 090224231-91118-02] (RIN: 0648-AX54) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3790. A letter from the Deputy Assistant Administrator For Regulatory Programs,

NMFS, Department of Commerce, transmitting the Department's final rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2009-2011 amd Turtle Mitigation Requirements in Purse Seine Fisheries [Docket No.:090130104-9910-01](RIN: 0648-AX60) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3791. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Revision of Single Geographic Location Requirement in the Bering Sea Subarea; Amendments 62/62 [Docket No.: 071102641-91087-04] (RIN: 0648-AR06) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3792. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, Department of Commerce, transmitting the Department's final rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions and Observer Requirements in Purse Seine Fisheries for 2009-2011 and Turle Mitigation Requirements in Purse Seine Fisheries [Docket No.: 090130104-91027-02] (RIN: 0648-AX60) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3793. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — 2009-2010 Hunting and Sport Fishing Regulations for the Upper Mississippi River National Wildlife and Fish Refuge [Docket No.: FWS-R3-NSR-2009-0007] (RIN: 1018-AW48) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3794. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Supreme Court will open the October 2009 Term on Monday, October 5, 2009 at 10:00 am and will continue until all matters before the Court ready for argument have been disposed of or decided; to the Committee on the Judiciary.

3795. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Port Huron to Mackinac Island Sail Race [Docket No.: USCG-2009-0659] (RIN: 1625-AA08) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3796. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Naval Training August and September, San Clemente Island, CA [Docket No.: USCG-2009-0456] (RIN: 1625-AA00) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3797. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; AVI September Fireworks Display, Colorado River, Laughlin, NV [Docket No.: USCG-2008-1262] (RIN: 1625-AA00) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3798. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2008-1143; Directorate Identifier 2008-NM-136-AD; Amendment 39-15990; AD 2009-16-07] (RIN: 2120-AA64) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3799. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of tax liability (Rev. Proc. 2009-34) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3800. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rollovers from Employer Plans to Roth IRAs [Notice 2009-75] received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3801. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Paid Time Off Contributions at Termination of Employment (Rev. Rul. 2009-32) received September 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3802. A letter from the Regulation Coordinator, Centers for Medicare and Medicaid Services, transmitting the Service's final ''Major'' rule — Medicare Program; Limitation on Recoupment of Provider and Supplier Overpayments [CMS-6025-F] (RIN: 0938-AN42) received September 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. WASSERMAN SCHULTZ: Committee of Conference. Conference report on H.R. 2918. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–265). Ordered to be printed.

Mr. MCGOVERN: Committee on Rules. House Resolution 772. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for the other purposes (Rept. 111–266). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. CAPUANO, Ms. HIRONO, Mr. TIERNEY, and Mr. LEVIN):

H.R. 3639. A bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes; to the Committee on Financial Services.

By Mr. CHILDERS (for himself and Mr. KRATOVIL):

H.R. 3640. A bill to amend the Internal Revenue Code of 1986 to extend and expand the first-time homebuyers credit and to provide a loss deduction on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. NYE:

H.R. 3641. A bill to amend the Internal Revenue Code of 1986 to expand the military housing allowance exclusion for purposes of determining area gross income in determining whether a residential rental property is a qualified residential rental property for purposes of the exempt facility bond rules; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. KIRK, Mr. ACKERMAN, Mr. ROYCE, Ms. JACKSON-LEE of Texas, and Mr. WEXLER):

H.R. 3642. A bill to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALEXANDER:

H.R. 3643. A bill to make technical corrections to section 3013(b) of the Water Resources Development Act of 2007; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself, Mr. EHLERS, and Mr. FARR):

H.R. 3644. A bill to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions; to the Committee on Natural Resources.

By Mrs. KIRKPATRICK of Arizona (for herself, Mr. MATHESON, and Mr. LUJÁN):

H.R. 3645. A bill to amend the Transportation Equity Act for the 21st Century to reauthorize a provision relating to additional contract authority for States with Indian reservations; to the Committee on Transportation and Infrastructure.

By Ms. MATSUI:

H.R. 3646. A bill to amend the Communications Act of 1934 to establish a Lifeline Assistance Program for universal broadband adoption, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SABLAN:

H.R. 3647. A bill to delay the implementation of the provisions of the Consolidated Natural Resources Act of 2008 applying Federal immigration laws to the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself and Ms. MARKEY of Colorado):

H.R. 3648. A bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities; to the Committee on Energy and Commerce.

By Mr. PENCE:

H. Res. 770. A resolution electing a minority member to a standing committee; considered and agreed to.

By Ms. MCCOLLUM (for herself, Mrs. CAPPS, Mr. ELLISON, Mr. COHEN, Mr. OBERSTAR, Mr. LANCE, Mr. GRIJALVA, Ms. BORDALLO, and Mr. GENE GREEN of Texas):

H. Res. 771. A resolution supporting the goals and ideals of a National Mesothelioma Awareness Day; to the Committee on Oversight and Government Reform.

By Mr. BOOZMAN (for himself and Mr. SESTAK):

H. Res. 773. A resolution expressing the sense of the House of Representatives with respect to the United States Submarine Force; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Mr. DELAHUNT, and Mr. WEXLER):

H. Res. 774. A resolution expressing appreciation to Bermuda for accepting 4 individuals released from the detention facility at Naval Station, Guantanamo Bay, Cuba; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Mr. WEXLER, and Mr. DELAHUNT):

H. Res. 775. A resolution expressing appreciation to Portugal for accepting two detainees released from Guantanamo Bay prison; to the Committee on Foreign Affairs.

By Mr. HODES (for himself and Mr. CAPUANO):

H. Res. 776. A resolution congratulating the Dartmouth Outing Club of Hanover, New Hampshire, for 100 years of service to the United States and its wilderness; to the Committee on Education and Labor.

By Mr. MCDERMOTT (for himself, Ms. BALDWIN, Mr. FRANK of Massachusetts, and Mr. POLIS):

H. Res. 777. A resolution honoring all those participating in a production of ''The Laramie Project: 10 Years Later'' in remembrance of Matthew Shepard; to the Committee on the Judiciary.

By Mr. MORAN of Kansas:

H. Res. 778. A resolution expressing the sense of the House of Representatives that the White House's increasing use of ''czars'' leads to inadequate vetting standards and unacceptable growth in the size and scope of the Federal Government; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. PELOSI introduced a bill (H.R. 3649) for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. JONES, Mr. HINOJOSA, Mr. YOUNG of Alaska, Mr. SNYDER, Ms. SCHAKOWSKY, Mr. BARTLETT, Mr. SKELTON, Mr. LANGEVIN, Mr. ABERCROMBIE, Mr. SPRATT, Mr. MCCARTHY of California, Mr. GRIFFITH, Mr. MELANCON, Mr. DAVIS of Tennessee, Ms. FALLIN, Mr. SHIMKUS, and Mr. SCOTT of Georgia.

H.R. 211: Ms. PINGREE of Maine.

H.R. 333: Mr. DAVIS of Alabama.

H.R. 365: Mr. SNYDER.

H.R. 484: Ms. ZOE LOFGREN of California and Mrs. MCMORRIS RODGERS.

H.R. 622: Mr. BISHOP of Georgia.

H.R. 690: Mr. NUNES, Mr. NEUGEBAUER, Mr. MANZULLO, and Mr. MCCAUL.

H.R. 716: Ms. BALDWIN.

H.R. 775: Mr. INGLIS, Mrs. DAHLKEMPER, Mr. MATHESON, Ms. TITUS, Mr. LEE of New York, Mr. COFFMAN of Colorado, Mr. WALDEN, and Ms. DEGETTE.

H.R. 836: Mr. KRATOVIL and Mr. TOWNS.

H.R. 868: Mr. LOEBSACK, Ms. PINGREE of Maine, Mr. CHANDLER, and Mr. LANGEVIN.

H.R. 916: Mr. SARBANES.

H.R. 932: Mr. COHEN and Mr. CARNAHAN.

H.R. 1022: Mr. FORBES and Mr. CARDOZA.

H.R. 1074: Mr. BACHUS.

H.R. 1103: Mr. CARNEY, Mr. ALTMIRE, and Mr. ROONEY.

H.R. 1132: Mr. CONAWAY, Mr. CARTER, Mr. THORNBERRY, Mr. BARTON of Texas, Mrs. CAPPS, Mr. WATT, Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Mr. HARPER, Mr. SMITH of Texas, Mr. TEAGUE, Mr. AL GREEN of Texas, and Mr. MATHESON.

H.R. 1203: Mr. TERRY.

H.R. 1207: Mr. CUELLAR.

H.R. 1250: Ms. BERKLEY.

H.R. 1283: Mr. RYAN of Ohio.

H.R. 1351: Mr. NUNES.

H.R. 1410: Mr. DOYLE.

H.R. 1469: Mr. ROTHMAN of New Jersey and Mr. GRAYSON.

H.R. 1505: Mrs. CAPITO and Mr. LOBIONDO.

H.R. 1521: Mr. FLEMING, Mr. GRAYSON, and Mr. WU.

H.R. 1558: Ms. LORETTA SANCHEZ of California.

H.R. 1560: Mr. WESTMORELAND.

H.R. 1585: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1695: Mr. LYNCH, Mr. SHULER, Mr. RAHALL, Mrs. LOWEY, and Mr. LIPINSKI.

H.R. 1751: Mr. MORAN of Virginia.

H.R. 1829: Mr. ANDREWS.

H.R. 1855: Ms. PINGREE of Maine.

H.R. 1961: Ms. TSONGAS.

H.R. 1989: Mr. LATTA.

H.R. 1993: Mr. HOLT.

H.R. 2017: Mr. GOODLATTE.

H.R. 2035: Mr. RADANOVICH.

H.R. 2138: Mr. MCNERNEY and Mr. WALZ.

H.R. 2139: Mr. SHADEGG.

H.R. 2266: Mr. PERRIELLO, Mr. WEXLER, Mr. ACKERMAN, Mr. CAPUANO, Mr. MCDERMOTT, and Mr. GUTIERREZ.

H.R. 2277: Mr. LEE of New York.

H.R. 2378: Mr. DINGELL.

H.R. 2421: Mrs. LOWEY, Mr. STEARNS, Ms. EDWARDS of Maryland, Mr. GRIFFITH, Mr. JACKSON of Illinois, Ms. PINGREE of Maine, and Ms. RICHARDSON.

H.R. 2427: Mr. PASCRELL.

H.R. 2456: Mr. SARBANES.

H.R. 2480: Mrs. SCHMIDT and Mr. LOBIONDO.

H.R. 2492: Ms. ZOE LOFGREN of California.

H.R. 2499: Mr. TIERNEY.

H.R. 2517: Mr. DOYLE.

H.R. 2607: Mr. PUTNAM.

H.R. 2616: Mr. COHEN.

H.R. 2708: Mr. COLE.

H.R. 2906: Mr. CASTLE.

H.R. 2927: Mr. WILSON of South Carolina.

H.R. 2941: Mr. GRAYSON.

H.R. 2946: Mr. BISHOP of Georgia, Ms. BERKLEY, Mr. PAYNE, Mr. LUJÁN, Mr. SIRES, Mr. SALAZAR, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. COSTA, Mr. GRIJALVA, and Mr. SERRANO.

H.R. 2949: Mrs. BONO MACK.

H.R. 2954: Ms. SCHAKOWSKY.

H.R. 2999: Mr. SESTAK.

H.R. 3001: Mr. PASTOR of Arizona.

H.R. 3007: Ms. SCHAKOWSKY.

H.R. 3011: Mr. MARCHANT, Mr. MCCAUL, Mr. ROGERS of Michigan, Mr. MILLER of Florida, Mrs. SCHMIDT, Mr. CAMP, Mr. HARPER, Ms. FOXX, Mr. MARIO DIAZ-BALART of Florida, Ms. GRANGER, Mr. CULBERSON, Mr. HENSARLING, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. BRADY of Texas, Mr. POE of Texas, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. HALL of Texas, Mr. GOHMERT, Mr. KING of Iowa, Mr. LOBIONDO, Mr. GOODLATTE, Mr. LATTA, Mrs. BLACKBURN, Mr. WALDEN, Mr. EHLERS, Mr. NUNES, Mr. SOUDER, Mr. COLE, Mr. SULLIVAN, Mrs. LUMMIS, Mr. REICHERT, Mr. MACK, and Mr. HOEKSTRA.

H.R. 3044: Mr. INGLIS, Mr. BACA, Mr. BRADY of Texas, Mr. DONNELLY of Indiana, Mr. WESTMORELAND, Mr. MACK, Mr. SAM JOHNSON of Texas, and Mr. SHERMAN.

H.R. 3076: Mr. CARSON of Indiana.

H.R. 3217: Mr. PUTNAM.

H.R. 3284: Mr. GRAYSON.

H.R. 3329: Mr. STARK and Mr. ELLISON.

H.R. 3371: Ms. RICHARDSON.

H.R. 3380: Mr. MICHAUD, Mr. BRALEY of Iowa, and Mr. SCHRADER.

H.R. 3401: Mr. COSTA and Mr. VAN HOLLEN.

H.R. 3438: Mr. BILBRAY and Mr. PITTS.

H.R. 3439: Ms. MATSUI.

H.R. 3455: Mr. AUSTRIA.

H.R. 3519: Mr. HARPER, Mr. PIERLUISI, and Mr. GOODLATTE.

H.R. 3535: Mr. GRAYSON.

H.R. 3545: Mr. GUTIERREZ and Ms. HIRONO.

H.R. 3551: Ms. BALDWIN.

H.R. 3554: Ms. BALDWIN.

H.R. 3567: Ms. CHU, Mr. HALL of New York, and Mr. CLAY.

H.R. 3569: Mr. WILSON of South Carolina.

H.R. 3572: Mr. BARTLETT.

H.R. 3578: Mr. FILNER.

H.R. 3592: Mr. HASTINGS of Florida.

H.R. 3604: Mr. HONDA.

H.R. 3612: Mr. KLINE of Minnesota.

H.R. 3631: Mr. COHEN, Mr. TIBERI, Mr. PIERLUISI, Mr. LARSEN of Washington, Mrs. LOWEY, Mr. KLEIN of Florida, Mr. MAFFEI, Mr. MASSA, and Mr. FRANKS of Arizona.

H.R. 3636: Ms. WOOLSEY.

H.J. Res. 26: Ms. MOORE of Wisconsin.

H. Con. Res. 51: Mr. CARSON of Indiana.

H. Con. Res. 129: Mr. JONES, Mr. NYE, Mrs. MCMORRIS RODGERS, Mr. FLEMING, Mr. MASSA, Mr. REICHERT, Mr. TIAHRT, Mr. ROONEY, and Mr. HASTINGS of Washington.

H. Con. Res. 149: Mr. ROE of Tennessee.

H. Con. Res. 168: Mr. COURTNEY and Mr. NYE.

H. Con. Res. 170: Mr. ROGERS of Kentucky, Mr. CAMPBELL, and Mr. MASSA.

H. Res. 16: Mr. LANCE, Mr. FRANK of Massachusetts, Mr. BRADY of Texas, and Mr. PAULSEN.

H. Res. 200: Ms. WATERS.

H. Res. 216: Mr. LAMBORN.

H. Res. 225: Mr. BROWN of South Carolina and Mr. GRAVES.

H. Res. 416: Mr. OLVER.

H. Res. 524: Mr. MCNERNEY.

H. Res. 554: Mr. BARROW, Mr. LAMBORN, Mr. UPTON, Mr. WOLF, and Mr. SIMPSON.

H. Res. 638: Mr. MILLER of North Carolina and Mr. SKELTON.

H. Res. 672: Mr. HONDA.

H. Res. 700: Mr. MANZULLO.

H. Res. 715: Mr. COURTNEY, Mr. CONNOLLY of Virginia, and Mr. CHAFFETZ.

H. Res. 727: Mr. WU, Mr. YOUNG of Florida, Mr. THOMPSON of California, and Mr. LOBIONDO.

H. Res. 740: Mr. CARNAHAN, Mr. LATTA, Mr. MASSA, and Mr. GRAYSON.

H. Res. 742: Mr. BOREN, Mr. BOCCIERI, Mr. DONNELLY of Indiana, Mr. COOPER, Ms. MCCOLLUM, Mr. MURPHY of Connecticut, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Mr. YARMUTH, Ms. BALDWIN, Ms. HERSETH SANDLIN, Mr. NYE, Mr. DEFAZIO, Mr. HODES, Ms. SCHAKOWSKY, Mr. ETHERIDGE, Ms. ZOE LOFGREN of California, Mr. PETERSON, Mr. WALZ, Mr. ROGERS of Alabama, Mr. BONNER, Mr. CASSIDY, Ms. FOXX, Mrs. SCHMIDT, Mr. LUCAS, Mr. COLE, Mrs. MILLER of Michigan, Mrs. CAPITO, Mrs. BLACKBURN, Mr. NEUGEBAUER, Mrs. MCMORRIS RODGERS, Mrs. BIGGERT, Mrs. MYRICK, Mrs. BONO Mack, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Ms. WATERS, Ms. CLARKE, Ms. TITUS, Mrs. DAVIS of California, Ms. MARKEY of Colorado, Ms. WOOLSEY, Mrs. LOWEY, Ms. DEGETTE, Ms. GIFFORDS, and Mr. SNYDER.

H. Res. 743: Mr. GUTIERREZ, Mr. FOSTER, Mr. PETERS, Mr. MARSHALL, Mr. WEINER, Mr. BAIRD, Mrs. DAVIS of California, Ms. CLARKE, Ms. TITUS, Mr. MCDERMOTT, and Mr. DONNELLY of Indiana.

H. Res. 747: Mr. TOWNS, Ms. BORDALLO, Mr. DAVIS of Kentucky, Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, Mr. LATTA, and Mr. MCNERNEY.

H. Res. 752: Mr. BOUCHER and Ms. WOOLSEY.

H. Res. 759: Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. EHLERS, Mr. MCCOTTER, Mr. FRANKS of Arizona, Mr. SMITH of New Jersey, Mrs. SCHMIDT, Mr. DONNELLY of Indiana, Mr. ROE of Tennessee, Mr. PENCE, Mr. LAMBORN, and Mr. HOEKSTRA.

H. Res. 768: Ms. DELAURO and Ms. WOOLSEY.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, SEPTEMBER 24, 2009 No. 136

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Mac Richard, Senior Pastor of Lake Hills Church in Austin, TX.

The guest Chaplain offered the following prayer:

Let us pray.

Our Lord and our God, we thank You for Your favor and Your goodness to our Nation. Lord, in this room where decisions are made on behalf of millions of people, we pause to acknowledge Your power and to thank You for the gift of good government.

Thank You, Lord, for each woman and man who has chosen to serve and lead in this place. I ask that You would bless them, bless and protect their families who also sacrifice so that they might serve. Father, we come to You and ask that You would grant wisdom in this place. Give our leaders eyes to see what might be and the courage to truly lead our Nation.

Lord, You have blessed us with so much prosperity, so much opportunity. May we be faithful with the responsibility these blessings carry. Thank You for the promise of this new day, for the freedom to approach and worship You, and for the ultimate liberty we enjoy in relationship with You.

Father, I ask this prayer in the powerful Name of Jesus. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 24, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business, for up to 1 hour, with Senators permitted to speak for up to 10 minutes each. We will have the morning hour extended until 10:30 so the Democrats and Republicans can divide up that time because we have a cloture vote set for 10:30. The Republicans will control the first half and the Democrats will control the second half.

Following morning business, the Senate will resume consideration of the Interior appropriations bill. Mr. President, I have spoken to the necessary parties this morning, and I think we are going to be able to work out an agreement so we will not have to have the cloture vote. I hope that is the case. If, in fact, that is the case, we will vitiate the cloture vote and what we will do—because of the heavy workload of the Finance Committee, and I have spoken to the necessary folks in this regard—we will schedule a time this afternoon to have a block of votes so they can come over at once and not have to keep going back and forth. We hope to work that out.

We made progress on this legislation yesterday, and if we can get these block of votes out of the way, we will move on to our next appropriations bill, which will be the Defense appropriations bill. This comes at a very important time in the history of our country, with troops coming out of Iraq and the situation we have developing in Afghanistan. Mr. President, you can announce morning business now.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The majority leader.

FILING DEADLINE

Mr. REID. Mr. President, I forgot to announce that the filing deadline for second-degree amendments is at 10:30 this morning.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

HEALTH CARE

Mr. ALEXANDER. Mr. President, I see the majority leader is still on the floor, and I wish to thank him and the Republican leader for organizing last night's reception honoring Henry Clay, a great Senator, whose portrait will be hanging in the stairway outside of here. There was a time in history when Henry Clay, Daniel Webster, and John Calhoun were better known than the Presidents of the United States. That was in the 1850s, before the Civil War. It was good to take a moment all together, Democrats and Republicans, and think about that history and to honor the man who was known as the great compromiser, who during a time when our Nation was completely split over the Civil War, on three different occasions, found a way to try to bring it together. Of course, he died before the great war.

Mr. President, I ask unanimous consent that during the Republican morning business time I be permitted to enter into a colloquy with my colleagues Senator MCCAIN, Senator COBURN, Senator BROWNBACK, Senator THUNE, and Senator MURKOWSKI, who will be here shortly.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, health care reform is the agenda for the Nation and it ought to be. We, on the Republican side, want health care reform, but we want the right kind of health care reform. Our focus is on costs. Our focus is on the cost to each American as he or she buys their health care policy; our focus is on the cost of the Government of the United States, for which each American has a responsibility to pay. What we have to do is to reduce costs to make it easier for Americans to afford their health care and to afford their government.

Every single one of us knows that unless we reduce the increasing costs of health care we will not be able to pay our bills in Washington, DC. We are in the midst of appropriations bills, and there is well-meaning debate here about whether we should spend more money for national parks and for safe drinking water and other urgent needs we have. That is the bill we are talking about today—clean air. Well, we should spend money on those urgent needs. Americans want us to do that. But we can't have those dollars, as the Senator from Alabama pointed out yesterday, if we continue to increase the debt—trillions in debt—and run up the interest rate bill.

We are headed toward a situation where, by the end of this decade, we will be spending $800 billion a year on debt—more than we spend on national defense, eight times as much as we spend from Washington on education this year. So those dollars could either be in the pockets of the American people for them to spend for themselves or we could be spending those dollars to clean the air, to relieve traffic congestion or to provide Pell grants and student loans so Americans can go back to school. Those are the things government ought to be spending money on, not on increasing debt.

So health care reform is, first, about cost—the cost to Americans for their own health care policies and the cost of their debt. The President noted this the other night and said in his remarks to us and to the American people that the health care bill couldn't add one dime to the deficit. That is reassuring because the President's proposals are already adding $9 trillion to the deficit over the next 10 years. He is doubling or tripling the national debt, which means he is adding more to the debt by a factor of two and then three than all the other Presidents put together. So surely we don't want to add more to it with a health care reform bill.

But when the President said that, he completely wiped out all the Democratic health care bills that have been proposed so far from the House and from the Senate. The Congressional Budget Office has said the Senate HELP Committee and the bills in the House all add to the debt in the first 10 years and in the years after that. So they should be off the table, according to the President's own standards.

Now we are looking at the Finance Committee in the Senate to see what they can do. Mr. BAUCUS, the Senator from Montana, has worked very hard in a good-faith, bipartisan way to try to develop a bipartisan bill—a comprehensive bill. But as we read the bill, there are a great many things to be worried about. For example, if you don't buy a health care plan, the IRS will tax you.

The President and George Stephanopoulos, on a Sunday show—and Senator GRAHAM said the President seemed to be on every Sunday show except the Food Channel—were talking about the definition of tax. So that is the first thing. The second is the Medicare cuts.

I see the Senator from Arizona has come, and I would say to the Senator, through the Chair, we have received permission from the Chair to engage in a colloquy between myself and other Republican Senators who might come. I have already pointed out that the President himself has disqualified all the plans our committee worked on, the HELP Committee and from the House, because they all add to the debt. Now we see the Baucus plan coming forward, and I wonder if the Senator from Arizona has had an opportunity to look at—of course, that is not a bill yet. We all understand that. It is just concepts, and we will want to make sure we have time to read the bill and to know what it costs. But I wonder if the Senator from Arizona has had an opportunity yet to form an opinion about whether the Baucus bill does what we had hoped, which is reduce the cost to the American people of what their insurance costs and reduce the cost to the American people of their government in Washington.

Mr. MCCAIN. Well, I thank my colleague from Tennessee and the great work he has been doing. First of all, I would ask my friend if he has had the same experience I have had at townhall meetings and that is from one of the hand-done signs—not printed-out signs but one of the hand-done signs—which says: Have you read the bill? One of the first questions at the townhall meeting was: Have you read the bill? Of course, that is an impossibility for anyone to read the bill because there is no bill before the Finance Committee, it is my understanding. I understand it is about 200 pages of a ''framework.'' I think the Senator from Tennessee and I are keenly aware that many times there is a comma, a word inserted here, a word taken out there which changes the entire legislative impact.

The American people are a lot smarter than we give them credit for. They know that in the middle of the night, many times legislation is written and turned into the kind of legislation that, frankly, unless you go through it page by page, word by word, you don't know the final impact. So what I, first, wish to say to my friend from Tennessee is that apparently the Finance Committee is working to turn out a legislative package that is not in legislative form, and I am curious how the Members would understand what is in it.

I guess the second point is, there is still no serious consideration of a couple of the fundamentals—medical malpractice or medical liability reform or, obviously, the ability to go across State lines to purchase insurance and allowing small businesses to pool their assets so they can compete for health insurance policies that large corporations are able to.

The other question I would ask, because I know my friend from Tennessee has had many roles in his long political life, has the Senator from Tennessee, as a former Governor, had any contact with the Governors and their organizations as to how much additional costs would be added to those States, which are already in dire shape—certainly mine is—in the form of additional Medicaid costs?

I notice the majority leader at first complained about the bill and the cost it might accrue to his State of Nevada, but I guess that has been fixed to his satisfaction. But I don't think the other States—a State such as mine, which is still looking at over a $50 billion deficit—probably would be eager to absorb dramatically increased Medicaid costs. I wonder if my friend, a former Governor, former Cabinet member, former candidate for President, former dog catch—excuse me, someone who has had many roles in American life, would respond to that.

Mr. ALEXANDER. One of my friends said to me after I was Governor: Rooster today, feather duster tomorrow. And I am afraid I am in the feather duster category.

The Senator has made a terrific point. I want to go to the Senator from Oklahoma, who has just arrived, to

talk about this, one of the physicians in the Senate. But on the first point, we need to read the bill, and there is no bill. Yesterday, Republicans tried to get the Finance Committee to say once there is a bill that at least for 72 hours it would be on the Internet. Then we need to know what it costs because even the President said——

Mr. MCCAIN. If I might interrupt, if it were on the Internet for 72 hours, maybe as many Americans who wanted to would be able to read the bill themselves.

Mr. ALEXANDER. They could let us know what they think of it, and then we need to know what it costs.

As to Medicaid, every Governor in America is worried about this. The Democratic Governors and Republican Governors have said to us: If you want to expand the Medicaid Program, which the States pay 40 percent of, you pay for it because we can't raise State taxes or raise tuitions or cut the highway program to do that.

The Senator from Oklahoma heard Senator MCCAIN's question. The Senator from Oklahoma and Senator BARRASSO the Senator from Oklahoma has delivered thousands of babies, and the Senator from Wyoming is an orthopedic surgeon. They have been touring the country, listening to a lot of doctors and physicians and medical personnel. I wonder if you have a reaction, Senator COBURN, to the questions of Senator MCCAIN?

Mr. COBURN. First of all, let me say my biggest concern for my patients in this whole debate is, will the American consumer still have the power and the ability to select who is going to give them this most personal of all care when this is over? The answer to that is ''no.'' It is not ''no'' for everybody, but it is a ''no'' for half of the American public. That is what it means.

Mr. MCCAIN. Would it be ''no'' for the individual who has employer-based health care and that employer then opts for the so-called public option, which would be a government-run health program? Could that employee see the same doctor?

Mr. COBURN. We don't know, but most likely half of them will not. The whole debate ought to be how do we get more value out of the health care system we have today rather than how do we add more money to the cost of health care to cover more people.

The reason my patients have trouble getting care is cost. Right now, they have choice, except if they are in Medicaid, and they have some choice if they are in Medicare because we are seeing a larger and larger percentage of doctors who cannot afford to take the Medicare reimbursements. But can they afford the care? This bill does nothing to lower health care costs. It does nothing to lower health care costs.

Mr. MCCAIN. Isn't it true, in fact, that the Congressional Budget Office has said that these increased costs, at least half of them, will be passed on to the individual?

Mr. ALEXANDER. I would say to the Senator from Arizona, that is exactly right. The Congressional Budget Office did an analysis of the impact of Senator BAUCUS's plan on insurance premiums. It showed the premiums for those in the individual market would go up. So, to the point of the Senator from Oklahoma, one of the effects of the one remaining bill that is being considered here, at a time when we are trying to reduce the cost to Americans of their policies and their government, is that premiums would go up.

Mr. COBURN. Premiums will.

Mr. MCCAIN. I have one very important question. There is no one who has led the fight against waste, fraud, and abuse more than Dr. COBURN!.

Dr. COBURN, the President keeps saying we will eliminate all this fraud and abuse and waste. If we can, why don't we start tomorrow?

Mr. COBURN. I agree. We have offered for years a couple of ways to do this. I think it is important for the American people to know how much there is. The Department of Health and Human Services estimated in 2007—that is the last year for which they have numbers—that $62 billion was improperly paid out of Medicare. The GAO, when they looked at that report, said: No, you are way off. It is at least $85 billion, and we think it is higher.

If you look at that, that is almost 20 percent—20 cents out of every dollar—Medicaid pays out is lost to fraud. Why wouldn't we fix that first rather than say that if we fix it, we are going to take it from Medicare and put it somewhere else, when the trust fund, the HI trust fund, the hospital insurance fund, is going to be belly-up in 2017?

Mr. ALEXANDER. Mr. President, I ask Senator COBURN, isn't it true that, under the Baucus plan, about half of it would be paid for by Medicare cuts, which would then be spent on a new program?

Mr. COBURN. That is right. And Medicare is already unsustainable. So what is going to happen? There is another factor, which is we have it fixed that, with this bill, there will not be a big cut to the payments to doctors under Medicare. But in the years that follow that, there will be a 25-percent cut. If access is a problem for Medicare patients today, it is going to get worse. It is part of the lack of truth in this bill that they do not address what we have set in motion to take dollars away from the health care industry.

Mr. MCCAIN. May I ask Dr. COBURN again, if we start tomorrow, what can we do?

Mr. COBURN. The first thing is you put uncovered patients in the Medicare system and you put people in jail who are defrauding Medicare. If 30 or 40 doctors went to jail in the next 6 months in this country, you would lower Medicare costs by 10 percent because all of a sudden they would start thinking about: I can't skirt this. I can't play this game. I can't do it. The risk is too high.

As a matter of fact, here is one of the things we know. In Florida, the drug dealers have switched from being drug dealers to Medicare suppliers because they can make more money defrauding the Federal Government. It is harder to get caught and the penalties, when you are caught, are less than when you are dealing drugs. Consequently, we have all these people in the business of defrauding Medicare, and there has not been a plan that has been effective in cutting Medicare fraud because nobody knows—and the government is all about Medicare. So it, by its very design, is designed to be defrauded. We should make structural changes so it is not and with that get better care and lower cost care, like paying for outcomes rather than paying the American Medical Association to use their CPT code.

Mr. ALEXANDER. The Senators from South Dakota and Kansas have joined us.

Senator MCCAIN is leading a colloquy on the Baucus bill and health care.

I wonder, I ask Senator THUNE, if you see the Baucus bill as a bill—it is not a bill yet—that is likely to reduce costs?

Mr. THUNE. I think that is the big question about all of these various pieces of legislation we have had in front of us. What do they do to reduce costs? Even the Congressional Budget Office has said repeatedly, in this bill in particular, the Baucus bill, the most recent version of a health care reform proposal here, there is a $1.7 trillion cost over 10 years when fully implemented.

If you actually look at what it does for most people in this country, they are going to see their health care costs not go down but go up. The premiums are actually going to increase. The reason for that is many of the taxes imposed in the bill to help pay for the cost of the $1.7 trillion expansion are going to get passed on. So the people who get hurt by this are hard-working Americans who are expecting, if Congress is actually reforming health care, that would mean health care costs, the costs people pay for premiums for their health care coverage, would actually go down. The Congressional Budget Office, under questions that were raised yesterday by some of our colleagues, responded that dollar for dollar, those additional—those taxes that would be imposed to pay for this would actually be passed on and you would see higher health care costs.

So there has not been anything in this entire debate yet, or any of the bills that have been put before various committees or that eventually we assume will be considered on the floor here in the Senate and in the House of Representatives, that has actually impacted costs in a way that they go down, that reduces the overall cost for the people in this country.

Furthermore—and I talked about this with the Senator from Tennessee; we had this discussion on the floor yesterday—many Americans, those I heard

from in my State of South Dakota during the month of August in the many conversations I had out there, are very concerned. They are really concerned about two issues: one is control, one is cost. Who is going to control their health care? Is the Federal Government going to do it, the bureaucrat in Washington, DC? In this country, are we ceding one-sixth of our economy, more and more control to the people in Washington, DC? The Baucus bill, inasmuch as it doesn't at this moment contain the government plan, still assumes a high level of government involvement, government intervention. The government would determine which health care plans it would have to approve, which would meet the standards the government set. So you have a high level of government intervention with this plan as you have had with all the other plans.

But perhaps even more important—and this is the issue I think most Americans are really homing in on—is the cost. What is the cost to me as a taxpayer? In this case, $1.7 trillion over a 10-year period when fully implemented. And does it reduce my cost of health care? They are going to look at it two different ways. One is, what am I going to have to owe in the form of higher taxes to finance this; and second, how is it going to impact the cost of health care for me in terms of the premiums I pay? I think it is fair to say—it is not what we are saying, it is what the Congressional Budget Office has determined—that actually the cost of health care for a lot of Americans, under this proposal, the Baucus proposal, is going to go up.

Mr. ALEXANDER. Senator THUNE, I see the Senator from Kansas is here. I wonder if Senator BROWNBACK from Kansas or you from South Dakota have been hearing from your constituents about the possibility of shifting costs from Washington to the States when, because we in Washington say it is a great idea to expand Medicaid, then we shift some of the cost of that to the State, the State taxes go up or State services go down. I wonder if you have heard anything from the people of Kansas about that, Senator BROWNBACK?

Mr. BROWNBACK. I certainly have. I appreciate the Senator from Tennessee leading this discussion and also asking that question. As a former Governor, he has dealt with these issues. He knows that when Washington dictates something—or too often Washington will dangle a little bit of money out here and say: We would like the State to do this, and here is a little money to get it started. Then 3 years in the program, 5 years in the program, the money is pulled away at the Federal level and the State is left with trying to fund this.

It is on two levels that I get it at the State level: No. 1, trying to drive so many more people into Medicaid; that is, by raising the amount of coverage of people in Medicaid, it then gets a big price tag with it—at the Federal level initially and at the State level as well—and State budgets are really strapped right now. I was just talking with some State legislators yesterday, and they are looking at a multiple hundreds of millions of dollars hole next year—that alone, without adding additional Medicaid requirements from the Federal Government on top of that. It is clearly a huge problem for them if you are going to add a cost at a time when they don't have the funds.

The Federal Government, much of it, is saying: We are going to pay for it initially, and the proposals under Baucus are to pay for most of it initially, but I don't think there is any question that then, over time, the State is going to have to assume a bigger role of that, and that is going to be up to State responsibility.

Mr. ALEXANDER. I believe the National Governors Association chairman, of Vermont, said that all Democratic Governors as well as all Republican Governors said: Don't shift it to us. If you want to expand Medicaid from Washington, pay for it from Washington.

Mr. BROWNBACK. Pay for it and pay for it completely. But this is also a more pernicious piece of this, and that is we have 40 percent of our physicians in Kansas saying they are not taking more Medicaid patients. That is 40 percent now. Now you are talking about expanding Medicaid, the number of people in Medicaid, when 40 percent of your doctors are saying: We aren't taking them. You are saying: Why won't the doctors take it? It is not that they don't want to have Medicaid patients, but it is the reimbursement ratios they get. Listen to these numbers from MedPAC saying that Medicare provider reimbursement rates are about 80 percent of private insurance. So private insurance, and then 80 percent of that is Medicare, and then Medicaid is 72 percent of Medicare. So you are cutting it back even further, to the point that physicians are saying: I just can't afford to take more.

Mr. ALEXANDER. Medicaid is the largest government program we have today, bigger than Medicare; it has low-income Americans in every State. I believe the Baucus proposal plans to add about 11 million more low-income Americans to this plan that 40 percent of doctors will not see patients for?

Mr. BROWNBACK. They won't see them. Now what you are doing is driving people into a system that is a very low reimbursement system, that physicians are, almost half, saying: We won't take any more.

My concern here is that you are going to drive people in this system where you are not going to be able to get health care; they are not going to be able to get health care at all because of these reimbursement rates, because of the reimbursement rates physicians are having under Medicaid.

So I think that is a deadly piece of this overall proposal. It is the cost to the States, and then it is also that you are driving people into an area where providers are fleeing and heading out of.

Mr. ALEXANDER. We have 5 minutes left. We will go to Senator THUNE and let Senator BROWNBACK wrap up our time.

But ''Medicare cuts,'' those are scary words to most Americans. And some people say: Well, you Republicans are trying to scare the seniors of America when you say the words ''Medicare cuts.''

But is it not a fact that the Baucus plan would cut Medicare by about $500 billion and use it for a different program instead of shoring up the Medicare Program?

Mr. THUNE. We know for a fact that the Medicare trustees have said the Medicare Program is destined to be bankrupt in the year 2017. So Medicare is already on an unsustainable path. It needs to be shored up. And what we are talking about doing is getting savings, if you want to call them that, or ''cuts,'' I would say out of Medicare to create a whole new entitlement program here in Washington, instead of fixing and making more sustainable a Medicare Program that, as I said, is destined for bankruptcy by the year 2017.

I think most seniors and most providers around the country are going to be very concerned about the idea of having cuts in the Medicare Program, $500 billion, as the Senator from Tennessee has mentioned, go to paying for this new entitlement program which, as I said earlier, over a 10-year period is going to cost $1.7 trillion.

So I think you are not only going to have, as the Senator mentioned, a lot of providers very concerned about cuts, I think you are going to have an awful lot of seniors who are concerned about how their Medicare benefits are going to be impacted by this proposal. I would add to what the Senator has already talked about, and I know the Senator from Tennessee's Governor has called some of these Medicaid expansions ''the mother of all unfunded mandates.''

I have had numerous conservations with my Governor in my State of South Dakota about this. It would cost our State about $45 million a year, new revenues they would have to raise, to meet the matching requirements under this expansion of Medicaid.

In my State of South Dakota, that is real money. I know that does not sound like a lot out here in Washington. But that really is. My Govenor is very concerned, as are all Governors, about the impacts not just on Federal budgets but on State budgets.

Of course, as the Senator from Tennessee and the Senator from Kansas have pointed out, Medicare—and I might add, I love the quote from the CEO of Mayo, which the Senator from Tennessee has mentioned, ''If the public plan looks like Medicare, I think the country would go broke almost

overnight,'' because Medicare is already proposed to go broke by 2015 to 2017.

I think that is the problem we run into when we try and build upon a foundation that is already crumbling. The Medicare Program is destined to go bankrupt. We are talking about adding a whole new entitlement. Instead of trying to figure out how to plow some of these savings back into Medicare and make it sustainable, we are actually adding to and building upon a foundation that is already crumbling.

Mr. ALEXANDER. We have about a minute and a half left in our time. I wonder if Senator BROWNBACK would conclude.

Mr. BROWNBACK. Mr. President, I think to put it in Kansas-type terms, if you are talking about taking savings from Medicare to start a whole new health care entitlement program, that is like writing a big fat check on a completely overdrawn bank account to buy a new car.

You are going: Now, well, who would do something like that? When you are saying: Well, that is what the Federal Government is looking at doing in this proposal that Senator BAUCUS has put forward.

Medicare is not sustainable. It is not fiscally sound. You are going to write an overdraft check on that to start a whole new program that you do not have the wherewithal to do, that most Americans do not want to see you do because they want to see you fix the current program and get it on a sustainable basis.

It does not make sense. It is out of the stream of thought of the American public. We ought to back up, stop, and go at this in incremental changes, to get costs down and more people covered, that do not drive costs up, that do not do a big federal takeover of the system.

Mr. ALEXANDER. I thank Senators THUNE and BROWNBACK.

Obviously, we believe that instead of a 1,000-page bill, we should do what Senator BROWNBACK said. We should go step by step to re-earn the trust of the American people. For example, permitting small business plans to pool their resources to offer more insurance to a million people; buying insurance across State lines; stopping runaway junk lawsuits against doctors; signing up those people already eligible for Medicaid and SCHIP; and encouraging technology.

All of those are steps we can agree on and reduce costs, without running trillions of dollars of new debt, more taxes, and Medicare cuts. I thank the Senators from South Dakota and Kansas for participating in our colloquy.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mrs. SHAHEEN). The Republican leader is recognized.

HEALTH CARE WEEK X, DAY III

Mr. MCCONNELL. Madam President, over the past several months, the American people have made their voices heard in the debate over health care. Everyone is frustrated at the high cost of even routine services and procedures. But the good news is this: everyone agrees that these are real and pressing issues and that Congress can and should do something to help.

Unfortunately, the Democrat plan being contemplated here in Congress is not content simply to address the problems at hand. Instead, this plan uses these problems as an excuse to dismantle the current health care system, slap together a new one as quickly as possible, and force it on the American people whether they like it or not.

That is what is going on this week in the hearing room of the Finance Committee.

The U.S. Congress is hashing out the details of an enormously complicated bill that calls for a massive expansion of Washington's role in the health decisions of every single American. And when they are done, they plan to rush this so-called reform through Congress and force it on a country that is overwhelmingly opposed to it.

But there is really only one thing Americans need to know about this legislation: When all the talking is through, what is left is this: a trillion dollar experiment that cuts Medicare, raises taxes, and threatens the health care options that millions of Americans enjoy.

The administration has been telling Americans for months and months that if they like the coverage they have, they can keep it. Whoever believes this apparently is not familiar with the bill that Democrats in Congress want the President to sign. If they were, they would realize that it creates a new government standard for coverage, and that anyone who falls below that standard will be forced to buy a different health plan.

Government would tell you which plans you can have and which ones you can not, and if you do not like the plan they suggest, then you will have to send a check to Washington. You will get taxed. That is government expansion. Americans do not want it.

Americans are worried about spending. It seems like every time they turn around they are hearing about another trillion-dollar spending bill coming out of Washington. Well here is another. Once again, it is being rushed through Congress, and once again, we will not have enough time to read it. They made sure of that yesterday. My Republican colleague from Kentucky, Senator BUNNING, offered an amendment to give senators the time they need to study the details. Democrats struck it down.

Taxes are already high enough. They are about to get higher. This legislation will lead to significantly higher taxes on just about everybody in America. If you have health insurance, you are taxed. If you do not have health insurance, you are taxed. If you need prescription medicine, you are taxed. If you need a medical device, you are taxed.

All these taxes would be bad enough if they were not so hard to understand.

For months we have been hearing that the goal of reform is to lower costs. Yet any school kid in America can tell you that raising taxes on something raises its cost. And every nonpartisan, independent study we have seen confirms this basic economic principle. Despite all the talk of lowering costs, all these higher taxes mean that, as a result of this legislation, health care costs are headed in one direction, and that is up.

What is worse, the Joint Committee on Taxation and the Congressional Budget Office say that some of the worst taxes would fall squarely on the backs of consumers: not on the rich, but on ordinary Americans who are already struggling through a recession.

Seniors take a serious hit from this legislation, either through cuts in services that millions of them currently enjoy, or by being forced off the plans they have. All told, this bill calls for nearly $140 billion in cuts to Medicare Advantage; nearly $120 billion in Medicare cuts for hospitals that care for seniors; more than $40 billion in cuts to home health agencies; and nearly $8 billion in cuts to hospice care.

Everyone agrees Medicare needs reform. This is not reform. This is a massive raid on a program millions of seniors depend on in order to cover the cost of another new government program. This bill uses Medicare as a piggy bank to pay for this experiment.

There is no question that Americans want health care reform. They want lower costs. They want greater access. They want commonsense reforms, like a plan to get rid of junk lawsuits on doctors and hospitals and to level the playing field when it comes to taxes on health plans. But what they are getting from Congress instead is a trillion-dollar experiment that cuts Medicare, raises taxes, and threatens the health care options that millions of Americans now enjoy. And here is the worst part: they are being told that all this has to be rushed through Congress on some artificial timeline.

Americans have been asking us to slow down. Congress is doing the opposite.

This is not how Americans expect us to do their business. We need nonpartisan groups like the Congressional Budget Office to tell us how much this legislation will cost and how we would pay for it, and we need to slow down and get it right. We need to give Members of Congress the time they need to understand what they are going to be voting on. And we need to give the American people the time they need to understand this legislation too. This bill is too big, too costly, and too important to allow anything less.

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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the time for the cloture vote, now set for 10:30 a.m., be extended until 11 o'clock this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, for the knowledge of all Members, we are very close to being able to work out an agreement on the finalizing of the Interior appropriations bill. There are some language problems the staff is working on now. But we should have a series of amendments—it could be as many as seven, eight amendments—and we will try to do those in a block of time. We have 23 members who are trying to work out something in the Finance Committee as it relates to health care, so we would like to have those votes in a block of time sometime this afternoon. But we should be able to have a consent agreement that will be approved by Senator MCCONNELL and me in the near future.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, the time between now and 11 o'clock, I ask unanimous consent that be time for morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, are we in morning business?

The PRESIDING OFFICER. Yes, we are.

AFGHANISTAN/PAKISTAN STRATEGY

Mr. BOND. Madam President, I rise today to call for the testimony before Congress of our top military commanders in Afghanistan, GEN Stanley McChrystal and General Petraeus. Congress and the American people need to hear directly and as soon as possible from the generals to ensure that political motivations in Washington do not override the vital needs of our commanders and our troops on the ground.

Ordinarily, I don't like the idea of calling generals away from their duties in theater but, unfortunately, in the often surreal world of Washington politics, all the hard work by our military and intelligence professionals on the battlefield in Afghanistan can be undone very quickly. Unfortunately, the latest verbal wavering by the administration and some of my colleagues in Congress can do just that.

Last November, when I sent my report, the Roadmap to Success in South Asia, to then President-elect Obama and his national security team, I outlined the importance of messaging to our overall success in Afghanistan and Pakistan. For too long, the United States has flailed about with an uncoordinated communication plan. In other words, we have been off message.

Unfortunately, the enemy has continued to hone its own message. Radical Islamic terrorists have staged suicide attacks for maximum publicity, propagandizing their message on the Internet, and convinced their fellow terrorists-at-arms that they will defeat the international community.

Negative and indecisive comments by the President, broadcast worldwide, have now given the enemy a big win in the public information battle.

On CNN, the President questioned: ''Are we pursuing the right strategy?''

On NBC's ''Meet the Press,'' the President's words were even more disturbing, signaling a lack of confidence in his earlier strategy. The President said:

> If an expanded counterinsurgency strategy in Afghanistan contributes to the goal of defeating al-Qaida, then we will move forward. But, if it doesn't, then I'm not interested in just being in Afghanistan for the sake of being in Afghanistan or saving face or . . . sending a message that America is here for the duration.

Comments such as these call into doubt America's commitment to Afghanistan. They give hope to the terrorists—hope that America's resolve is not real, and that they only need to wait us out to win the war.

The people of Afghanistan get the message that we are leaving soon. The implied message is that you better work with the Taliban and al-Qaida, because they will be here after America leaves. This is a public bonanza in diplomacy for our terrorist enemies.

At the same time, these comments have done a great disservice to our men and women serving in harm's way. These heroes need our country's unwavering support, not vacillation because of political pressures.

President Obama's recent comments present a stark and dangerous contrast to his earlier resolve—resolve that I applauded on this floor and publicly and proudly supported. When President Obama commissioned General McChrystal's assessment of the situation in Afghanistan, I believed that he was genuinely interested in receiving the general's expert, on-the-ground perspective and his informed opinion of what strategic and tactical changes would be required for success.

Unfortunately, it now appears that the President has developed a sudden case of buyer's remorse. It seems increasingly clear to me the Obama administration is inclined to reject the counterinsurgency strategy recently recommended by General McChrystal and endorsed by the head of the U.S. Central Command, GEN David Petraeus and the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen. In a bewildering twist, this is the same counterinsurgency strategy the President himself endorsed this past March.

I have been a strong and vocal supporter of the administration's new strategy in Afghanistan, so I was particularly disappointed by the President's suggestion this past Sunday that he is reconsidering the American commitment to the war in Afghanistan.

I am also deeply disturbed by press reports that Defense Secretary Gates will delay sending General McChrystal's troop request to the White House because the White House is not ready to receive it. Given the President's resolve this spring, I am somewhat puzzled by the strange treatment of General McChrystal's assessment and troop request. Unnecessary delay is not our friend in this war.

The clearest reason for this delay seems to be that the President is considering not granting General McChrystal's request. Instead, we are now hearing that he may push for a more aggressive covert war against al-Qaida leadership in Pakistan.

We all want to eliminate the al-Qaida leadership that plotted and planned the attacks that claimed more than 3,000 American lives on September 11. And depending on the details, more aggressive action in Pakistan may be a good thing. But such action should be in addition to, not a substitute for, giving our troops in Afghanistan all the resources and supporting personnel they need to succeed.

While denying al-Qaida and Taliban militants sanctuary in the border regions of Pakistan is critical, a counterterrorism-only approach, focusing on one part of this regional conflict, will ultimately hand victory to the world's most violent and feared terrorists. This type of counterterrorism-only approach failed us in Iraq and it has failed us in Afghanistan for the last 7 years.

I have consistently called for—and President Obama had promised—a comprehensive counterinsurgency strategy designed to meet a set of clearly defined goals for the Afghanistan-Pakistan region. The Obama administration has rightly characterized the problem as involving both of these two countries. But right now, we have a plan only for one country.

I am not suggesting it is General McChrystal's job to set that wider. As directed by the President and by our NATO allies whom he represents as commander of ISAF, the general has laid out a good strategy for success in Afghanistan and that strategy includes a request for more boots on the ground. I understand there is a lot of hand-wringing in Washington right now over Afghanistan. We saw the same reaction over sending more troops into Iraq 2 years ago. The political courage shown by the White House and Congress back then proved to be successful. Today, we must marshal the same courage and give General McChrystal what he needs to get the job done.

Amid the reports of wavering and hand-wringing, an important question comes into mind: What has changed? During the campaign and after his inauguration, the President spoke repeatedly about the importance of winning the war in Afghanistan.

For example, on March 27, 2009, when he rolled out his comprehensive new strategy for Pakistan and Afghanistan, the President declared that:

> To succeed, we and our friends and allies must reverse the Taliban's games and promote a more capable and accountable Afghan government. Our troops have fought bravely against a ruthless enemy. Our civilians have made great sacrifices. Our allies have borne a heavy burden. Afghans have suffered and sacrificed for their future. But for six years, Afghanistan has been denied the resources that it demands because of the war in Iraq. Now, we must make a commitment that can accomplish our goals.

I was heartened by these words. I agreed with the President on the need for a fully resourced counterinsurgency campaign and a solid commitment to ensure the security of the Afghan people and our own vital interests. I applauded his recognition of winning this war when he told our veterans, the VFW, this past August:

> Those who attacked America on 9/11 are plotting to do so again. If left unchecked, the Taliban insurgency will be an even larger safe haven from which al-Qaida would plot to kill more Americans. So this is not only a war worth fighting; this is fundamental to the defense of our people.

But our troops in the field have now been waiting over 6 months for the President to follow through on his promises. As General McChrystal's recently leaked assessment points out, time is of the essence, and we cannot afford more stalling by the administration on this vital national security issue.

The general said the next 9 to 12 months are critical and that is why we need a decision now. I call on the President to heed his own words from this past weekend. Let's ignore the politics of the moment and finish the job in Afghanistan.

I recognize we have not yet seen any official numbers associated with General McChrystal's troop request, but I am very encouraged by the general's emphasis on putting more of an Afghan face on operations. I believe our ultimate success depends on our ability to hand responsibility for security over to Afghans.

I was also gratified to see the report's strong emphasis on the importance of ''smart power'' to achieving success. While the assessment does not actually use the term, the concept is woven into the core of the report. General McChrystal and others have been clear that traditional kinetic military efforts alone will not achieve the success we need. Success will be attainable only if we maximize the ability of nonmilitary agencies of the United States Government to work through Afghan institutions to achieve stability, reconstruction, and the rule of law.

As I have said repeatedly on the floor, the efforts by the National Guard, led by my own Missouri National Guard, to bring agricultural experts, including full-time farmers who also serve as trained military soldiers, who have gone into Nangarhar Province and in 1 year transformed the agriculture of Afghanistan so they could make a greater profit from raising legitimate crops and taking Afghanistan and Nangarhar Province from the No. 2 poppy-producing province in the nation down to almost zero poppy production. Six more National Guards from different States are there now. More are coming. Two weeks ago, I challenged all of the Nation's National Guard and their commanders at their meeting in Nashville to commit to send a National Guard unit from every State to an appropriate province where they can help, and they can make a difference. That is part of smart power. They need to bring the economic resources and the structures and the information and experience we have, protected by soldiers and airmen of the National Guard who can defend themselves and those they are protecting. That is smart power.

In the McChrystal report, the Afghan Defense Minister rejected the popular myth that Afghanistan is a graveyard of empires and we are destined to fail there. I couldn't agree more. As General McChrystal affirmed in his report: ''While the situation is serious, success is still achievable.'' The Obama administration and Congress must each do its own part to give our troops the resources and time they need to make that success a reality.

Let's not snatch a defeat from the jaws of victory in Afghanistan just because a few pundits are pedaling political pessimism in Washington. All the experts, including General McChrystal, agree we need a properly resourced counterinsurgency strategy, and we need it now. It is time to listen to our commanders on the ground, not the ever-changing political winds whispering defeat in Washington.

Madam President, I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. VOINOVICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EASTERN EUROPE

Mr. VOINOVICH. Madam President, I rise to discuss America's relationship with our Eastern European friends as well as the challenges America faces in our relationship with Russia.

Over the last decade in the Senate, I have been a champion of NATO and worked diligently to increase membership in the alliance. I have also been active in improving our image in Eastern Europe through the expansion of the Visa Waiver Program at the request of our friends and allies in Eastern Europe. My passion for foreign relations stems in large part as a supporter of Ohio's diverse ethnic communities. As mayor of Cleveland and Governor of Ohio, I gained a keen understanding of Europe from my close work with constituents who had ties to countries that were once subject to life behind the Iron Curtain. This goes back to my first paper in undergraduate school and how the United States sold out Yugoslavia at Teheran and Yalta.

We did see the Berlin Wall fall and the Iron Curtain torn thanks in part to the efforts of Pope John Paul II, President Reagan, and President George H.W. Bush. But even with the end of the Cold War, I was deeply concerned that darker forces in Russia could once again reemerge as a threat to democracy, human rights, and religious freedom not just for the Russian people but for the newly freed ''captive nations'' of Eastern Europe.

I understood getting those nations into NATO could make the alliance more vibrant and healthy and give them safe harbor from the possible threat of Russian expansionism. One of my proudest moments in the Senate was being present at Prague in March of 2002 in the room when Lord Robertson announced that seven countries—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia—were invited to join NATO.

When I was Governor of Ohio and chairman of the National Governors Association, I led an effort in 1998 to

secure passage of an all-50–State resolution in support of NATO expansion for the Czech Republic, Hungary, and Poland. These new members have brought great vigor to the NATO Alliance and are now some of our strongest allies working alongside our troops in Iraq and Afghanistan—especially Afghanistan.

As such, I was astounded last week to see the Obama administration appear to turn its back on some of our staunchest NATO allies. Last week's missile defense announcement was made with little advance notice or consultation and disregarded the great political capital expended by the leaders of Poland and the Czech Republic. This decision leaves the impression that the United States is dealing unilaterally with Russia without regard to our NATO allies. Regardless of the merits of the decision itself—and I had a chance to talk to Secretary Gates about it, and it makes sense that this was a good decision—the manner in which it was revealed to Warsaw and Prague was a major public relations and public diplomacy blunder.

The Polish people are up in arms about the decision—and not so much with the decision, but the way it was handled and the disregard for handling it in a proper fashion. The fact also that the decision was announced on September 17, 2009, the 70th anniversary of the Soviet invasion of Poland, makes it even worse. The way this decision was communicated shabbily to Poland and the Czech Republic should also send a shiver down the spines of our brothers and sisters in Eastern Europe and their Baltic neighbors, who are concerned with Russia's aggressive efforts to reassert its influence in what was once the Soviet Union.

In an opinion piece in last Friday's edition of the Washington Post, David J. Kramer, of the German Marshall Fund, notes that:

> Whatever the official explanation now for not moving forward, many—including the Kremlin—will read this shift as an effort to placate Moscow. Announcing the decision ahead of [President] Obama's meeting with Russian President Dmitry Medvedev this week in Pittsburgh reinforces such thinking.

I had the opportunity this past July to travel to the Baltic States with my friends Senators Durbin, Cardin, and Wicker as part of the U.S. delegation to the Organization for Security and Cooperation in Europe, to the parliamentary assembly that was held in Vilnius, Lithuania. As part of that trip, I also visited Riga, Latvia—a stop that marked the highest ranking official visit of the United States in Latvia in over 3 years. In all of our bilateral meetings with Presidents, Prime Ministers, and Foreign Ministers from former Soviet countries or countries the Soviet Union exercised influence over, we were told it was comforting for them to know their membership in NATO serves as a hedge against a potential expansionist Russia.

We should be worried about the uncertainty surrounding a Russia that is reverting back to a KGB-ruled country seeking to weaponize its oil and natural gas resources as a means to expand its influence on Europe and the West.

I think one of the concerns we all ought to have is that many members of the European Union, instead of coming together and negotiating with Russia over the issue of natural gas, are cutting their own deals. I think we should be very concerned that in the long run many of those countries are not going to be able to make good decisions because of the influence Russia will have over their natural gas resources.

Russia has the world's largest reserves of natural gas and has the eighth-largest oil reserves. Moscow turned off the tap to Ukraine this past winter. They could do it again. We should also be concerned about Moscow using its control of oil and natural gas to pit members of NATO against each other.

There is much talk about resetting the U.S. bilateral relationship with Russia. Moscow seeks to regain its global stature and be respected as a peer in the international community. There is nothing inherently wrong with this.

I believe there are key areas where the United States and Russia share common cause and concern: Russia is a permanent member of the U.N. Security Council and will be essential to effective multilateral pressure on Iran to give up its nuclear program; Russia continues to have leverage on the North Korean regime and has stated that a nuclear-free Korean peninsula is in the interest of both our countries; we are partners on the International Space Station—in fact, we are going to rely on them to send our NASA people to the space station; and, until the Georgia situation flared in August of last year, our government and U.S. industry were working hard on a nuclear cooperation agreement with Russia, very much like the one we entered into with India.

With the world economy as it is today, the worst thing we could do is break off communication and revert back to our Cold War positions. This week's G–20 conference in Pittsburgh is an opportunity to further engage Russia and determine where we have a symbiotic relationship and what we can accomplish together for the good of the international community. Nevertheless, such a reset should not come at the expense of our Eastern European friends.

Time will tell whether last week's decision will have any influence on Russian cooperation on the Strategic Arms Reduction Treaty—START—or our efforts to prevent a nuclear-armed Iranian regime.

In the meantime, we have our work cut out as we seek to rebuild confidence and trust with our friends in Eastern Europe. After last week's events, I suspect that their confidence in the reliability of the United States as a partner and ally has been shaken.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Madam President, I would like to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT

Mr. BURRIS. Madam President, in my home State of Illinois, there are roughly 44,000 people living with HIV or AIDS.

Every day, these Americans face deadly illnesses that require delicate—and often expensive—treatment.

Thankfully, they don't have to fight this fight alone.

Across America, about 500,000 HIV patients who don't have adequate income or insurance are currently able to receive assistance under the Ryan White HIV/AIDS Treatment Modernization Act.

This program supports a wide range of medical and support services that benefit HIV and AIDS patients.

Illinois alone receives $75 million in Federal funds that serve more than 10,000 people.

These programs make a real difference, not just in my home State, but in every State in the Union.

They are critically important not only for the people who receive treatment, but for public health in general.

That is why we cannot let the Ryan White Act expire on September 30.

If we do not take action right now to reauthorize this program, the treatments will stop.

If we do not stand up for those who need our help, half a million Americans will suddenly find themselves out in the cold.

We cannot let that happen. We must act now keep this safety net in place.

That's why I support a 3-year extension of the Ryan White Treatment Modernization Act.

But we shouldn't stop there.

As we reauthorize this legislation, it is a great opportunity to make a few small changes to make it more effective.

We should update the Ryan White Act, to make HIV/AIDS information more accurate.

We need to maintain transitional grant areas, so that essential services can be better matched with existing needs.

We should make sure medical transportation and dietary treatments are covered for all patients.

And we should use common sense to ensure that rebates and grants are

classified and awarded the right way, with less bureaucratic redtape.

This will make the system more efficient, and it will increase the impact this program can have on people's lives.

More than 250 AIDS organizations have already expressed support for these changes, and for the reauthorization of this program.

It is time to stand with them.

It is time to stand with all the people who need treatment.

Let us send a strong message to those who are counting on us to keep the money flowing:

We will not abandon you in your time of need.

If this Senate fails to act by September 30, the aid will stop.

These successful programs—which enjoy broad, bipartisan support—will simply cease to exist.

We cannot let that happen on our watch.

I ask my colleagues to join with me in updating and reauthorizing the Ryan White Act.

I yield the floor and suggest the absence of a quorum.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

INTERIOR APPROPRIATIONS

Mr. REID. Mr. President, first of all, we have a unanimous consent agreement that has taken a lot of work. I appreciate the work of the two managers, Senator FEINSTEIN and Senator ALEXANDER. It is not easy, but this is an important piece of legislation. I think it is good for the body.

I heard my friend—I will be real quick; I know we are in a hurry—commenting on the dinner we had last night. I think that was such a timely, fortuitous event we had with Senators getting together to, in effect, cut the ribbon on this wonderful picture out there, 147 years old.

I did not know much about Henry Clay other than he is a famous man but a great compromiser. He said everything legislatively you need to develop a consensus. Legislation is the art of compromise. This is a smaller piece; it is not Henry Clay stuff, but it is good stuff. I appreciate the two managers following in the footsteps of Henry Clay and we were able to work this out.

I ask unanimous consent that the following be the only first-degree amendments and an Ensign motion to recommit, other than the pending amendments, remaining in order to H.R. 2996, Interior appropriations; and that no second-degree amendments be in order to any of the listed amendments prior to a vote in relation to the amendment, except as noted with respect to Coburn amendment No. 2511; that a managers' amendment also be in order that has been cleared by the managers and the leaders, and that if that amendment is offered, then the vote on adoption of the amendment occur immediately; and that if agreed to, then the motion to reconsider be considered made and laid upon the table:

Carper No. 2456, pending, to be withdrawn once a managers' amendment has been agreed to; Collins No. 2498, pending; Isakson No. 2504, as modified, pending; Vitter No. 2549; Ensign motion to recommit; Coburn amendment Nos. 2482, 2463, 2480, 2523, 2466, 2483, 2468, and 2511, with a Feinstein second-degree amendment in order to No. 2511; Feingold No. 2522, to be withdrawn upon the adoption of the managers' amendment; Reid No. 2531; Bingaman No. 2493, with a modification; further, that during the consideration of the bill, Senators Murkowski and Thune each be provided up to 30 minutes, and Senator BOXER for up to 60 minutes for debate only; that upon disposition of all amendments and the motion to recommit, the substitute amendment, as amended, be agreed to, the motion to reconsider be considered made and laid upon the table; that the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, and that the subcommittee plus Senators Inouye and Bond be appointed as conferees; further, that if a point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions but including any amendments which had been agreed to prior to the point of order; that no further amendments be in order; that the new substitute amendment be agreed to, and the motion to reconsider be considered made and laid upon the table; and that the remaining provisions beyond adoption of the substitute amendment remain in effect; that if there is a sequence of votes, then after the first vote, the succeeding votes be limited to 10 minutes each and that there be 2 minutes of debate prior to each vote, equally divided and controlled in the usual form; that once this agreement is entered, the cloture motions be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2996, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Carper amendment No. 2456, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

Collins amendment No. 2498, to provide that no funds may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters, and such official submits certain reports biannually to Congress.

Isakson modified amendment No. 2504, to encourage the participation of the Smithsonian Institution in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009.

AMENDMENTS NOS. 2492, 2501, 2505, 2509, 2518, 2519, 2522, 2534, AS MODIFIED; 2491, AS MODIFIED; 2495, 2507, 2493, AS MODIFIED, EN BLOC

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, as part of the unanimous consent agreement entered into this morning by the leader, a managers' package of amendments to the Interior bill is in order.

I would like to proceed to that business now because of yesterday's filing deadline for all first-degree amendments. Each of these amendments which constitute the managers' package have been filed at the desk.

Therefore, I ask unanimous consent that the pending amendment be set aside, and that the following amendments be called up and considered en bloc, and where modifications are noted, that those modifications be agreed to: Bingaman amendment No. 2492; Risch amendment No. 2501; Carper amendment No. 2505; Roberts amendment No. 2509; Feinstein amendment No. 2518; Feinstein amendment No. 2519; Feingold amendment No. 2522; Whitehouse amendment No. 2534, as modified; Bingaman amendment No. 2491, as modified; Schumer/Durbin amendment No. 2495; Tester/Crapo amendment No. 2507; and, Bingaman amendment No. 2493, as modified.

Let me make one note with respect to Carper amendment No. 2505. The amendment being included in the managers' package is very similar to pending Carper amendment No. 2456. But the version we are adopting now is the version that has been agreed to by both

sides. At the proper time, then, I believe we will be in a position to withdraw the pending Carper amendment No. 2456.

In order to comply with Senate rule XLIV, which requires Members to certify that they have no financial interest in congressionally designated spending items, I also ask unanimous consent to have printed in the RECORD financial disclosure letters associated with amendments Nos. 2501 and 2518.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 16, 2009.

Hon. DANIEL K. INOUYE,
Chairman, Senate Committee on Appropriations, U.S. Capitol, Washington, DC.

Hon. THAD COCHRAN,
Ranking Member, Senate Committee on Appropriations, U.S. Capitol, Washington, DC.

Hon. DIANNE FEINSTEIN,
Chairman, Appropriations Subcommittee on Interior, Environment, and Related Agencies, Dirksen Senate Office Building, Washington, DC.

Hon. LAMAR ALEXANDER,
Ranking Member, Appropriations Subcommittee on Interior, Environment, and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: I am writing to request your assistance in making a technical correction to the below projects in House Report 107–272, House Report 108–10, and House Report 108–401 so that the funds referenced may be made available to the City of Thomasville, Alabama. The awards in question are:

$2,500,000 STAG award to the Southwest AL/Rural Municipal Water System in FY02; $1,000,000 STAG award to the Southeast Alabama Regional Water Authority in FY02; $450,000 STAG award to the Southwest Alabama Regional Water Authority in FY03; $450,000 STAG award to the Southwest Alabama Regional Water Supply District in FY04.

I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending item(s) that I have requested for Fiscal Year 2010, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate.

Very Truly Yours,

JEFF SESSIONS,
United States Senator.

Hon. DIANE FEINSTEIN,
Chairwoman, Subcommittee on Interior, Environment, and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR MADAM CHAIRMAN: I am writing to seek your assistance in a technical correction for the City of Thomasville in the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill.

The City of Thomasville is constructing a water treatment facility. The project began under the auspices of the Southwest Regional Water Authority and was composed of the City of Thomasville and the City of Jackson. Therefore, funds were appropriated in 2002, 2003, and 2004 under this name.

2002—AL Regional Water Authority for AAL/Rural Municipal Water System, $2.425M; 2002—Southeast Alabama Regional Water Authority, $970,000; 2003—Southwest Alabama Regional Water Authority, $433,700; 2004—Southwest Alabama Regional Water Supply District, $433,900.

Since that time, the City of Jackson has withdrawn from the authority and the City of Thomasville remains the only active partner. To meet eligibility qualifications of USDA/Rural Development and EPA to proceed with the development of the Thomasville water supply project, we were told that the earmarks from 2002–2004 would need to be amendment and replaced with the name ''City of Thomasville.''

Finally, I certify that neither I nor my immediate family has a pecuniary interest, consistent with the requirements of Paragraph 9 of Rule XLIV of the Standing Rules of the Senate, in any congressionally directed spending item I requested that is contained in the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill or accompanying report. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

I greatly appreciate your assistance in this matter. As always, please do not hesitate to contact me or Laura Friedel in my office should you or your staff have any questions.

Sincerely,

RICHARD SHELBY.

U.S. SENATE,
Washington, DC, September 17, 2009.

Hon. DIANNE FEINSTEIN
Chairman, Subcommittee on Interior, Environment, and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN FEINSTEIN: I am writing to request your support for the enclosed amendment to the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill.

Furthermore, I certify that neither I nor my immediate family has a pecuniary interest consistent with the requirements of Paragraph 9 of Rule XLIV of the Standing Rules of the Senate, in this or any other congressionally directed spending item I requested that is contained in the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill or accompanying report. I further certify that I have posted a description of the amendment requested on my official website, along with the accompanying justification.

Thank you for your consideration of my request, As always, please do not hesitate to contact me or Laura Friedel in my office should you or your staff have any questions.

Sincerely,

RICHARD SHELBY.

Enclosure.

AMENDMENT

(Purpose: To provide for the use of certain funds for water system upgrades in Fayette County, Alabama)

On page 190, line 10, insert before the period at the end the following: '': *Provided further*, That, notwithstanding House Report 108–401, the amount of $2,000,000 made available to the Tom Bevill Reservoir Management Area Authority for construction of a drinking water reservoir in Fayette County, Alabama, shall be made available to Fayette County, Alabama, for water system upgrades''.

U.S. SENATE,
Washington, DC, September 16, 2009.

Hon. DANIEL K. INOUYE,
Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. DIANNE FEINSTEIN,
Subcommittee on Interior, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,
Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. LAMAR ALEXANDER,
Subcommittee on Interior, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS, I am offering three amendments regarding congressionally directed spending items on the Senate floor to the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Bill.

Consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate, I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending items that I have requested for Fiscal Year 2010. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Project Title: Lake County, California, for wastewater system improvements

Recipient: Lake County, CA
Location: 230 A Main Street, Lakeport, CA 95453
Amount Requested: $500,000

Lake County is upgrading the Kelseyville wastewater system to eliminate effluent and high nutrient pollution from entering Clear Lake. The facility, which is located on the south shore of Clear Lake, is under cease and desist orders to meet clean water standards, and requires expansion overflows into Clear Lake. This important project will improve sanitation and water quality for County residents by limiting sewage overflow.

Project Title: Tahoe Basin Vessel Inspection Station

Recipient: U.S. Fish and Wildlife Service
Location: Lake Tahoe, California and Nevada
Amount Requested: $800,000

The requested funding will be used for study, construction, staffing, and other expenses necessary to conduct water vessel inspection and decontamination at stations located away from boat and vessel ramps at Lake Tahoe and Echo Lake and Fallen Leaf Lake in California. The Tahoe Basin is under threat of Quagga and zebra mussel infestations because of its high-use by recreational boaters. An infestation could have devastating impacts on the regional economy, including recreation, tourism, property values, and other infrastructure equaling approximately $22 million a year. If introduced, Quagga and zebra mussels could destroy the region's fisheries, alter the food web and ecosystem, jeopardize the public drinking supply, and ruin the shoreline and public access points. An infestation would also jeopardize more than $1.43 billion that has already been invested in environmental restoration and water clarity improvements in Lake Tahoe, including $424 million from the Federal government.

Project Title: Inland Empire Alternative Water Supply

Recipient: City of San Bernardino Municipal Water Department
Location: 300 North ''D'' Street, San Bernardino, CA 92418
Amount Requested: Technical Correction

The Rialto-Colton Basin is seriously contaminated by perchlorate, and the cities and water districts in the area have had to abandon wells or install wellhead treatment

equipment to use their groundwater. Local water providers have found a temporary source of 20,000–30,000 acre-feet in the Bunker Hill Basin, within the incorporated limits of the City of San Bernardino, which will use this water source in the long-term. I secured $500,000 in the Fiscal Year 2009 Omnibus Appropriations Act, but the San Bernardino Municipal Water Department has been unable to access these funds and this technical correction will clarify that the city is the recipient of this funding.

Thank you for your consideration of my requests. If you have any questions, please do not hesitate to contact me, or have your staff contact Ryan Hunt in my office.

Sincerely,

DIANNE FEINSTEIN,
United States Senator.

U.S. SENATE,
Washington, DC, September 16, 2009.

Hon. DANIEL K. INOUYE,
Chairman, Senate Committee on Appropriations, The Capitol, Washington, DC.
Hon. DIANNE FEINSTEIN,
Chairman, Subcommittee on Interior, Environment, and Related Agencies, Senate Committee on Appropriations, Washington, DC.
Hon. THAD COCHRAN,
Ranking Member, Senate Committee on Appropriations, The Capitol, Washington, DC.
Hon. LAMAR ALEXANDER,
Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, Senate Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN INOUYE AND RANKING MEMBER COCHRAN, CHAIRMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: As the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill moves to the floor, I respectfully request your consideration of the technical corrections for projects from previous bills listed in this letter. These technical corrections are also listed on my website. I look forward to working with you through enactment of this bill.

I certify that neither I nor my immediate family has a pecuniary interest in any of the congressionally directed spending item(s) that I have requested, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Line 96 of the list of STAG Infrastructure Grants/Congressional Priorities in the Explanatory Statement for Title II of Division F of Public Law 110–161 is revised to read ''The City of Prescott for wastewater treatment plant construction project, $170,800; and The City of Wichita for storm water technology pilot project, $129,200.''

Line 108 of the list of STAG Infrastructure Grants/Congressional Priorities in the Explanatory Statement for Title II of Division E of Public Law 111–8 is revised to read ''City of Manhattan for water mainline extension project, $185,000.''

Line 111 of the list of STAG Infrastructure Grants/Congressional Priorities in the Explanatory Statement for Title II of Division E of Public Law 111–8 is revised to read ''City of Manhattan for Konza water main extension project, $290,000.''

Sincerely,

SAM BROWNBACK,
United States Senator.

Hon. DANIEL INOUYE,
Chairman, Senate Appropriations Committee.
Hon. THAD COCHRAN,
Vice Chairman, Senate Appropriations Committee.
Hon. DIANNE FEINSTEIN,
Chairman, Subcommittee on Interior, Environment, and Related Agencies, Appropriations.
Hon. LAMAR ALEXANDER,
Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, Appropriations.

DEAR CHAIRMAN INOUYE, VICE CHAIRMAN COCHRAN, CHAIRMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: I write to respectfully request a technical correction to my requests for congressionally directed appropriations in the Fiscal Year 2010 Interior and Environment Appropriations Bill. I have attached the legislative language for my amendment, which would provide for the use of certain funds for certain water projects to be carried out by the cities of Prescott, Wichita, and Manhattan. I know that this year's budget situation is extremely tight, and I appreciate your consideration of these requests.

In addition, I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending items that I have requested, consistent with the requirements of paragraph 9 of rule XLIV of the Standing Rules of the Senate. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Again, I thank you for your consideration of these requests. Should you have an questions, please do no hesitate to contact my Legislative Director Mike Seyfert.

With every best wish,

Sincerely,

PAT ROBERTS.

AMENDMENT

(Purpose: To provide for the use of certain funds for certain water projects to be carried out by the cities of Prescott, Wichita, and Manhattan)

On page 190, line 10, insert before the period at the end the following: '': *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, $170,800 shall be made available to the city of Prescott for a wastewater treatment plant construction project and $129,200 shall be made available to the city of Wichita for a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for the Konza Water Main Extension project''.

U.S. SENATE,
Washington, DC, September 16, 2009.

Hon. ROBERT C. BYRD, *Chairman,*
Hon. THAD COCHRAN, *Ranking Member,*
Senate Committee on Appropriations, U.S. Capitol, Washington, DC.
Hon. DIANNE FEINSTEIN, *Chairman,*
Hon. LAMAR ALEXANDER, *Ranking Member,*
Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS, Please find enclosed amendments I will offer to the FY 2010 Interior appropriations bill making technical changes to previously enacted provisions. All changes are a result of requests by the U.S. Environmental Protection Agency for clarification on the specific funds recipient, and none involve appropriation of additional funds.

I certify that neither I nor my immediate family has a pecuniary interest in these items, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate.

Thank you in advance for your attention to this matter.

Sincerely,

CHRISTOPHER S. BOND.

AMENDMENT

(Purpose: To provide for the use of certain funds for Johnson County, Missouri for a drinking water and wastewater infrastructure project)

On page 190, line 10, insert before the period at the end the following: *Providing further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $1,300,000 made available to the City of Warrensburg, Missouri for a drinking water and wastewater infrastructure project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to Johnson County, Missouri for that project''.

AMENDMENT

(Purpose: To provide for the use of certain funds for the Gravois Arm Sewer District for a wastewater infrastructure project)

On page 190, line 10, insert before the period at the end the following: '': *Providing further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $1,000,000 made available to the City of Gravois Mills for wastewater infrastructure (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the Gravois Arm Sewer District for that project''.

AMENDMENT

(Purpose: To provide for the use of certain funds for PWSD #1 of McDonald County, Missouri for a wastewater infrastructure project)

On page 190, line 10, insert before the period at the end the following: '': *Providing further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $500,000 made available to McDonald County, Missouri for a

wastewater infrastructure expansion project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to PWSD #1 of McDonald County, Missouri for that project''.

U.S. SENATE,
Washington, DC, September 17, 2009.

Hon. ROBERT C. BYRD, *Chairman,*
Hon. THAD COCHRAN, *Ranking Member,*
Senate Committee on Appropriations, U.S. Capitol, Washington, DC.
Hon. DIANNE FEINSTEIN, *Chairman,*
Hon. LAMAR ALEXANDER, *Ranking Member,*
Senate Appropriations Subcommittee on Interior, Environment and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS, Please find enclosed an amendment I will offer to the FY 2010 Interior appropriations bill making a technical change to a previously enacted provision. The change retains the drinking water infrastructure purpose of the project, does not increase the amount of funds appropriated and does not change the funding recipient.

I certify that neither I nor my immediate family has a pecuniary interest in this item, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate.

Thank you in advance for your attention to this matter.

Sincerely,

CHRISTOPHER S. BOND.

AMENDMENT

(Purpose: To provide for the use of certain funds for the Pemiscot Consolidated Public Water Supply District #1 for a drinking water source protection infrastructure project)

On page 190, line 10, insert before the period at the end the following: '': *Providing further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 110–161 (121 Stat. 1844), the amount of $150,000 made available to the City of Hayti, Pemiscot Consolidated Public Water Supply District #1 for a water storage tank (as described in the section entitled 'STAG Infrastructure Grants/Congressionally Priorities' on page 1264 of the joint explanatory statement) shall be made available to Pemiscot Consolidated Public Water Supply District #1 for a drinking water source protection infrastructure project''.

U.S. SENATE,
Washington, DC, September 16, 2009.

Senator DIANNE FEINSTEIN,
Chairman, Subcommittee on Interior, Environment, and Related Agencies, Senate Committee on Appropriations, Washington, DC.
Senator LAMAR ALEXANDER,
Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, Senate Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: I am writing to request your assistance in making a technical correction to the Joint Explanatory Statement accompanying the Interior portion of the Omnibus Appropriations Act for Fiscal Year 2009. The Joint Explanatory Statement mistakenly directs $400,000 from the Environmental Protection Agency's (EPA) State and Tribal Assistance Grants (STAG) account to the City of Lake Norden in South Dakota for wastewater infrastructure improvements. I request your assistance in correcting this description to reflect the fact that the Lake Norden project involves drinking water infrastructure.

I certify that neither I nor my immediate family has a pecuniary interest, consistent with the requirements of Paragraph 9 of Rule XLIV of the Standing Rules of the Senate, in any congressionally directed spending item that I requested from the Committee on Appropriations for Fiscal Year 2009.

Thank you for consideration of this request, and please contact me if you require any additional information.

Sincerely,

TIM JOHNSON,
United States Senate.

U.S. SENATE,
Washington, DC, September 24, 2009.

Hon. DIANNE FEINSTEIN,
Chairman, Appropriations Subcommittee on the Interior, Environment and Related Agencies, Washington, DC.
Hon. LAMAR ALEXANDER,
Ranking Member, Appropriations Subcommittee on The Interior, Environment and Related Agencies, Washington, DC.

DEAR CHAIRMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: I certify that neither I nor my immediate family has a pecuniary interest in any of the congressionally directed spending items that I have requested, including Senate Amendment # 2501, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate for the FY 2010 Department of Interior, Environment, and Related Agencies Appropriations bill.

Sincerely,

JAMES E. RISCH,
United States Senator.

Mrs. FEINSTEIN. Mr. President, all of these amendments have been cleared on both sides, and I believe we are in a position to voice vote the package.

Before voting, through, I would yield to my distinguished ranking member for any comments he may wish to make.

Mr. ALEXANDER. Mr. President, I concur with the remarks of the distinguished chairman of the subcommittee. I believe these are good amendments. We are able to clear them with the relevant members and their staffs. I support their adoption.

Beyond that, I would like to say to the chairman, I appreciate her willingness to accommodate the amendments and the positions of a large number of Republican Senators who have important issues that we will have a chance to vote on, and for including us in the process. I thank her for that, and we look forward to the rest of the day and concluding work on the bill.

Mrs. FEINSTEIN. I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the managers' package of amendments en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 2492

(Purpose: To provide funds for the Collaborative Forest Landscape Restoration Fund, with an offset)

On page 197, line 11, strike ''$2,586,637,000'' and insert ''$2,576,637,000''.

On page 198, line 10, strike ''$350,285,000'' and insert ''$340,285,000''.

On page 200, between lines 13 and 14, insert the following:

COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND

For expenses authorized by section 4003(f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)), $10,000,000, to remain available until expended.

AMENDMENT NO. 2501

(Purpose: To provide for the use of certain funds for the Upper Snake/South Fork River Area of Critical Concern)

On page 122, line 11, insert before the period at the end the following: '': *Provided*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $2,000,000 made available for the Henry's Lake ACEC in the State of Idaho (as described in the table entitled ''Congressionally Designated Spending'' contained in section 430 of that joint explanatory statement) shall be made available for the Upper Snake/South Fork River ACEC/SRMA in the State of Idaho''.

AMENDMENT NO. 2505

(Purpose: To require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions)

On page 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

BLACK CARBON

SEC. 201. (a) Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, may carry out and submit to Congress the results of a study to define black carbon, assess the impacts of black carbon on global and regional climate, and identify the most cost-effective ways to reduce black carbon emissions—

(1) to improve global and domestic public health; and

(2) to mitigate the climate impacts of black carbon.

(b) In carrying out the study, the Administrator shall—

(1) identify global and domestic black carbon sources, the quantities of emissions from those sources, and cost-effective mitigation technologies and strategies;

(2) evaluate the public health, climate, and economic impacts of black carbon;

(3) identify current and practicable future opportunities to provide financial, technical, and related assistance to reduce domestic and international black carbon emissions; and

(4) identify opportunities for future research and development to reduce black carbon emissions and protect public health in the United States and internationally.

(c) Of the amounts made available under this title under the heading ''ENVIRONMENTAL PROGRAMS AND MANAGEMENT'' for operations and administration, up to $2,000,000 shall be—

(1) transferred to the account used to fund the Office of Air Quality Planning and Standards of the Environmental Protection Agency; and

(2) used by the Administrator to carry out this section.

AMENDMENT NO. 2509

(Purpose: To encourage the Administrator of the Environmental Protection Agency to reassess the cost-effectiveness of the buyout and relocation of residents of certain properties in Treece, Kansas)

At the end of title IV, add the following:

BUYOUT AND RELOCATION

SEC. 4____. (a) As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') is encouraged to consider

all appropriate criteria, including cost-effectiveness, relating to the buyout and relocation of residents of properties in Treece, Kansas, that are subject to risk relating to, and that may endanger the health of occupants as a result of risks posed by, chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(b) For the purpose of the remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that includes permanent relocation of residents of Treece, Kansas, any such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(c) Nothing in this section shall in any way affect, impede, or change the relocation or remediation activities pursuant to the Record of Decision Operable Unit 4, Chat Piles, Other Mine and Mill Waste, and Smelter Waste, Tar Creek Superfund Site, Ottawa County, Oklahoma (OKD980629844) issued by the Environmental Protection Agency Region 6 on February 20, 2008, or any other previous Record of Decision at the Tar Creek, Oklahoma, National Priority List Site, by any Federal agency or through any funding by any Federal agency.

AMENDMENT NO. 2518

(Purpose: To make technical corrections to certain State and tribal assistance grants)

On page 190, line 10, insert before the period at the end the following: ": *Provided further*, That, notwithstanding House Report 107–272, the amount of $1,000,000 made available to the Southeast Alabama Regional Water Authority for a water facility project and the amount of $2,500,000 made available to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System may, at the discretion of the Administrator, be made available to the city of Thomasville for those projects: *Provided further*, That, notwithstanding House Report 108–10, the amount of $450,000 made available to the Southwest Alabama Regional Water Authority for water infrastructure improvements may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108–401, the amount of $450,000 made available to the Southwest Alabama Regional Water supply District for regional water supply distribution in Thomasville, Alabama, may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108–401, the amount of $2,000,000 made available to the Tom Bevill Reservoir Management Area Authority for construction of a drinking water reservoir in Fayette County, Alabama, may, at the discretion of the Administrator, be made available to Fayette County, Alabama, for water system upgrades: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $500,000 made available to the San Bernardino Municipal Water District for the Inland Empire alternative water supply project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of San Bernardino municipal water department for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, $170,800 may, at the discretion of the Administrator, be made available to the city of Prescott for a wastewater treatment plant construction project and $129,200 may, at the discretion of the Administrator, be made available to the city of Wichita for a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for the Konza Water Main Extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $1,300,000 made available to the City of Warrensburg, Missouri for a drinking water and wastewater infrastructure project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to Johnson County, Missouri for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $ 1,000,000 made available to the City of Gravois Mills for wastewater infrastructure (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the Gravois Arm Sewer District for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $500,000 made available to McDonald County, Missouri for a wastewater infrastructure expansion project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to PWSD #1 of McDonald County, Missouri for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 110–161 (121 Stat. 1844), the amount of $150,000 made available to the City of Hayti, Pemiscot Consolidated Public Water Supply District 1 for a Water Storage Tank (as described in the section entitled 'STAG Infrastructure Grants/Congressional Priorities' on page 1264 of the joint explanatory statement) may, at the discretion of the Administrator, be made available to Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $400,000 made available to the City of Lake Norden, South Dakota, for wastewater infrastructure improvements (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the City of Lake Norden, South Dakota, for drinking water infrastructure improvements''.

AMENDMENT NO. 2519

(Purpose: To extend a special use permit for Drake's Estero at Point Reyes National Seashore, California)

On page 179, strike line 7 and all that follows through page 180, line 9, and insert the following:

SEC. 120. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit (''existing authorization'') within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: *Provided*, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization.

AMENDMENT NO. 2522

(Purpose: To clarify the authority of the Secretary of Agriculture regarding the coordination of biobased product activities)

On page 240, between lines 13 and 14, insert the following:

SEC. 4____. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking ''Agricultural Research Service'' and inserting ''Department of Agriculture''; and

(2) by adding at the end the following:

''(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government.''.

AMENDMENT NO. 2534, AS MODIFIED

At the appropriate place, insert the following:

SEC. . (a) It is the sense of the Senate that the Senate—

(1) Supports the National Vehicle Mercury Switch Recovery Program as an effective way to reduce mercury pollution from electric arc furnaces used by the steel industry to melt scrap metal from old vehicles; and

(2)Urges the founders of the Program to secure private sector financial support so that the successful efforts of the Program to reduce mercury pollution may continue.

AMENDMENT NO. 2491, AS MODIFIED

On page 240, between lines 13 and 14, insert the following:

SEC. 423. NATIONAL FOREST FOUNDATION.

Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j-1(a)) is amended, in the first sentence, by striking ''fifteen Directors'' and inserting ''not more than 30 Directors''.

AMENDMENT NO. 2495

(Purpose: To support the Pest and Disease Revolving Loan Fund)

On page 193, line 13, insert before '': *Provided*'' the following: ''and of which $2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b))''.

AMENDMENT NO. 2507

(Purpose: To limit the increase in cabin user fees, with an offset)

On page 193, line 9, strike ''$1,556,329,000'' and insert ''$1,552,429,000''.

On page 193, line 20, insert before the period at the end the following: '': *Provided further*, that $282,617,000 shall be made available for recreation, heritage, and wilderness''.

On page 240, between lines 13 and 14, insert the following:

SEC. 423. CABIN USER FEES.

Notwithstanding any other provision of law, none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount beyond the amount levied on December 31, 2009.

AMENDMENT NO. 2493, AS MODIFIED

On page 159, line 25, strike ''$979,637,000'' and insert ''$904,637,000''.

On page 197, line 11, strike ''$2,576,637,000'' and insert ''$1,817,637,000''.

On page 240, between lines 13 and 14, insert the following:

SEC. 423. FLAME FUND FOR EMERGENCY WILDFIRE SUPPRESSION ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term ''Flame Fund'' means the Federal Land Assistance, Management, and Enhancement Fund established by subsection (b).

(3) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(4) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(b) ESTABLISHMENT OF FLAME FUND.—There is established in the Treasury of the United States a fund to be known as the ''Federal Land Assistance, Management, and Enhancement Fund'', consisting of—

(1) such amounts as are appropriated to the Flame Fund; and

(2) such amounts as are transferred to the Flame Fund under subsection (d).

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Flame Fund such amounts as are necessary to carry out this section.

(B) CONGRESSIONAL INTENT.—It is the intent of Congress that the amounts appropriated to the Flame Fund for each fiscal year should be not less than the combined average amount expended by each Secretary concerned for emergency wildfire suppression activities over the 5 fiscal years preceding the fiscal year for which amounts are appropriated.

(C) AVAILABILITY.—Amounts appropriated to the Flame Fund shall remain available until expended.

(2) APPROPRIATION.—There is appropriated to the Flame Fund, out of funds of the Treasury not otherwise appropriated, $834,000,000.

(3) SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS AS EMERGENCY REQUIREMENT.—It is the sense of Congress that further amounts appropriated to the Flame Fund should be designated as amounts necessary to meet emergency needs.

(4) NOTICE OF INSUFFICIENT FUNDS.—The Secretaries shall notify the congressional committees described in subsection (h)(2) if the Secretaries estimate that only 60 days worth of funding remains in the Flame Fund.

(d) TRANSFER OF EXCESS WILDFIRE SUPPRESSION AMOUNTS INTO FLAME FUND.—At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts that—

(1) are appropriated to the Secretary concerned for wildfire suppression activities for the fiscal year; but

(2) are not obligated for wildfire suppression activities before the end of the fiscal year.

(e) USE OF FLAME FUND.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts in the Flame Fund shall be available to the Secretary concerned to pay the costs of emergency wildfire suppression activities that are separate from amounts annually appropriated to the Secretary concerned for routine wildfire suppression activities.

(2) DECLARATION REQUIRED.—

(A) IN GENERAL.—Amounts in the Flame Fund shall be made available to the Secretary concerned only after the Secretaries issue a declaration that a wildfire suppression activity is eligible for funding from the Flame Fund.

(B) DECLARATION CRITERIA.—A declaration by the Secretaries under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; and

(II) the Secretaries determine that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression activities for the Secretary concerned have exceeded the amounts appropriated to the Secretary concerned for those activities (not including funds deposited in the Flame Fund).

(3) TRANSFER OF AMOUNTS TO SECRETARY CONCERNED.—After issuance of a declaration under paragraph (2) and on request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildfire suppression activities associated with the declaration.

(4) STATE, PRIVATE, AND TRIBAL LAND.—Use of the Flame Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.—

(1) IN GENERAL.—Subject to subsection (e)(2)(B)(ii), the Secretary concerned shall continue to fund routine wildfire suppression activities within the appropriate agency budget for each fiscal year.

(2) CONGRESSIONAL INTENT.—It is the intent of Congress that funding made available through the Flame Fund be used—

(A) to supplement the funding otherwise appropriated to the Secretary concerned; and

(B) only for purposes in, and instances consistent with, this section.

(g) PROHIBITION ON OTHER TRANSFERS.—Any amounts in the Flame Fund and any amounts appropriated for the purpose of wildfire suppression on Federal land shall be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildfire suppression.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING SYSTEM.—The Secretaries shall establish an accounting and reporting system for the Flame Fund that is compatible with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—Annually, the Secretaries shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate and make available to the public a report that—

(A) describes the use of amounts from the Flame Fund; and

(B) includes any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund.

(3) ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.—

(A) IN GENERAL.—Consistent with the schedule provided in subparagraph (C), the Secretaries shall submit to the committees described in paragraph (2) an estimate of anticipated wildfire suppression costs for the applicable fiscal year and the subsequent fiscal year.

(B) PEER REVIEW.—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic peer review to ensure compliance with subparagraph (D).

(C) SCHEDULE.—The Secretaries shall submit an estimate under subparagraph (A) during—

(i) the first week of February of each year;

(ii) the first week of April of each year;

(iii) the first week of July of each year; and

(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) REQUIREMENTS.—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and

(ii) models and other analytic tools.

(i) TERMINATION OF AUTHORITY.—The authority under this section shall terminate at the end of the third fiscal year in which no appropriations to or withdrawals from the Flame Fund have been made for a period of 3 consecutive fiscal years.

SEC. 424. COHESIVE WILDFIRE MANAGEMENT STRATEGY.

(a) STRATEGY REQUIRED.—Not later than 1 year after the date of enactment of this Act,

the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports of the Government Accountability Office regarding management strategies.

(b) ELEMENTS OF STRATEGY.—The strategy required by subsection (a) shall provide for—

(1) the identification of the most cost-effective means for allocating fire management budget resources;

(2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;

(3) employing the appropriate management response to wildfires;

(4) assessing the level of risk to communities;

(5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;

(6) assessing the impacts of climate change on the frequency and severity of wildfire; and

(7) studying the effects of invasive species on wildfire risk.

(c) REVISION.—At least once during each 5-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretaries shall revise the strategy submitted under that subsection to address any changes affecting the strategy, including changes with respect to landscape, vegetation, climate, and weather.

AMENDMENTS NOS. 2456 AND 2522 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendments Nos. 2456 and 2522 are withdrawn.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2522

The PRESIDING OFFICER. For the clarification of the Senate, amendment 2522 was not withdrawn. It was part of the managers' package.

The majority leader.

HEALTH CARE DEBATE

Mr. REID. Mr. President, this past April, as the health care debate was getting underway, I sent my Republican counterpart, Senator MCCONNELL, a letter outlining our priorities for the debate. I wrote, of course, that Democrats are committed to lowering health care costs, expanding access, and improving the quality of care. I said that we look forward to a dialog about how to prevent diseases, reduce health disparities, and encourage both early detection and effective treatments that save lives. But in that letter of 5 months ago, I also said that in order to help struggling Americans, we cannot drown in distractions and distortions. I made clear that bipartisanship depended on Republicans demonstrating a sincere interest in legislating. It depends on their joining us to offer concrete and constructive proposals, even if we disagree on the content of those ideas. It depends on us working together in our common interests rather than against each other and against the interests of the American people.

I stand by that assessment as strongly today as I did this spring. It is painfully clear to everyone who has seen this debate's disturbing turns and dishonest tactics that more than ever, we now need people willing to work together in good faith. If we have learned anything from the recent rhetoric, both in our respective States and here in the Senate, it is that we need honest debate. It is regrettable that we have seen far too little of that lately.

Today, I want to talk about one area of the debate that has seen particularly reckless rumors and scare tactics—what health insurance reform will mean to seniors.

A Republican Congresswoman recently claimed that our plan to improve health care would ''put seniors in a position of being put to death by their government.'' That was wrong when it was said, and it is wrong now. A Republican Senator made a similar statement to mislead his constituents. He actually accused Democrats of proposing a plan that would kill Americans. Others pretend our reforms will cut benefits when, in fact, the only thing they cut is waste. Is this any way to have an honest debate? I don't think so. Is this what our constituents sent us here to do? I don't think so. Some of our friends on the other side may not want to let reality get in the way of a good sound bite, but I think it is crucial that we get the facts straight.

The fact is, ever since a Democratic Congress and Democratic President created Medicare, Democrats have spent the past 40 years protecting seniors.

I know a little bit about Medicare. My first elective job in Nevada was on a countywide hospital board. It was then called the Southern Nevada Memorial Hospital. It is now called the University Medical Center. When I started my job, 40 percent of seniors who came into that hospital had no insurance. We had an aggressive plan to go after their fathers, mothers, brothers, sisters, whoever signed for them. That is no longer the case with Medicare. Virtually every senior who comes into that institution and all institutions has insurance to cover their hospitalizations. It is called Medicare. By the time I left that job, Medicare had come into existence.

The fact is, ever since Republicans opposed the creation of Medicare, they have spent the past 40 years on the wrong side of history when it comes to helping seniors. They were wrong then, and they are wrong now.

I don't carry much in my wallet. I have three credit cards. I have a few dollars. One thing I always carry with me is something I think is pretty important. I have carried this for years. You can see how wilted it is. I have done it for many years because I want to be able to quote accurately what I am talking about here. Republicans have hated Medicare from the very beginning, and they still hate it.

I was there fighting the fight, one of twelve voting against Medicare because we knew it wouldn't work in 1965.

Robert Dole, former leader of the Republicans in the Senate, candidate for President on the Republican ticket, that is what he said.

Now, we didn't get rid of it in round one because we don't think it is politically smart, but we believe Medicare is going to wither on the vine.

Newt Gingrich. I am not making this up. This is what they said.

Dick Armey, majority leader a few years ago in the House of Representatives:

Medicare has no place in a free world.

When I say that since Democrats created Medicare, we have spent 40 years protecting America's seniors, the fact is, ever since the Republicans opposed the creation of Medicare, they have spent the past 40 years on the wrong side of history when it comes to helping seniors. They were wrong then. They are wrong now. They conveniently ignore facts such as that in 1965, only half the Nation's seniors had health insurance. Today, virtually every senior has health insurance. It is called Medicare. Is it a perfect program? Of course, it is not. But it is a pretty good program. Seniors' life expectancy has gone up and the number of seniors living in poverty has gone down. Those on Medicare universally like it.

People complain about this program. Do you know what the overhead is on this program? It is less than 3 percent. It is one of the most effective programs in the history of the country. But that hasn't stopped Republicans from bragging about trying to kill Medicare. It hasn't stopped them from looking out for insurance companies instead of their constituents. And in the past 10 years, it hasn't stopped Republicans from voting against protecting and strengthening Medicare 59 times. Look at this. These are the votes by year. Just last year, these are the votes. I hope this year's reform will not be No. 60 because this bill will also protect and strengthen Medicare.

There will be an opportunity for Democrats and Republicans to offer amendments to whatever bill comes out of the Finance Committee and out of the HELP Committee, and they will be melded together. What our legislation does is lower the cost of medicine. It provides a free yearly checkup, makes preventive care for seniors free. It will give doctors who treat seniors a raise, and it will cut waste from Medicare. For seniors, health insurance reform will mean all of that.

Rather than having a serious and real debate about a serious and real crisis, some would prefer to deploy tactics to frighten the American people. But what really frightens them is that under the status quo, they live just one

illness, one accident, one pink slip away from losing everything they have.

This is no time to let partisanship get the best of us. This is no time to obsess over rumors or oppose ideas simply because they were proposed by people who sit on a different side of this Chamber. This is no time to instill unfounded fears or incite hope that our Nation's leaders fail.

This is the time to get serious about making it easy for American citizens to afford and live healthy lives. When it comes to Republicans' attacks on Medicare, the messenger has no credibility and the message is nothing more than an excuse. At the end of the day, the other side's insistence on spreading fear above all else is what will truly hurt seniors and all Americans.

Our opponents' claims this time around are as disingenuous as they have been and phony at worst—disingenuous because they have a long track record of standing in the way of giving America's seniors what they need, phony because they completely and willfully misrepresent what the bills we are considering will actually do for seniors. Our bill will lower the cost of medicine, provide a free yearly checkup, make preventive care free, give doctors who treat seniors a raise, and cut waste from Medicare. That is what it is all about.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the majority leader, Mr. President, because a lot has been said in this health care debate that needs to be clarified. I have been on the floor—how many times—when the Republican leadership has come to the floor and told us that if we are not careful in health care reform, we will end up with a government-run health insurance program. They have warned us: Be careful. Government run health insurance, it is socialism, too much government. I am waiting for the first Republican Senator to come to the floor and say: So we should abolish Medicare; we ought to get rid of Medicaid, which is for the poorest people, and we ought to get rid of veterans health care, another government program, and the Children's Health Insurance Program that makes health insurance affordable all across the United States. If one follows the Republican logic, they are all government health insurance programs.

Traditionally, the Republican Party has not embraced the concept. Let's be honest about it. They have a different view. They would like government to step aside and let the market work its will. Have you noticed what the market is working? The market is working its will in health insurance, and we are seeing private, for-profit health insurance companies making a fortune, denying one out of five people the coverage they thought they had, raising their costs every single year. That is the reality of the private market.

When it comes to Medicare, a program created under President Lyndon Johnson more than 40 years ago, 45 million Americans have the peace of mind to know they have basic health insurance protection. Do you know who these people are? They are folks who worked their whole lives, paid money out of their paychecks to be part of Medicare so that they would have not only the peace of mind but quality health care in their retirement years. It is not just the peace of mind of having access to good health care, it is the peace of mind of knowing that all the money you worked for your entire life to save, the money you wanted to live on in comfort after retirement would not disappear because of medical bills. Medicare gives people peace of mind and protects their assets so they can live independently, comfortably, in the kind of style most of us dream of for all Americans who have worked so hard for many years.

We hear the other side tell us how bad those government health insurance programs are. The administrative costs of Medicare are dramatically lower than the cost of private health insurance. It is obvious. Medicare is a not-for-profit entity. It is managed at a cost of about 3 percent. Do you know what happens with health insurance companies? They load up with costs for profit. They load up with costs for advertising and marketing.

They load up with people who get on the telephone to say: No—no to your doctor. You know what I am talking about. When the doctor says: I think the best thing for you is this procedure, and you are under private health insurance, that last stop in that medical decision is not at the hospital or in the doctor's office; the last stop is a long-distance phone call to some clerk sitting out in Omaha, NE, with a manual in front of him or her, and the first words at the top of the page say: Say no. Raise questions. Tell them you will get back to them.

Am I making this up? I am not. I have example after example from my home State of Illinois, from people I have met during the course of my service in the Senate and the House, and people I met this last summer who will verify that.

So when the Republicans come to the floor to criticize us and say they are the guardians of Medicare, it does not square with their traditional position of opposing Medicare, with their efforts to cut Medicare over the years and the fact that when we talk about Medicare and its future, they are nowhere to be found.

This is a critical health care debate we are facing. I admit the President has stuck his neck out a mile. It takes some courage to do it because he knows it is a controversial issue. President Obama said to us in a joint session of Congress: If this were easy somebody would have done it a long time ago. But he is going to take this on, and he said to us publicly and privately he will spend every penny of political capital he has to get it done. It means that much to him and to our Nation.

So for seniors this is a critical debate. A lot of seniors are being misled by things that are downright awful. I saw the videotape. This Republican Congresswoman went to the floor of the U.S. House of Representatives and said that: Oh, these Democrats want to create death panels. Sarah Palin said that those death panels would take the life of one of her children or something. That is an outrageous statement and not true.

Do you know what they are talking about? They are talking about an amendment offered by a Georgia Senator—a Republican Georgia Senator—JOHNNY ISAKSON—a reasonable amendment. Do you know what it said? Under our health care reform, people should be allowed to go to a doctor and, in privacy and in confidence, sit down and say the words that need to be said—words like: Listen, I don't want to be hooked up to some machine. When the time comes, I want to go peacefully. I don't want extraordinary things done for me. That is my wish and, doctor, I want you to know that wish. I am going to tell my family, but I want you to know.

Is that an important conversation? Any one of us—and so many of us fit in this category, who have been through one of those situations with a parent, a member of our family, or someone we love—wants to know what they want.

So Senator ISAKSON proposed that amendment. It was a thoughtful, reasonable amendment that we brought into this debate. What happened to it? You know what happened: death panels. Oh, they are going in there. They are going to mandate that they pull the plug on Granny. That is sad. It is unfortunate. It shows a lack of maturity and judgment by those who are making those charges. And we have heard them from the halls of Congress and outside. What we are talking about here is health care reform this country needs but health care reform that will actually benefit Medicare beneficiaries.

As shown on this chart, this is basically what we hope to do for seniors when it comes to health insurance reform.

First, we want to lower the cost of medicine. Ask seniors about Medicare's prescription drug plan, and they will tell you: Well, it is good, but if you have a lot of drugs and they are very expensive—somehow or other Congress dreamed up something called the ''doughnut hole.'' What it basically means is, for some period of time each year, those seniors who need drug protection the most are on their own. They have to start spending out of their pocket. We close the doughnut hole, lowering the cost of medicine for seniors under Medicare.

We provide for that free yearly checkup that can make all the difference in the world. A senior who gets to go in and check up with the doctor regularly is one who is likely going to

spot something before it becomes serious where it can be treated successfully. That makes good sense. Seniors across America will appreciate that. That is part of our plan.

Preventive care is free. We are talking about mammograms, colonoscopies, blood tests for prostate cancer. These things will be free under the health care reform we are talking about for senior citizens and for virtually everyone in America.

Giving doctors who treat seniors compensation for the care they are providing. We want doctors who are professional enough to include Medicare patients in their practice to be compensated fairly.

Finally, cut waste from Medicare. I want to say a word about this. I got on this ''Meet The Press'' program. I get on there once in a while on Sunday mornings. I think they put me on because I am free. But for whatever reason, I was on there, and I was in debate with Newt Gingrich. You know Newt Gingrich, former Republican Speaker of the House of Representatives, the spokesman for many parts of his party today.

I said: It bothers me when people say health care reform is going to cut Medicare. Let me tell you what we have in mind. A few years ago, the private insurance companies came to us and said: We can do a better job at a lower cost in providing Medicare benefits. Well, some people were skeptical.

They said: Let us prove it. The government is doing this all wrong. Let the private health insurance companies do it. We will show you, and we will call it Medicare Advantage.

Off they went providing these Medicare Advantage programs that were to match the benefits under Medicare. The jury came in a few years later, and, do you know what, many of these plans cost up to 14 percent more than Medicare. They did not save us money. It ended up these private health insurance companies not only did not make their point about being cheaper, they cost the taxpayers more money than we should have paid out. They did not provide additional benefits for Medicare recipients that they needed.

They want us to continue to subsidize these private health insurance companies that have failed in their offer to beat Medicare at its own game. So when we say, and the President says, we want to cut the subsidy to health insurance companies under Medicare, that is what he and we are talking about. If they did not keep their end of the bargain to provide medical care at the same cost or less cost than Medicare, why should we continue to subsidize them? I do not think we should.

I said that on the show, and the next person to speak was former Speaker Newt Gingrich, who said: Well, that proves our point. DURBIN wants to cut Medicare.

Well, fortunately for me, Dr. Howard Dean, the former Governor of Vermont, was on the panel, and he corrected him. He said: Mr. Gingrich, he didn't say cut Medicare. He said cut the subsidy to the health insurance companies that are taking advantage of Medicare to profiteer, take that extra money and provide the kind of care we need for seniors, and make sure, in the process, we save the Medicare Program.

Untouched, our Medicare Program is going to suffer from the same thing everybody else suffers from in America: the escalating cost of health care. We have to do something. We have to keep our promise, not only to the seniors today, but to the many who will come after them, that Medicare will be there when they need it, that when they reach the age of 65, they will have the peace of mind of knowing they can still go to their doctor, still go to their hospital, get quality care, and not have a catastrophic illness that wipes out their savings.

This is a debate which is worth getting into. I hope those who follow it understand this party on this side of the aisle fought to create Medicare, fought to protect Medicare, and now is fighting to save Medicare. Do not let those who come before us, misleading us about what we are trying to achieve here, mislead the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am not so sure, given what is happening in the country these days, it would be very easy to enact the Medicare Program, had we not done so previously. The Medicare Program was enacted at a time when one-half of the senior citizens in this country had no health care—none. That is not surprising because the fact is, insurance companies do not go running after elderly people to say: Can we provide health insurance coverage to you? We know you are in your seventies or eighties, and we know you are probably going to need coverage for various things in the years ahead. We would like to provide that coverage.

In the mid-1960s, this country and the Congress said: People in their elderly years should not have to lay their head on their pillow at night and wonder whether tomorrow might be the day when they become ill, have a disease, have an accident, and go to a hospital with no health insurance to cover their needs.

This Congress did something very important, and, as is usually the case, when it created Medicare, there were plenty of people saying: Don't do it. It won't work. It is socialism. It shouldn't happen. But it did happen.

There is a health care bill being written in the Finance Committee now. I am not part of a gang of two or a gang of six or a gang of eight. I am part of a gang of 99 Senators, as of today, who will consider the bill they come up with. I do not know what it will look like, and I wish to see all of it before I make a judgment about its merits, but I will say this: Even as it is being written, we hear of efforts to cold call into homes of senior citizens to tell them that what is happening is an attempt to injure and take away services from Medicare for senior citizens. It is not true. It is false.

It is hard to make the case, it seems to me, but some are trying, that if you try to reduce the cost of Medicare by getting rid of waste and fraud and abuse, somehow that results in less health care services for senior citizens, yet that is exactly what is being represented by some.

I have watched very carefully and been very concerned about the issue of waste and fraud and abuse in Medicare.

There should be aggressive oversight, with respect to those who are providing Medicare benefits to senior citizens. There is too much fraud. My hope is—and my understanding from what is being written with respect to preventing fraud—it is going to be a new day. If you want to sign up as a provider and get reimbursement from Medicare for helping senior citizens, you better be providing the service. All too often that has not been the case.

So when we decide we are going to try to cut waste and fraud and abuse in a very serious and relentless and aggressive way, we have people who say: Aha, what they are going to do will harm senior citizens. It is not going to harm senior citizens in the delivery of health care to those who are entitled to it if we take on the waste and the fraud and the abuse and start putting the crooks in jail. That is not going to hurt senior citizens. That is going to help America's elderly.

Let me describe what I am talking about. In 2007, the Department of Justice randomly visited 1,600 durable medical equipment suppliers that bill Medicare for services. They found that one-third of the businesses did not exist. Think of that. They randomly visited 1,600 durable medical equipment suppliers that provide services to beneficiaries, we are told—they are billing the government for it—and they found out that one-third of them did not exist. They were mailboxes to collect fraudulent checks. They billed Medicare, combined, $237 million in 2007.

Putting those people in jail and stopping that kind of fraud does not injure Medicare. It strengthens it. It does not hurt senior citizens.

A man named Mr. Alcides Garcia was sentenced to 8 years in prison. Here is a picture of him, so we can give him a little credit for what he did. He was sentenced to 8 years in prison after his medical equipment company made millions in false Medicare claims.

Mr. Thomas Fiore, as shown in this picture, was indicted with 10 others on racketeering charges in south Florida for identity theft and Medicare fraud and much more.

In April of this year, just months ago, officials in Oregon wrapped up a lengthy fraud case. Again, to give credit where credit's due, this is a man

named Richard Vanderschuere. He faked disability. His wife Karen and son Richard, Jr. claimed to be full-time care providers. His mother claimed to be a weekend backup assistant. The so-called caretakers received payments for providing home health care while he received Social Security disability benefits. His mother was employed. By the way, this person's mother was employed as a fraud investigator for a State agency in the State of Oregon at the time. Here is his wife, to make sure she gets proper credit. We don't want to leave out the kid because they were all involved in this—trying to fleece the American taxpayers and defraud the American Government.

My point is very simple. My point is that when we take on waste, fraud, and abuse—and this is a new day; this is not part of the lost decade when we had a whole lot of people fleecing this program—when we do that, when we cut down on the waste, fraud and abuse and reduce the costs of Medicare, it is not about reducing Medicare for senior citizens.

I was in a little ice cream shop about 6 weeks ago in a little town in North Dakota. Two elderly women came up to me and said: BYRON, please don't let them take my Medicare benefits away. I understand that is what they are going to try to do.

I said: Well, they are not going to do that, but who told you that?

They said: We got telephone calls from some organization that said you have to be aware they are trying to take your Medicare Program away.

I said: Well, that is not true.

They said: Well, we got the telephone calls.

I said: You might have gotten the calls, but it is not true. It is false.

But what is happening around here—again, I don't know what the health care plan will be that comes out of the Finance Committee, but I will guarantee this: Whatever it is, it would not have a ghost of a chance of passing this Chamber if it begins to harm Medicare Programs for the elderly in this country. This is a very important program. We are the ones who created Medicare. We believe it is important. Those naysayers, those people who have always opposed everything—and there are plenty of them, by the way—they are the ones who are saying: If you cut waste, fraud, and abuse, you are going to cut X billions of dollars of costs; therefore, you are cutting health care for senior citizens. That is false. I think it ought to stop. We have groups out there that are making cold calls into homes trying to scare senior citizens.

The fact is Medicare is a very important program. It has enriched the lives of the elderly in this country. Would we want to go back to a time when half the senior citizens reached the point in their lives where they were finished with their work life, didn't have much in assets, and then sat around thinking: Oh, my God, I hope I don't get sick because I don't have health care, and I can't find an insurance company that wants to cover me because they know what I know; that when you get older, sometimes you have those health issues that are most acute.

In North Dakota, I recently met a 111-year-old woman named Mary—111 years old. She is acutely aware of everything; she can visit with you about everything. She described to me when the barn burned down in 1904 when she was 6 years old. This is a wonderful, remarkable woman. She is certainly the oldest person in my State and I assume one of the oldest people in our country. But think of what she has experienced in 111 years. Unbelievable things: the automobile, the airplane, walking on the Moon, you name it. But then think of this: In the middle of all this, after she was well into her sixties, Medicare was provided to say to America's senior citizens: You don't have to be frightened anymore. We are going to provide health care coverage in your older years.

Now 99 percent of the senior citizens in this country have health care. They are our parents, our grandparents, those who raised us, those who loved us, those who cared about us. This country then provided a program called Medicare which said: You don't have to be afraid in your older years. You are going to be able to get health care. That is what Medicare is about. Is it perfect? No, it is not perfect. Is there waste, fraud, and abuse? Yes, there is, and we are determined to shut it down. It will be shut down with the right kinds of programs to prevent fraud. And if you try to cheat the Medicare Program, we are going to aggressively prosecute.

Again, I wish to make sure everybody understands, when we hear people say: If you reduce the cost of Medicare by getting rid of waste, fraud, and abuse you are hurting senior citizens and you are trying to cut senior citizens' benefits, that is false and it ought to stop. It is going on right now and it ought to stop. Organizations doing cold calls into homes of senior citizens ought to stop. And it is parroted by politicians and others who think it is an interesting message to scare senior citizens and it ought to stop.

Let me finish as I started. I don't know what kind of health care bill is going to come to the Senate, and I want to see it before I evaluate it. It is important. It is important to everybody. But I do know this: The Medicare Program is something that has very substantial support in this Chamber. I don't believe there is anything being written in any one of the committees in the Senate that would begin to diminish or in any other way weaken Medicare coverage for America's senior citizens. If that was the case, it wouldn't have a ghost of a chance of getting through this Senate.

I yield the floor.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to modify the previously agreed to list of amendments to be considered in order to include my amendment No. 2530 and to set aside the pending amendment so mine may be called up.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. On behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. MURKOWSKI. Mr. President, I believe it is truly unfortunate that we are not allowed to consider this amendment. The amendment I was hoping to be able to bring up and consider is one that would prohibit the use of funds that has the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

It is unfortunate that the majority will not allow us to consider this amendment. The problem it seeks to address is significant. I don't believe it is going to go away if we choose to ignore it. As disappointed as I am, this amendment has clearly received considerable attention, so I wish to take this time this afternoon to fully explain its intent, my efforts to ensure its bipartisan nature, as well as the reasons I believe it is so incredibly important for the Senate to be given an opportunity to vote in favor of its adoption, if not now, then at some other point.

In writing this amendment over this past week, I have listened to the concerns of many of my colleagues and the concerns of the environmental community, as well as the concerns expressed by the administration. My colleagues don't have to take my word for this. Look at the text of the amendment and see how it reflects—I think it so reflects—very seriously the comments and the criticisms from those who have weighed in. All I ask, at this time, is that for the next few minutes, my colleagues and my critics return the favor and listen to what I have to say.

For context, let's start back at the beginning. Back in April of 2007, the Supreme Court declared, in the case of Massachusetts v. EPA, that carbon dioxide is a pollutant that can be regulated under the Clean Air Act. The Court held that the EPA must regulate emissions from mobile sources—meaning vehicles—if the Agency determined that carbon dioxide posed a threat to public health and welfare.

In the wake of that decision, EPA began to lay the groundwork for Federal regulation of greenhouse gas emissions. Through its proposed ''endangerment finding,'' the Agency has sought to confirm that greenhouse gas emissions are, indeed, a threat to the public health and welfare. That proposal is now under review and most expect that it will be finalized in the very near future.

The EPA has also released its draft rule to regulate mobile source emissions as required by the Supreme Court, and this will be accomplished

through a dual standard that includes increased vehicle fuel economy and reduced tailpipe emissions.

I am not putting the brakes on that proposal, despite some assertions to the contrary, but I am deeply concerned about the reach it may ultimately have. Under the ''Prevention of Significant Deterioration'' provisions within the Clean Air Act, anything found to be a pollutant under one section will be subject to regulation under all other sections of the statute.

So what exactly does this mean in plain English? The EPA's decision to regulate carbon dioxide legally covers not only mobile sources but also stationary sources. We tend to think of powerplants when we think of stationary sources, but also we think of office buildings, hospitals, schools, and apartment buildings. If you follow along those lines, you get the right idea. Very clearly, stationary sources must reduce emissions in order to bring our Nation to its climate goals, but forcing them to do so through the Clean Air Act would be one of the least efficient and most damaging ways to pursue that goal. It would be rife with unintended consequences and, I believe, potentially devastating for our economy.

Under the Clean Air Act, any stationary source that emits more than 250 tons of pollutants each year is subject to regulation. Unlike other pollutants, pretty much every form of economic activity generates some level of carbon dioxide emissions. So these add up relatively quickly. In fact, the U.S. Chamber of Commerce has looked at this very closely. They believe that more than 1.2 million buildings that have never before been regulated under the Clean Air Act would come under this regulation if Congress does not intervene and if EPA moves forward.

The 250-ton threshold would encompass more than just our major emitters. Caught in the same net would be dry cleaners, restaurants, the local Barnes & Noble bookstore. Realistically, we are probably talking about any facility that is heated or cooled by conventional means that is more than 65,000 square feet in size.

I think there are some very grave concerns about the path the EPA would lead us down. I think they are apparent. I think others are seeing this as well and are expressing their concerns. Just this week, I received letters from over 11 different agricultural groups, including the American Farm Bureau Federation. I have received letters from the American Council of Engineering Companies; NFIB, the National Federation of Independent Businesses; the National Association of Manufacturers and the U.S. Chamber of Commerce.

I ask unanimous consent that the letters from these organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENCE BUSINESS,
Washington, DC, September 23, 2009.

Senator LISA MURKOWSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MURKOWSKI, On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing to support your amendment to the Fiscal Year 2010 Interior/Environment Appropriations bill to prohibit the Environmental Protection Agency for one year from using federal funds to regulate stationary sources of carbon dioxide (CO2).

As you know, the EPA proposed that six greenhouse gasses (GHGs), including CO2, endanger public health and welfare. These findings would trigger stringent new regulations under the Clean Air Act (CAA) that would disproportionately affect small entities that are not major polluters and least able to handle or even understand new restrictions. Regulation of GHGs under the CAA will create new burdens such as federal permitting requirements, restrictions on fuel choices and energy use, and requirements for installation of new energy efficient equipment.

Small business routinely cites unreasonable government regulations as a top problem, ranking number six on the 2008 NFIB Small Business Problems and Priorities publication. Regulatory costs are significant and small businesses pay disproportionately more than larger businesses. According to the 2001 NFIB study on Coping with Regulation, small businesses cite many reasons for being frustrated by government regulations, including dealing with the extra paperwork, understanding what is needed to be in compliance, and the dollars spent to comply with government regulations.

The cost of regulation for small business has risen by 10 percent, to $7,647 per employee per year (according to the Small Business Administration's Office of Advocacy). This means that for the average member at NFIB with ten employees, the cost of regulation now exceeds $75,000 annually. Adding more regulatory costs would be a serious blow to already overburdened small business owners, who according to the September 2009 NFIB Small Business Economic Trends survey, are still suffering from weak sales and profits numbers.

NFIB supports the Murkowski amendment because it would delay for one year the use of federal funds by the EPA to regulate stationary sources of CO2. As the 111th Congress continues, I look forward to working with you to address energy issues in a way that is not disruptive to the small business community.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

SEPTEMBER 23, 2009.

U.S. Senate.

DEAR SENATOR: The undersigned agricultural organizations urge your support for an amendment to be offered by Senator Murkowski that would prevent unintended and unwanted consequences from regulation by the Environmental Protection Agency (EPA) of greenhouse gases under the Clean Air Act.

The Supreme Court, in Massachusetts v. EPA, held that EPA was not precluded from regulating greenhouse gases under section 202(a) of the Clean Air Act, which addresses new motor vehicle emission standards. This amendment would not affect the rulemaking since the rulemaking is still pending.

We do not believe it is sound policy for the EPA to extend this pending regulation beyond motor vehicles into activities like the production of crops, livestock and poultry. We urge your support for the Murkowski amendment.

Sincerely,

American Farm Bureau Federation®, American Soybean Association, National Association of Wheat Growers, National Barley Growers Association, National Cattlemen's Beef Association, National Cotton Council, National Council of Farmer Cooperatives, Public Lands Council, United Egg Producers, US Dry Pea and Lentil Council, USA Rice Federation.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, September 23, 2009.

U.S. Senate,
Washington, DC.

DEAR SENATOR: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges, you to support the Murkowski Amendment to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

At a time when our economy is attempting to recover from the most severe recession since the 1930s, Environmental Protection Agency (EPA) regulations, with no guidance from Congress, will establish disincentives for the long-term investments that would be necessary to grow jobs and expedite economic recovery. The Murkowski Amendment seeks to ensure a healthy and productive discussion in Congress on harmonizing our nation's energy, environmental and economic needs before the EPA starts regulating carbon dioxide (CO2) emissions from stationary sources, including manufacturing facilities.

Manufacturers support a comprehensive, federal climate policy within a framework that will cause no economic harm while granting sufficient time to deploy low-carbon technologies, such as carbon capture and sequestration, renewable energy and a renewed and large-scale deployment of nuclear power plants.

Prior to the onset of the financial crisis in 2008, energy inflation and price volatility were major contributors to a loss of approximately 3.7 million high-wage manufacturing jobs. As you may know, manufacturers use one-third of our nation's energy. Because of the impact a federal climate policy will have on the nation's energy future, this is an issue that must be debated by Congress without preemption from a federal agency.

Supporting the Murkowski Amendment does not convey opposition to climate change policy; it merely allows Congress to do its job. We concur with the sentiment in a Washington Post September 21 editorial, ''Regulating Carbon.'' It noted that the EPA ''is preparing to regulate carbon under the Clean Air Act,'' which ''is breathtakingly unsuited to the great task of battling global warming. . . . Yet if Congress does not act, it's likely that the EPA will. It won't be pretty.''

The NAM's Key Vote Advisory Committee has indicated that votes on the Murkowski Amendment, including potential procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress. Thank you for your consideration.

Sincerely,

JAY TIMMONS.

AMERICAN COUNCIL OF ENGINEERING COMPANIES,
Washington, DC, September 23, 2009.

Hon. LISA MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: The American Council of Engineering Companies (ACEC) is

pleased to support your amendment to the FY 2010 Interior Appropriations bill disallowing for one year the U.S. Environmental Protection Agency (EPA) from regulating under the Clean Air Act greenhouse gas (GHG) emissions from stationary sources. Without taking an overall position on comprehensive climate change legislation, we agree that Clean Air Act regulation of GHGs for stationary sources is not the appropriate way to manage carbon emissions.

ACEC is the business association of America's engineering industry, representing more than 5,000 independent engineering companies throughout the United States engaged in the development of America's infrastructure. ACEC member firms represent the broad spectrum of the industry, from very large firms to small, family-owned businesses.

We think it is wise public policy to delay for one year potentially premature EPA regulatory actions under the Clean Air Act before the Congress decides on its course of action. The breadth of the issues in a comprehensive climate change-energy bill requires thoughtful debate with ample time to negotiate differences between senators from all regions of the country, which has just begun in the Senate and should not be hindered by concerns that EPA could be developing a regulatory program for stationary sources that may be entirely inappropriate for GHG emissions. Even the EPA Administrator has indicated that she would prefer that the Congress work its will on a climate change bill rather than ceding authority to EPA.

It is also important to note that your amendment does not permanently take away any authority from EPA, but simply asks for a one-year delay in stationary source regulations. Given that the House-passed climate change bill makes it clear that stationary sources are subject only to the provisions of the legislation and not to Clean Air Act regulations, your amendment is eminently reasonable as the debate continues.

At the same time, we are hopeful that the amendment can be carefully tailored to limit EPA's GHG regulatory authority under the Clean Air Act to only mobile sources. We thank you for the opportunity to express our views. If you have any questions or would like to discuss our comments, please feel free to contact me or our environment and energy director, Diane S. Shea.

Sincerely,

DAVID A. RAYMOND,
President and CEO.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, September 23, 2009.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector and region, strongly supports an amendment expected to be offered by Sen. Murkowski and strongly opposes an amendment expected to be offered by Sen. Feinstein to the FY2010 Interior, Environment and Related Agencies Appropriations Act, both related to greenhouse gas emissions. The Murkowski amendment would ensure that should the U.S. Environmental Protection Agency seek to regulate greenhouse gases under the Clean Air Act absent specific authorization from Congress, that EPA limit such regulation to mobile sources. This was the issue decided by the U.S. Supreme Court in Massachusetts v. EPA. The Feinstein amendment would seek to ''tailor'' a small subset of EPA regulations, but in a manner far less comprehensive than the Murkowski amendment.

The House has approved climate change legislation, and the Senate may take up the matter this Congress. It would be inappropriate for EPA to usurp ongoing congressional action on a major policy decision and regulate the very same sources (and the very same emissions) that would be covered by greenhouse gas legislation. Yet that is precisely what would happen if EPA were allowed to proceed.

Since the Massachusetts v. EPA decision, EPA has issued regulations implementing a federal greenhouse gas registry, has proposed ''endangerment'' for the motor vehicle sector, and has proposed a rule to regulate motor vehicle greenhouse gas emissions.

EPA is also likely to issue and enforce as early as spring 2010 a suite of regulations applying to stationary sources, New Source Performance Standards for equipment, Prevention of Significant Deterioration construction permits, and Title V operating permits.

EPA asserts it can use the Clean Air Act to ''tailor'' its rules to large industrial sources, despite the Act's clear language. The Chamber disagrees, believing only Congress can determine the scope of the Clean Air Act. As raised repeatedly in correspondence from the Chamber, EPA could cripple the economy if it opens greenhouse gas regulation beyond mobile sources. EPA should remain within the bounds of the Massachusetts v. EPA decision, which dealt with mobile, not stationary, sources.

The Murkowski amendment would allow EPA to move forward with its greenhouse gas registry and to take public comment on its motor vehicle rule, but it would hold in abeyance EPA's efforts to regulate stationary sources while Congress considers greenhouse gas legislation and the Obama administration negotiates an international accord. If enacted, the Murkowski amendment would allow Congress to consider meaningful and pragmatic greenhouse gas legislation free from any EPA-imposed threat of a regulatory cascade.

The Chamber opposes the Feinstein amendment, which would only exempt farms and other small stationary sources from Clean Air Act Title V regulation. While the Chamber has long argued that the Clean Air Act is a poor tool to address greenhouse gas emissions because it would trigger regulation of smaller sources, like farms, hospitals and small businesses, it would be unwise policy for Congress to react to an attempt by EPA to assert jurisdiction over greenhouse gas emissions from stationary sources with piecemeal, temporary, and wholly incomplete fixes.

The Chamber reiterates its call for Congress to approve bipartisan, comprehensive greenhouse gas legislation in a manner that adequately addresses environmental, energy security, economic, and international aspects of the issue. The Murkowski amendment would facilitate a bipartisan, sensible framework for greenhouse gas legislation and ensure that EPA does not exceed the Court's Massachusetts v. EPA decision.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

Ms. MURKOWSKI. To its credit, the EPA realized that regulations at the 250-ton level are simply not feasible. So to try and resolve this issue, the Agency is apparently considering what they are calling a tailoring proposal. This would lift the Clean Air Act's regulatory threshold to 25,000 tons. That is a hundredfold increase.

I shared the Agency's concern about a 250-ton carbon dioxide limit, but this 250-ton proposal moving up to a 25,000-ton proposal, this tailoring issue, is simply not going to hold. It has no legal basis. I think we expect it would be swiftly rejected by the courts. The EPA cannot constitutionally legislate a major change in the Clean Air Act. Ultimately, once this has all played out, the Agency's carbon dioxide regulations would remain in effect, but the threshold would be triggered at a level 100 times lower than the Agency had planned.

That brings us to the tremendous consequences we can expect as a result. There is widespread agreement that the regulation of carbon dioxide emissions under the Clean Air Act would be absolutely unworkable and, at the same time, economically devastating. In the words of a long-term Democrat over in the House, it will create a ''glorious mess.'' Another observed it could result in ''one of the largest and most bureaucratic nightmares that the U.S. economy and Americans have ever seen.''

Just this week, the editors of the Washington Post argued that the Clean Air Act is ''breathtakingly unsuited to the great task of battling global warming.'' The Wall Street Journal's editors cast it as ''reckless endangerment.'' They went on to assert that the regulation would be like putting ''a gun to the head of Congress'' to ''play cap and trade roulette with the U.S. economy.''

That may sound over the top, but even some members of the environmental community have agreed with the metaphor, as one clean air advocate affirmed this by saying this regulation is ''the legal equivalent of a .44 magnum.''

This regulation is a train that could wreck our fragile economy. It is our own creation, and it is barreling toward us at full speed. I recently saw an ironic motivational poster that said: ''Government—if you think the problems we create are bad, wait until you see our solutions.'' It is fair to say that this issue, the regulation of carbon dioxide under the Clean Air Act, is one of the many examples of why that poster was created and, sadly, it occasionally rings true.

Today, however, the Senate can choose another course for the debate over energy and climate policy. The Clean Air Act is one of our worst options to regulate carbon dioxide emissions, but it is not our only option for that cause.

Those of us in Congress can and should step up and pass workable, intellectually honest climate legislation—whether it is a system of cap and trade, a carbon tax, or something else that removes the Clean Air Act from the equation. Nearly every participant in this debate, from elected officials to businesses and the environmental community, has stated their preference for legislation over regulation.

That is where my amendment comes in. For exactly 1 year, it would limit the EPA's ability to regulate carbon dioxide emissions to just the mobile

sources that were the subject of the 2007 Massachusetts v. EPA lawsuit. This is nothing more than a temporary timeout that will give us the breathing room in an already heated debate. It will give us the time we need to develop a sensible, effective policy that achieves the same result at a much lower cost.

Anyone who takes the time to read my amendment will see I have gone to great lengths here to ensure it does not lead to any unintended or adverse consequences. It has been drafted and redrafted to limit one action by the EPA for 1 year, and nothing else. I have been responsive to bipartisan requests, even from Members who I knew would not be able to support this amendment, because I am committed to avoiding any overreach.

So the result we have is an amendment that will not interfere or conflict with any other regulation or action that EPA is obliged to complete. That goes for the preparatory work for the regulation of carbon dioxide emissions. It holds true for the rule to expand the renewable fuel standard, for construction permits, and for regulations to foster the development of clean coal technologies.

My amendment will not in any way impact EPA's authority relating to the reporting of greenhouse gas emissions, its ability to develop a voluntary carbon offset program, to issue permits for energy infrastructure on or near Federal land, permit carbon sequestration projects, or to move forward with very important work of both exploring for and producing the vast reserves of domestic energy on our Outer Continental Shelf.

All of these concerns have been raised over the past several days, before this amendment was even introduced. All of these concerns are explicitly addressed within it. Some of our Nation's leading Clean Air Act attorneys—among the best and brightest legal minds—have assisted us in its preparation. They agree it will do exactly as it says, and that leaves very little ground for the claims that have been made against it.

Given how devastating the EPA's regulation of carbon dioxide emissions could be, many casual viewers are probably left wondering why, exactly, my amendment has drawn such fierce opposition. Well, again, let me be clear. As much as anything else, the regulation of carbon dioxide under the Clean Air Act is being used as a thinly veiled threat to force the Senate to act on climate legislation, regardless of where we are in what remains an ongoing and incredibly important debate.

The possibility that our worst option to reduce emissions will move forward, despite its consequences, is supposed to somehow compel us to move faster. We are expected to push through a climate bill, perhaps regardless of its content, in order to stave off this regulation. If the House debate is any indication of how our own will proceed, we will be asked to rush to judgment, cut off debate on one of the greatest challenges of our time, and to pass a bill—any bill—that purports to reduce emissions.

In my mind, this situation has created a false dilemma, a proverbial Morton's Fork on Capitol Hill—meaning between a rock and a hard place. Right now, those of us in the Senate are clearly left with two bad choices—the EPA's endangerment regulation or the House's energy and climate bill—neither of which will end well for the American people. Making matters worse, we are told there isn't enough time to consider our options and develop a more viable path forward.

By voting ''yes'' on my amendment, we could easily change this unfortunate dynamic. But we will not halt or hinder progress on climate legislation, as some have suggested. Not one of the climate bills that has been introduced so far would take effect until 2012—2 full years after the limitation imposed by my amendment would expire.

If my amendment were to be accepted, the EPA will continue its work to regulate emissions from mobile sources. The agency and its employees will go about their business exactly as normal. They can even continue developing regulations for carbon dioxide emissions from stationary sources. For the next year, they simply cannot put those regulations into effect. One year after this bill is signed into law, that limitation would expire, and the EPA would have every authority to proceed if Congress has still not acted.

For those who have expressed concern that my amendment would become a long-term fixture in appropriations legislation, be assured that I will work with you to ensure that the climate debate not only proceeds but reaches a conclusion in the form of a responsible bill that a majority of us can support. As an elected representative of the State that has been hit hardest by climate change, I will work in good faith with all who want to address climate change in an effective way, while protecting our fragile economy from further harm.

To those who have claimed I am trying to put the brakes on climate legislation, I simply remind you of my longstanding support for renewable, nuclear, and alternative energies as part of the solution. There is a right way and there is a wrong way to moving forward in addressing climate change. EPA regulation of greenhouse gas emissions is simply the wrong way. We must reduce emissions, but it is unacceptable to do so at any cost and by any means. While Congress has not yet developed a workable bill, I will continue to work as hard as I can to make sure that, in fact, we do.

Unlike many Members of the Senate, I have also cosponsored cap-and-trade legislation. I cosponsored the Low Carbon Economy Act that was offered last Congress by Senator BINGAMAN and Senator SPECTER. This year, recognizing that our work is far from finished, Senator BINGAMAN and I worked together, very cooperatively and collaboratively, on another comprehensive measure—the American Clean Energy Leadership Act. We reported that bill from the Energy Committee more than 3 months ago. It would significantly reduce greenhouse gas emissions, without causing economic harm, and yet it is still waiting to be heard on the Senate floor.

The 23 members of the Energy Committee produced a bipartisan energy bill in the first 6 months of Congress. I have every reason to believe that the full Senate can, over a time period twice as long, develop an effective climate policy that will further reduce greenhouse emissions, without disrupting our economy. But that will require us to base our decisions more than on vote counts and special requests. It will require us to set aside politics and focus on substance. It will force us to cross the aisle instead of closing ranks, and it will mean acting on behalf of the American people, in their best interests, rather than our own or our party's.

With regard to my amendment, the majority has again objected to calling it up. They have done everything they can to prevent a vote from occurring on the amendment, culminating in the objection that we not even have debate on the matter today. I want my colleagues to know, however, that this issue will not go away. Neither will my commitment to seeing it addressed head-on in a responsible and, if at all possible, bipartisan way.

I ask unanimous consent that Senators BARRASSO, JOHANNS, and CHAMBLISS be added as cosponsors to my amendment.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. JOHANNS) Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I know Senator BOXER, the chairman of the Environment and Public Works Committee, has an hour reserved to come and speak.

First, I will respond to the comments of the distinguished Senator from Alaska. I hope she will understand there are many of us who have viewed her amendment with substantial alarm, for reasons that I thought I might spend a few moments speaking about.

Essentially, as I understood the amendment, which was blocked from coming to the floor, it attempted to prohibit the EPA from using any funds to enforce the Clean Air Act to reduce greenhouse gas emissions from stationary sources.

The proponents have argued that their only goal was to protect small family-owned farms and businesses from overly burdensome regulations. Yet the amendment would have gone much further. In fact, it would actually exempt some of the Nation's largest commercial emitters from climate

change regulation, including huge industrial facilities, such as powerplants and refineries.

I am very pleased that this amendment is not before us today. The underlying rationale, as I understand it from the amendment, is groundless. EPA Administrator Lisa Jackson has made it clear that the agency will not use the Clean Air Act to regulate either small businesses or family-owned farms. I was prepared, should the amendment have come up, to put down a side-by-side amendment that would have clearly exempted any farm, as well as any business, that emits under 25,000 tons of carbon dioxide per year.

Let me point this out. Stationary industrial sources account for over half of the U.S. greenhouse gas emissions, according to EPA. These are the leading cause of climate change, and they must be reduced if we have any hope of containing the worst impact of climate change. The amendment would have hampered the administration's effort to tackle one of the biggest pieces of the emissions puzzle: large industrial facilities. It would have been a major setback.

Thirdly, the amendment would effectively overturn the Supreme Court's landmark decision in Massachusetts v. EPA. In that decision, the Court found that the Clean Air Act requires the EPA to determine whether the emissions of greenhouse gases may be reasonably anticipated to endanger public health or welfare and then comply with the Clean Air Act requirements designed to protect public health from dangerous pollution.

Upon completion of an endangerment finding, the Clean Air Act requires EPA to control greenhouse gases from both stationary and mobile sources.

Many argue—and I happen to agree—that regulating the largest greenhouse gas emitters through new legislation, establishing a cap-and-trade system, would be more efficient and less expensive than regulating these sources under the existing Clean Air Act.

But until Congress enacts climate change legislation, EPA has a legal obligation to follow the Clean Air Act. So if one does not want EPA to take action under the Clean Air Act, then this body should want to pass a cap-and-trade bill.

The chairman of the EPW Committee, Senator BOXER, has been working very hard to put together a bill which has an opportunity to pass this Senate.

The point is, if we do not want the Clean Air Act to prevail, then the cap-and-trade bill is the only way to go. That is a clear incentive for the Senate and the House to pass a bill.

EPA has released a draft endangerment finding which it is going to soon finalize. Yet the amendment would have blocked EPA from completing the endangerment finding and from complying with its legal obligations to protect public health. The repercussions would have been major. It means EPA would not be able to complete a joint rulemaking with the Department of Transportation to increase corporate average fuel economy, which we call CAFÉ, and create a tailpipe emissions standard for automobiles.

That would have been a major problem. It would block implementation of the 2007 fuel economy law which I authored with Senator SNOWE and which took us a long time to get passed and enacted.

By undermining the negotiated agreement between States and the Obama administration, the Murkowski amendment would also have likely resulted in States moving forward with their own tailpipe emissions standards which automakers have fought for years as too onerous. This would have stopped California and 14 other States and the District of Columbia from moving forward with implementing tailpipe emissions standards.

This amendment is vigorously opposed by the Alliance of Automobile Manufacturers, which includes General Motors, Ford, and Chrysler, the Association of International Automobile Manufacturers, and the United Auto Workers. To that end, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter from the Auto Alliance and the Association of International Automobile Manufacturers.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, finally, the amendment would send the wrong signal to the rest of the world about the Senate's intentions on climate change. It would suggest that we want to ignore the clear imperative to act, despite the efforts of the administration to motivate the international community in advance of the Copenhagen summit.

There is some concern also about small emitters. EPA is not planning to regulate small emitters. EPA Administrator Lisa Jackson has clearly stated on several occasions that the agency will not regulate small emitters. She said it in her confirmation hearings, she said it again at Senate budget hearings, and she reiterated that comment when she appeared before the Senate Interior Appropriations Subcommittee hearing on EPA's fiscal year 2010 budget just a few months ago.

In fact, Administrator Jackson has sent a draft deregulatory rule to the Office of Management and Budget for review which would establish clearly that all but the very largest sources of greenhouse gas will be preemptively exempted from the stationary source permitting requirements in the Clean Air Act.

She has no intention of regulating small sources that emit under 25,000 tons of carbon dioxide or any small farm.

Mr. President, 25,000 metric tons is a very high threshold. According to EPA, it is equivalent to the emissions from burning 131 trainloads of coal per year—these would be exempted—or burning 2.8 million gallons of gasoline annually.

The 25,000-ton threshold would exempt every small source, focusing only on 13,000 of the largest emitters in the United States.

Let me say that again. The 25,000-ton threshold which EPA intends to proceed with, and which my side-by-side amendment would have had as one of the two criteria, would exempt every small source, focusing only on the 13,000 largest emitters in the United States.

EPA intends to only regulate the largest facilities, and these facilities are, almost without exception, already regulated under the Clean Air Act for emissions of other pollutants such as soot, smog-forming nitrous oxides, or acid-rain-inducing sulfur dioxide.

Let me now explain why the Murkowski Amendment would impact the joint EPA-Department of Transportation rulemaking on automobile greenhouse gas emissions.

This rulemaking is of critical importance, and the regulation implementing this law was negotiated by the White House in cooperation with automakers, the States, and labor.

But according to a letter I received from EPA Administrator Lisa Jackson last night, the impact of the Murkowski amendment ''would be to make it impossible for the EPA to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009.''

She writes:

> Because of the way the Clean Air Act is written, promulgation of the proposed light-duty vehicle rule will automatically make carbon dioxide a pollutant subject to regulation under the Clean Air Act for stationary sources, as well as for light-duty vehicles. The only way that EPA could comply with the prohibition in Senator MURKOWSKI's amendment would be to not promulgate the light-duty vehicle standards.

These standards are something Senator SNOWE and I have worked on for at least 7 years now, beginning with the SUV loophole and ending with the bill that became law, would be totally undermined. By undermining the negotiated agreement between States, the amendment would also likely result in States moving forward with their own tailpipe emissions standards.

As I indicated before, in 2002 California enacted a landmark law to reduce tailpipe emissions standards by 30 percent for all new sedans, trucks, and SUVs by 2016.

I also stated that 14 other States—namely, Arizona, Connecticut, Florida, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and the District of Columbia—have adopted or announced their intention to adopt California's greenhouse gas emissions controls.

The amendment would have been a major roadblock in efforts to improve fuel economy standards for vehicles.

I don't think we can bury our head in the sand when it comes to climate change.

I would like to conclude by reminding my colleagues that it makes no sense at this particular point in time to put on the floor a major amendment which well could have devastated both the EPA and any effort to get to cap-and-trade legislation when, in fact, the EPW Committee is struggling to write a comprehensive bill which has an opportunity to pass this body.

Again I say, if people do not want the Clean Air Act prevailing, then the only way you can do that is with a cap-and-trade bill. That is the way the committee of this body is proceeding. I believe it is the correct way.

I believe our Nation is in serious jeopardy, as is the rest of planet Earth, with global warming. I believe it is real. Just this week, the Journal Nature published a new paper that found rapid deterioration of the ice sheets on Greenland and Antarctica. Yesterday on this floor, I showed the deterioration in the Arctic. I showed the deterioration in Greenland. I showed the deterioration in the Chukchi Sea. I showed the deterioration off Barrow, AK. It is happening all over the world.

The Flat Earth Society cannot prevail. I think there is a real danger signal out there for planet Earth. We know we cannot reverse it. We know that greenhouse gases do not dissipate and go away after a period of time in the atmosphere. We now know these gases that began during the Industrial Revolution are still present in the atmosphere, and we know that the Earth is not immutable, that it can change. We look at other planets and we see that they have changed over the millennia. What we do here to protect our planet Earth for the next generations is so key and critical.

This discussion has to be joined in an appropriate way, and an appropriate way is when a cap-and-trade bill is produced by the Environment and Public Works Committee and the chairman of that committee is on this floor and the bill is open for amendments and there is a free flow of debate and discussion.

I believe the science is real. I pointed out yesterday we have a project in intelligence whereby the satellites are tracking deterioration in the ice shelves of the world. I hope to present more of that information when there is a bill on the Senate floor.

I ask unanimous consent to have printed in the RECORD Administrator Lisa Jackson's letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, September 23, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter about Senator Lisa Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As you noted in your letter, Senator Murkowski's amendment would prohibit the Environmental Protection Agency from using any funds made available under the Act to take any action that would have the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

You asked me what the practical impact would be if Congress enacted Senator Murkowski's amendment. Perhaps the most striking impact would be to make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009. Because of the way the Clean Air Act is written, promulgation of the proposed light-duty vehicle rule will automatically make carbon dioxide a pollutant subject to regulation under the Clean Air Act for stationary sources, as well as for light-duty vehicles. The only way that EPA could comply with the prohibition in Senator Murkowski's amendment would be to not promulgate the light-duty vehicle standards.

As you know, promulgation of EPA's light-duty vehicle greenhouse-gas emissions standards is an essential part of the historic agreement that President Obama announced earlier this year with the nation's auto-makers, the State of California, the Department of Transportation, and EPA. That agreement attracted broad, bi-partisan support. The joint DOT–EPA standards are projected to save 1.8 billion barrels of oil over the life of the program, which is twice the amount of oil (crude oil and products) imported in 2008 from the Persian Gulf countries, according to the Department of Energy's Energy Information Administration Office. Additionally, the standards are projected to help save consumers more than $3,000 over the lifetime of a model year 2016 vehicle and reduce approximately 900 million metric tons of greenhouse gas emissions. Enactment of Senator Murkowski's amendment would pull the plug on those extraordinary accomplishments.

Sincerely,

LISA P. JACKSON,
Administrator.

EXHIBIT 1

SEPTEMBER 24, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing regarding Senator Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As manufacturers, we are sympathetic to the thrust of Senator Murkowski's amendment that the Congress—and not simply EPA acting under the provisions of the current Clean Air Act—should determine how best to reduce U.S. greenhouse gas emissions economy-wide.

However, the amendment raises additional issues that must be considered where complicated and interconnected environmental and legal issues are at stake. We are concerned that due to the complex interactions among regulations under the various sections of the Clean Air Act, the amendment may impact significantly pending regulations in the mobile source sector—despite language in the amendment that would appear to leave the sector unaffected. In a letter to Senator Feinstein dated September 23, Administrator Jackson stated EPA's interpretation that the Murkowski amendment as filed would "make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009."

While the author of the amendment appears not to intend this outcome, we feel compelled to express our concerns. It is critical that the national program for regulating greenhouse gas emissions from autos be finalized early next year. Failure to do so would subject automakers to a patchwork of conflicting state and federal regulations.

Therefore, we respectfully oppose the adoption of the Murkowski amendment as written to H.R. 2996.

Sincerely,

DAVE MCCURDY,
President & CEO, Alliance of Automobile Manufacturers.

MICHAEL STANTON,
President & CEO, Association of International Automobile Manufacturers.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, under the unanimous consent agreement, I apparently had 30 minutes. Can the Chair tell me if I have time remaining?

The PRESIDING OFFICER. The Senator from Alaska has 11 minutes remaining.

Ms. MURKOWSKI. Mr. President, I know the Senator from Oklahoma had wanted to make a couple comments, but I would like to take a couple extra minutes before I turn to him in response to my friend and colleague from California.

In many ways, she has made my point or supported the argument. I would agree that, in fact, in order to deal with this very timely issue, this very significant issue, we must act. I just do not believe that utilizing the regulation, moving a climate change regulation through the EPA, is the best instrument, the most effective instrument.

The people I represent back home are very concerned about this, as I have indicated, and are expecting their Congress to act. But they do not feel very comfortable with unelected bureaucrats in the Environmental Protection Agency telling them that, in fact, this is the road we are going to be going down, with no real appreciation or sensitivity to the environmental factors that we in this body assess as we are trying to advance policy. We need to be driving forward good, thoughtful, considered, reasonable policy on the issue of climate change.

I am not disagreeing we stop on this issue. I am simply suggesting we need to make sure it is Congress, it is through the legislative process that we advance these very important policy initiatives.

I do want to also make a comment about the concern that somehow or another my legislation would pull back on what the EPA is currently doing with mobile sources, the emissions from tailpipes. I don't think we could have drafted the amendment any more clear to ensure that it is specific as to the stationary sources.

Again, I urge my colleagues to make sure they are looking at the draft of

the amendment we have proposed and not some previous initiatives.

One final point before I turn to Senator INHOFE. The point has been made by my colleague from California that the Administrator for EPA has said it is not her intention to be regulating the small emitters—the farms, the small businesses. She has made those statements, and I appreciate that, but the problem we face is the Clean Air Act, which doesn't give her that flexibility to change the Clean Air Act. She is obligated to regulate those entities that emit in excess of 250 tons. These are our smaller emitters. So even though she may have suggested or stated this is not her intention to go down that road—she can perhaps move forward with this tailoring proposal, but as I stand before you, I can almost bet that will be challenged in court and it will not pass the test and we will be stuck with what we are all attempting to avoid, which is capturing the smaller businesses—the restaurants, the drycleaners, et cetera—into this net as we try to provide for the regulation of the major emitters.

I am sure we will have plenty of opportunity on this floor to continue this debate, but at this time, Mr. President, I yield the remainder of my time to my colleague from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I only want to be here to thank the Senator from Alaska and Senator THUNE for trying to bring to our attention the issue of the endangerment findings. I have been discussing the incoming economic train wreck that can result from these regulations since the case of Massachusetts v. EPA was decided back in 2007. The EPA's regulatory reach could go everywhere. It could go into schools, hospitals, assisted-living facilities, and just about any activity that meets the minimum thresholds of the Clean Air Act.

Despite the attempts to draft an exemption for small businesses by the senior Senator from California, this effort would be hollow at best. Upon issuance of mobile source regulations the EPA has proposed in its light-duty vehicle greenhouse gas emission standards, the farmers and small sources still retain the obligation under the Clean Air Act, and this obligation is enforceable through citizen suits which we have confirmed through environmental groups will follow. So we know that is going to happen.

I would have to say, as the ranking member on the Environment and Public Works Committee, the more we get into this, the more complications we find. In the process of coming up with some type of an endangerment finding, we find that the information science has been suppressed. We know of the case of Dr. Alan Carlin, who claims his assessment of the latest science on global warming wasn't considered in the endangerment proposal. So we have the endangerment proposal. And some people are not aware of how this process works; that ultimately, if the findings are there, that is when they reach into every life in America. However, this Dr. Carlin has been with the EPA for a long period of time, and he was upset that his information was intentionally suppressed.

Then we find out that information concerning the economics, such as we found through the U.S. Treasury's assessment when they were trying to say, during the consideration of, perhaps this modified bill that it would be the cost of a postage stamp a day, that in fact it would have been some $1,761 per family every year—we tried to relate that back to what kind of a tax increase this is. If you remember back in the year 1993, we had the Clinton-Gore tax increase—the largest tax increase in decades. It was the inheritance tax, marginal rates, capital gains, and every kind of tax imaginable. If you add all that up, that was a $32 billion tax increase. This would be almost 10 times that much.

So I think, as we progress along the lines of the endangerment finding, we know how it will be life changing for every element of our society. So I appreciate the efforts of both Senator MURKOWSKI and Senator THUNE to bring this issue of endangerment findings to the forefront. I am not sure it is the best idea to try to get a 1-year moratorium because in a way that might suppress some of the activity that is going on to expose how bad this is to the public.

Having said that, I appreciate being yielded a small amount of time, and I yield the floor.

AMENDMENT NO. 2549

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I stand to briefly discuss my amendment, No. 2549, which is about the so-called czar issue that has a number of Members on both sides of the aisle very concerned.

As I introduce this amendment, Mr. President, let me ask unanimous consent to add Senators GRASSLEY, BUNNING, ROBERTS, and BROWNBACK as coauthors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, at this point, I call up amendment No. 2549.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. GRASSLEY, Mr. BUNNING, Mr. ROBERTS, and Mr. BROWNBACK, proposes an amendment numbered 2549.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be disposed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that the Assistant to the President for Energy and Climate Change (commonly known as the ''White House Climate Change Czar'') is not directing actions of departments and agencies funded by this Act)

At the appropriate place, insert the following:

FUNDING LIMITATION

SEC. ____. None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and lead by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the ''White House Climate Change Czar'').

Mr. VITTER. Mr. President, I did just waive reading of the amendment, but I am going to read it. It is very short and very to the point, and I think simply reading the language is the best way to introduce the concept.

The language is very clear:

None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and led by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the ''White House Climate Change Czar'').

That is the entire amendment, and the amendment is, again, very simple and straightforward. The point it is making is that we have Cabinet-level appointees. They come before the Senate for vetting and they come before the Senate for confirmation. After they are confirmed, they come before the House and Senate on a regular basis as part of our oversight responsibilities. This constitutional structure should not be superceded by these so-called czars which have grown enormously under this administration.

In making this argument, let me say that this argument has nothing to do with Carol Browner and her qualifications. It is not an attack on her. It is an attack, quite frankly, on the concept of these multitude of czars and the fact that they are an end run around the constitutional process by which top Cabinet and other officials of any administration are confirmed by the Senate and regularly come before the House and Senate as part of our oversight process.

We all know this particular administration has developed an unprecedented number of these so-called czars. We have seen a dramatic increase in this phenomenon. Politico wrote that President Obama ''is taking the notion of a powerful White House staff to new heights'' and that he is creating ''perhaps the most powerful staff in modern history.'' Specifically, the President has created 18 new czar positions, and I want to focus on those 18 positions.

This czar concept is obviously very general and somewhat undefined. What I am talking about are those 18 positions because none of those positions are established by statute. Congress has not authorized or established any of those positions, No. 1; No. 2, none of those individuals have come before the

Senate for confirmation; and No. 3, none of those positions preexisted this administration. As I said a while ago, this has raised concerns among a number of Senators and certainly among the American people.

As I began my remarks, I added as coauthors of this amendment Senators GRASSLEY, BUNNING, ROBERTS, and BROWNBACK. In addition, the distinguished Senator from Maine, Ms. COLLINS, who chairs the relevant authorization committee, has expressed grave concern about this same phenomenon and, in fact, has another amendment about this very issue. Unfortunately, that amendment is going to be struck down as legislating on an appropriations bill. But she has expressed concern. She spearheaded a letter signed by herself and Senator ALEXANDER and others which she sent to the President.

In addition, and this is very important, this has been a bipartisan concern. Going back to February of this year, the distinguished Senator from West Virginia, Mr. BYRD, wrote the administration expressing strong and grave concern about the constitutional implications of all of these czars. Again, the 18 I am talking about are not created by statute, have not been confirmed by the Senate, and never existed prior to this administration. Also, within the last 2 weeks, Senator FEINGOLD, in addition, has expressed strong and serious concern about exactly the same issue and has written to the administration.

The purpose of my amendment is to say quite simply that when we have an agency, when we have a department that is led by a Senate-confirmed appointee, we shouldn't have a so-called White House czar ordering that appointee or ordering that agency or that department to do things, particularly when that White House czar is not an office created by law through Congress, is not a Senate-confirmed position, and did not exist in any form or fashion prior to this administration.

In terms of my specific amendment, I have chosen to focus on the Assistant to the President for Energy and Climate Change, commonly known as the White House climate change czar, for one simple reason: First, she is among this 18 never created by statute, never confirmed by the Senate, never existing prior to this administration, and she is clearly in a very powerful position—apparently giving orders to Senate-confirmed appointees such as the head of EPA. Of course, the EPA is governed by this appropriations bill now on the floor, so that is why I chose to focus on this particular czar position.

Clearly, this particular czar meets all of those criteria which give rise to my concerns. The President himself, when he appointed this czar, said, ''She will be indispensable in implementing an ambitious and complex energy policy.''

In addition, there have been several media reports about her dominant stature and dominant role in these sorts of considerations. The Wall Street Journal, for instance, on September 11 of this year, reported:

> Ms. Browner helped broker a fuel-standards deal between the administration and automakers earlier this year and has been a conspicuous presence in climate negotiations with Congress. Energy Secretary Steven Chu, meanwhile, has been largely tied up administering billions of dollars in stimulus projects. Ms. Browner, through a spokesman, declined to comment.

Also, Mary Nichols, the head of the California Air Resources Board, and Carol Browner were key in crafting a plan to impose the first-ever national carbon limits on cars and trucks.

On May 20, the New York Times reported the following:

> In an interview yesterday, Nichols said Browner quietly orchestrated private discussions from the White House with auto industry officials.

The obvious question this gives rise to is, What about the head of the Senate-confirmed Energy Department? What about the head of the EPA, Senate confirmed? Those folks seem to be shoved to the side, and this new super agency head, a super Cabinet Member seems to be playing a far more dominant role in key issues that are clearly under the purview of the Energy Department and the EPA. Again, this gives rise to serious constitutional concerns. A number of Senators, Republicans and Democrats, have expressed these concerns—Senator COLLINS, Senator BYRD, Senator FEINSTEIN, Senator ALEXANDER. So this is a germane limitation amendment that goes absolutely to the heart of the matter: Should these czars, positions never created by Congress or by statute, never confirmed by the Senate, never existing prior to this administration—should these czars have a role that is more significant than Senate-confirmed Cabinet Secretaries or agency heads?

Again, I have very carefully crafted an amendment to go specifically to this point. Let me read it word for word. It is not long.

> None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and led by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the ''White House Climate Change Czar'').

It does not say you cannot implement policies of the President of the United States. Obviously, the President is elected by the people and the President obviously ranks higher than the head of EPA or anyone else. But it does say the head of EPA, a Senate-confirmed position, should not be ranked below some so-called czar, a position never before created by Congress, never confirmed by the Senate, never existing prior to this administration.

I encourage all my colleagues to stand up for the rights and the proper constitutional role of the Senate. We play a vital role, particularly with regard to Presidential appointments because only the Senate has advice and consent powers. I urge my colleagues to stand up for that constitutional role, to preserve that vital constitutional role, and not to allow so-called White House czars to be an end-run around it and to minimize that role in a significant way.

This is a significant constitutional issue, it is a significant bipartisan issue, and I urge support of my amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to oppose the amendment offered by the Senator from Louisiana. Over the past several weeks we have seen issues raised with increasing frequency and volume around the use of the word ''czar'' by the Obama administration.

I do believe it is unfair to suggest that the White House has a climate czar directing EPA's actions behind the scenes. I do not believe that is true. Effectively, the title ''czar,'' as we all know, does not exist. The current Assistant to the President for Energy and Climate is there to serve as an adviser to the President and to Administrator Jackson on energy and environmental issues. She also coordinates the work of multiple Cabinet level agencies on one of President Obama's key policy priorities—clean energy and jobs that are essential for long-term economic growth.

In a way, this is becoming quite political because it is not unusual for a President to have high-level staff members in the White House who help to coordinate policy issues that touch a number of Federal agencies. We have heard a lot about it. What we do not hear is that President Bush had 47 such advisers for other issues. We Democrats did not make a huge issue about it. So I have a hard time understanding, with all of the concern over climate change and the rapidity with which it is moving, that a Special Assistant to the President who was head of the EPA during the Clinton administration is somebody who is spurious. She is steeped in this. She can give the President good advice. He wants her to be an assistant. So I do not understand quite why she is being picked on.

I still believe the day-to-day work of protecting the environment is very much driven by Administrator Jackson and the EPA staff. I have met with the Administrator. I spoke with her on the phone this morning. I read into the RECORD a letter she wrote yesterday. She is very much hands-on. So I think all of the energy going into these attacks ought to be put into perspective, and that perspective is that the former President of the United States had 47 special assistants. We didn't make a big deal of it. So I do not understand why this one position is now taken and an amendment is there to eliminate it.

I urge a ''no'' vote on the Vitter amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I want to very briefly rebut some of the arguments of the distinguished Senator from California. First of all, in her last sentence she characterized the amendment as an amendment to eliminate the position. Of course it does not eliminate the position in any way.

She said earlier that Carol Browner does not tell EPA what to do. If that is the case, then this amendment will not have to change anything she does or how she operates and we should all come together to support the amendment to help allay concerns of the public. The amendment does not prohibit her from advising the President. The amendment does not prohibit her from coordinating multiagency meetings. The amendment is very clear, and it simply prohibits her from ordering around the EPA, which has its own Senate-confirmed head.

Again, I underscore the fact that this amendment is very carefully and narrowly written and does not prevent any of the legitimate advisory responsibilities that Senator FEINSTEIN has discussed.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Perhaps I can engage the Senator from Louisiana. Candidly, I do not understand the wording of the amendment. Let me read it. You have read it, and I appreciate that. It does not make sense to me. Here is how it reads.

None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act—

So none of the funds may be obligated for the purpose of departments or agencies funded by this act—

and lead—

It says ''lead'' but led, I think that is a misspelling—

by Senate-confirmed appointees, implementing policies of the Assistant to the President for Energy and Climate Change.

I don't know what that means on its face.

Mr. VITTER. I would be happy to explain through the Chair what it means. The agency I have in mind, which is funded by this act and led by a Senate-confirmed position, is EPA. So it simply means that EPA cannot use any of its funds to implement orders, policies, from Carol Browner—the White House czar's policies. If the President wants to direct them, obviously the President outranks the head of EPA. But a White House czar, in a position not created by Congress, not confirmed by the Senate, never existing prior to this administration, should not be giving orders to a Senate-confirmed Cabinet Member.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, Carol Brown's title is not czar, it is Assistant to the President. The President has chosen to appoint an assistant to assist him in evaluating, I assume, various issues pertaining to climate change. It is a complicated subject. She has experience. She has been in government. She has served as head of a department. But the actual policies come over the signature of the Administrator of the EPA.

What you are saying is, essentially, then, the President cannot have any special assistant for the purpose of coordination, asking questions, informing, helping produce—it does not make sense to me. I think on its face it is not clear.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, to wrap up, my amendment says none of that. My amendment does not prevent this climate change czar from informing and assisting the President. My amendment does not prevent her from convening multiagency and multidepartment meetings. My amendment doesn't say any of that and doesn't prevent any of that. It simply prevents her from ordering the EPA, headed by a Senate-confirmed appointee, to do certain things.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. If I may, I would like to respond to that. Let me give an example. The CIA is headed by a Senate-confirmed Director, Leon Panetta. He carries on policies from the National Security Council led by General Jones, a nonconfirmed official. Does the Senator from Louisiana believe that the National Security Adviser to the President should not have any role in intelligence and national security matters? What is sauce for the goose is sauce for the gander.

Mr. VITTER. Through the Chair, my answer is no, I don't believe that. My amendment has nothing to do with that, and, by the way, that position is created by statute.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. If I may, I know the Senator from Missouri is waiting to speak because he has an important meeting to go to. But if I could take 2 minutes, I think the Senator from Louisiana is making a point that concerns not just him but a number of us in the Senate on both sides of the aisle. Maybe the best way to suggest that is this way.

No. 1, the focus should be on the 18 new czars appointed by this President who were not confirmed, never have existed before, and the number of them.

No. 2, it was not the Republican side of the aisle that raised these concerns first. Perhaps this would best express the concern that many of us have. It was offered by Senator BYRD, senior Member of the Senate, the constitutional conscience of the Senate, who in a letter on February 23 said—this was a letter to President Obama—

The rapid easy accumulation of power by White House staff can threaten the constitutional system of checks and balances. At the worst, White House staff have taken direction and control of problematic areas that are the statutory responsibility of Senate-confirmed officials.

That would be exactly the point in terms of an environment or energy czar and energy or environment Secretary.

As Presidential assistants and advisers,

Senator BYRD goes on to say—

these White House staffers are not accountable for their actions to Congress, to cabinet officials, and to virtually anyone but the President. They rarely testify before Congressional committees—

Et cetera.

Then, Senator COLLINS, on behalf of six Senators, wrote the President a very respectful letter focusing on the 18 new czars who had been appointed by the President simply asking what their authorities and duties are, how they are appointed, whether they are willing to testify, whether they would consult with us. Senator FEINGOLD, the Democratic chairman on the constitution subcommittee, has expressed his concern and indicated he might hold hearings.

I think Senator VITTER is selecting a single example of this unusual number of new czars and raising the question of the constitutional checks and balances that is the same issue that Senator BYRD and Senator FEINGOLD and many of the rest of us raised.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, through the Chair, I thank my colleague from South Dakota, Senator THUNE, for allowing me to speak for a minute. We agreed to do that rather than to offer amendments that I intended to propose to this bill. I want to make sure everybody understands a concern that Senator THUNE, many others, and I have; that is, the U.S. Environmental Protection Agency's potential efforts to push through back-door carbon regulations which they cannot achieve legislatively on the Senate floor.

EPA, over the next several years, may attempt to impose trillions of dollars in new energy taxes that will kill millions of jobs. Of course they will say that is not their intent. They want to control climate. But that will be the impact of regulations they could issue over the next few years to control carbon emissions.

Experts have told us the House-passed Waxman-Markey legislation would kill 2.4 million American jobs and impose new energy taxes on the American people. Even President Obama has previously confirmed that under his plan for carbon emission mandates, electricity prices will ''necessarily skyrocket.''

''Necessarily skyrocket''. Those are the President's words. In the EPW Committee, I presented information from the Missouri University Food and Agricultural Policy Research Institute which determined that the Waxman-Markey legislation would raise farm production for an average family-run

commercial production farmer who grows corn and soybeans by about $11,000 in 2020 and rising to over $30,000 by 2050.

In this time of suffering, when so many people are out of work and so many family budgets are stretched thin, I cannot, in good conscience, stand by and remain quiet when there is a potential that such new energy taxes would be imposed on American families, farmers, and workers. It is no wonder the Senate is pausing before we jump off the cliff.

Senators, especially from manufacturing and the coal-dependent heartland where I am from, know how much this bill will punish the Midwest, South, and Great Plains. This spring, EPA began the process to start limiting carbon emissions through regulations, and they will do it through expensive plant-by-plant command-and-control regulations, not a cap-and-trade system.

Some say we could limit this problem by not regulating small emitters. But that is no different than Waxman-Markey, which already exempts small emitters. Thus, similar to Waxman-Markey's national energy tax, regulations that exempt small emitters would still impose a national energy tax and kill millions of jobs. Every family will be hit by higher electricity prices when they go after the large electricity-producing companies.

They will face more money for heating, more money for gasoline, more money for diesel fuel—if you are on the farm—more money for almost everything they buy that is produced with energy, which is just about everything that is not in the IT world, although there will be costs there too.

Businesses will face large increases in backdoor costs put on them by higher prices they must pay, even if they fall below the threshold. These costs, the backdoor impact of these costs, will be felt on families, on workers who can lose their jobs.

That is why I proposed two amendments to prevent EPA from imposing backdoor carbon regulations when they result in lost American jobs or raise costs unacceptably for farmers. I was gratified when the Senate earlier passed a version of my jobs amendment during the budget debate. But the leaders on the majority side stripped the job protection out of the bill, leaving workers vulnerable again.

They again, during this debate, will not allow us to protect workers from job-killing carbon proposals, but we will continue to educate the American people on how much they will suffer under proposed carbon legislation and regulation.

I have to add one last word about my friends and majority colleagues, Senators KERRY and BOXER. There continue to be reports that their bill will not include, in writing, before anybody votes on it, crucial sections on how they would distribute their program carbon allowances.

This, regrettably, would hide, not only from us but from the American people, the true costs of the energy tax they propose to impose.

If my Senator friends from Massachusetts and California believe truly in what they are doing, they should not hide the provisions from us. They should give us the time and the American people the time they need to determine the bill's impact.

With millions of jobs on the line and trillions of dollars in tax increases at stake, the American people deserve no less. I call on my colleagues to stand for the suffering people of America who are burdened already by energy costs and could pay much more. I call on people who may be affected to let their Members of Congress know how they feel.

Nobody is going to put out a mandate saying we cannot encourage them to speak. Nobody, no czar is going to come down and say: You cannot express your opinion. I have expressed mine. I have found a lot of people—almost everybody I talk to who raised the subject in my State of Missouri agrees.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from California.

Mrs. FEINSTEIN. I move to table the Vitter amendment No. 2549. I ask for the yeas and nays.

Mr. President, I withdraw that request.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I wish to speak in support of an amendment that was offered earlier today, actually it was filed, I think it was attempted to be called up by Senator MURKOWSKI. The Democratic majority objected to getting a vote on that amendment, which, I think, suggests they do not want to have a vote on that amendment. Frankly, I can see why.

From what I hear about the whole debate on climate change and cap-and-trade legislation that has passed in the House, it will not be voted on in the Senate this year. The reason it will not be voted on is because there are a lot of people in this Chamber who, I think, do not want to have that vote because they know it is a bad vote for them to make.

Fear not, EPA has come to the rescue of people who want to see a lot of this stuff accomplished but do not want to have to make a tough political vote on it. So what we are now faced with is the Environmental Protection Agency deciding they are going to regulate carbon emissions under the Clean Air Act and moving forward with the regulations to do that.

The Murkowski amendment would essentially prevent funds from being used to do that. It weighs in favor of having Congress deal with this very complex, very weighty, very consequential, and very costly issue to the American people.

This legislation, as we all know, would increase energy prices, cost us jobs, be unfair to entire regions of the country, mine included, enlarge an already bloated bureaucracy in Washington, DC, and put our Nation at a certain economic disadvantage.

I have been skeptical of that controversial legislation that has passed the House, the cap-and-trade bill over there, for some time, for the reasons I have mentioned.

Additionally, I think it is fair to say there would be very little environmental benefit derived from that legislation, were it enacted, without binding, enforceable commitments by China, by India, and other developing countries that are now significant sources of carbon emissions.

I find it disappointing that in the middle of this important debate the administration wants to use the back door—issuing regulations to cap carbon dioxide under the Clean Air Act because they cannot get a Waxman-Markey type climate bill through the front door.

Instead, the relevant committees of this body and the Senate as a whole should be able to consider whether now is the right time for a new massive energy tax disguised as an EPA regulation.

During the previous administration, the EPA had published an Advanced Notice of Proposed Rulemaking that showed just how impractical it would be to regulate carbon dioxide and other greenhouse gases under the Clean Air Act.

These onerous regulations covered homes, schools, churches, hospitals, small businesses and potentially even small farms with livestock.

Under the Clean Air Act, the primary mechanism for regulating carbon emissions would be a fee placed on each ton of covered pollutant emitted above a certain threshold.

This fee, if applied to carbon emissions, is nothing more than a tax on energy that would have severe consequences as our economy struggles to recover from a long recession.

While the Bush administration regulations never made it past an initial draft, the Obama EPA is moving quickly to finalize an endangerment finding and regulate carbon dioxide emissions.

In April 2009, the EPA issued a draft endangerment finding that linked emissions from motor vehicles to an endangerment of human health.

The comment period has closed on this draft endangerment finding, and when the EPA issues a final ruling it will trigger an array of regulations under the Clean Air Act.

These command and control regulations will have far reaching consequences for our economy at a time when we can least afford it.

According to media reports, EPA will eventually propose regulations for not just mobile sources, but stationary sources that emit over 25,000 tons of carbon dioxide.

The first round of regulations on stationary sources would cover approximately 13,000 facilities in the United States.

These include powerplants, large manufacturing facilities, refineries, fertilizer manufacturers, and a long list of other facilities that are critical to the health of our economy.

In South Dakota, these regulations would place a tax on powerplants, ethanol refineries, and even our largest public university.

And we need to remember that these companies will pass these new costs on to you and me. Now is an especially bad time to saddle the American people with what is in effect a gigantic new energy tax that would cause electricity, gasoline, and home heating costs to skyrocket.

Additionally, pending the outcome of the final endangerment finding, the EPA might be legally bound to regulate all sources that emit over 250 tons of carbon dioxide.

If this statutory threshold of the Clean Air Act is enforced, over 1 million carbon-emitting entities would be faced with a new tax, including commercial buildings, churches, homes, schools, restaurants, and manufacturing facilities both big and small.

Regulation of carbon dioxide is far too important for EPA and the administration to craft expensive, cumbersome, top-down regulations under the Clean Air Act.

Republicans in the Senate know this, Democrats in the Senate know this, the EPA knows this and the White House knows this.

Last year, Congressman JOHN DINGELL said that EPA greenhouse gas regulations would lead to ''a glorious mess.'' He continued by stating that ''As a matter of national policy, it seems . . . insane that we would be talking about leaving this kind of judgment, which everybody tells us has to be addressed with great immediacy, to a long and complex process of regulatory action.''

Congressman DINGELL said it best when he concluded that carbon regulation under EPA had ''the potential for shutting down or slowing down virtually all industry and all economic activity and growth.''

According to an OMB memo associated with EPA's endangerment finding, ''Making the decision to regulate CO_2 under the [Clean Air Act] for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities.''

Representative COLLIN PETERSON, chairman of the House Agriculture Committee, noted in a recent op-ed that EPA regulations of greenhouse gas emissions would result ''in one of the largest and most bureaucratic nightmares that the U.S. economy and Americans have ever seen.''

Senator MURKOWSKI and I have filed an amendment to the fiscal year 2010 Interior and Environment appropriations bill that would prohibit the EPA from moving forward with regulations on carbon dioxide emitted from stationary sources for 1 year.

This amendment is not intended to impact the recent announcement from EPA and the Department of Transportation regarding new tailpipe emission requirements for new cars and light trucks.

Additionally, this amendment is not intended to impact the regulation of other greenhouse gasses, such as hydrofloural carbons, which are also included in the proposed endangerment finding.

This amendment would simply delay the expensive, top-down regulation of carbon emissions from thousands if not 1 million stationary sources in the United States.

For those Senators who wish to regulate carbon emissions through a cap-and-trade system, I encourage you to support this amendment as well . You should be supporting this amendment.

This amendment is not about whether carbon dioxide emissions should be regulated or whether the Federal Government should take any action to reduce carbon emissions. Rather, this amendment is about the process of regulating carbon dioxide emissions.

Should regulations as far reaching and expensive as taxing carbon dioxide be determined by EPA bureaucrats behind closed doors? Or should carbon regulations be openly debated on the floor of the U.S. Senate?

The Murkowski amendment gives the Senate a clear choice.

Constituents, through their elected representatives, should have a voice in that debate. If carbon dioxide regulations moved through the EPA unchanged, the American people would be deprived of their opportunity to be heard on this very important subject. Meanwhile the cost of gasoline, food, and manufactured goods will skyrocket. I urge colleagues on both sides to acknowledge the extremely dangerous consequences of allowing the administration to unilaterally regulate carbon dioxide under the Clean Air Act. I understand the Murkowski amendment will not be allowed to be voted on. I believe the regulations that amendment addresses should be delayed until Congress has the opportunity to debate the consequences. I will continue to work with Senator MURKOWSKI and other colleagues, families, and small business, to make them aware of what the EPA intends to do by regulation.

In addition to speaking on the Murkowski amendment, as I have filed an amendment which is similar, I ask unanimous consent to call up my amendment and ask that it be made pending.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Let me briefly speak to the amendment because it simply addresses this subject in a slightly different way. It is clear the majority does not want to have a vote on either the Murkowski amendment or my amendment because they get at the fundamental issue which is whether we are going to have a debate in Congress about regulating CO_2 emissions or whether we will allow an administrative agency, the EPA, to do that for us. I understand my amendment, which has now been objected to, will not have a vote. We know where the votes are on this. But like the Murkowski amendment, what my amendment is designed to do is to shed daylight on harmful regulations that are taking shape behind the closed doors of the EPA. My amendment is designed to give our constituents a greater say in climate change regulations.

The amendment is also designed to force the EPA to consider the dramatic impact these new Clean Air Act regulations on carbon dioxide will have on electricity and gasoline prices. If these regulations move forward, I am concerned that many families, especially those who rely on coal-generated electricity, will see skyrocketing electricity bills. I am also concerned for families and truckdrivers who could see gasoline and diesel prices go up. EPA regulation of CO_2 would amount to a tax on millions of working-class families.

During debate on the climate change bill, proponents of cap and trade claimed that lower income families will be made whole by giving local distribution companies free allowances to meet the new carbon regulations. Aside from whether this mechanism would actually limit the impact on working families, it is clear such a safeguard is simply not possible under the Clean Air Act. Carbon regulations under the Clean Air Act would effectively be a huge new tax on electricity and gasoline prices paid by families and small businesses.

Additionally, new taxes under the Clean Air Act would apply to oil and ethanol refineries. In South Dakota, we produce approximately a billion gallons annually of ethanol. If the EPA moves forward with carbon caps under the Clean Air Act, 12 ethanol plants in South Dakota will be subject to this new tax. Additionally, we have a large soybean processing facility hoping to soon produce biodiesel that would also be covered. Not only will these costs be passed on to consumers in the form of higher prices at the pump, but the new regulations will be a major setback to renewable fuel production. In the end, the energy security benefits of domestic renewable fuel production will be negatively impacted by these new regulations.

My amendment 2540 asks EPA to consider the costs and the adverse impacts these regulations will have on the economy before moving forward with an endangerment finding.

It is clear that neither the Murkowski amendment nor mine will be voted on. This issue is not going away. The EPA is moving forward. The House has acted on this issue. The Senate

doesn't want to take the hard votes on this so they have punted it to the EPA. The EPA is now moving forward by regulation to do what Congress doesn't have the courage or the will to do, and that is to have a debate about the relative costs and, perhaps, benefits of climate change legislation. It is wrong for us to allow the bureaucracy at the EPA to move forward with these regulations that could be so harmful to our economy, so harmful to jobs, so disastrous when it comes to the energy prices paid by families and small businesses.

This issue will be back. Senator MURKOWSKI will bring it back. I will bring it back. Others of my colleagues who care about the impact of this particular regulation on small businesses and families will be back to debate the issue even though the Democratic majority will not allow us to get a vote today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mrs. FEINSTEIN. Mr. President, I know the Senator from Louisiana wishes to speak in morning business, which is fine. I wonder if I could make one brief announcement. Members are interested in bringing this bill to a conclusion. There are a number of amendments that were listed in the consent order. I ask that Members come to the floor to call up their amendments shortly. Senator COBURN has a number, Senator REID, Senator COLLINS. Senator ENSIGN has a motion to recommit. If these Members could come to the floor and call up their amendments, it would be appreciated. We would be able to, hopefully, conclude the bill.

Mrs. BOXER. Will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mrs. BOXER. I am here to make a few comments addressing the points raised by Senator THUNE and Senator MURKOWSKI. They were going to offer an amendment.

Mrs. FEINSTEIN. The Senator has an hour.

Mrs. BOXER. I won't be taking that. At what point would the Senator like me to use the time?

Mrs. FEINSTEIN. I think directly following Senator LANDRIEU.

Mrs. BOXER. That is fine. And how long is Senator LANDRIEU speaking?

Ms. LANDRIEU. Ten minutes.

Mrs. BOXER. I ask unanimous consent that I be recognized following Senator LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I appreciate the leadership of the Senators from California and Tennessee, trying to move this important appropriations bill through the process. As we heard this morning, there are lots of important issues pending. I came to speak for a few minutes not about a pending amendment but about an issue bubbling up and brewing in a fairly significant way that we will have to address sometime soon, not necessarily on this bill today, not necessarily through an amendment process to the Interior appropriations, but a program that is in the Interior appropriations bill that is screaming for attention. That is the program having to do with the management of wild horses. It is not a major issue in all 50 States, but it is a big issue to a handful of western States and of interest to several of us in this body.

Let me thank Senator FEINSTEIN and her staff for the leadership they are providing in helping us shape policy. She has been extremely attentive over the last several months. I thank her. I acknowledge the interest of former Senator Salazar, now Secretary of Interior, and his top leadership. They have a tremendous amount of issues before them, issues that will take a lot of their time. For them to make this a priority because some of us have asked them to, I acknowledge that and thank them, all the assistant secretaries and staff from the Interior Department who are working on this.

There are two aspects to this important issue. One involves the fiscal element which taxpayers are alarmed about. The wild horse program, because of its mismanagement and poor, old-fashioned way of operating, is chewing up or taking up about three-quarters of the budget of the Bureau of Land Management. From a fiscal perspective and a financial management perspective, it is crying out for reform.

On the other hand, there is the view of the inhumaneness of some of the practices going on that also cries out for attention. I come to speak briefly about both.

As to the big picture, at the turn of the century, we had about a million wild horses in the territory of the United States. It is sad, from the perspective of most people, that we are now down to 66,000 wild horses and burros basically forced, through policies developed in the 1970s, to stay in relatively small places, grouped in a few States, most notably the States of Nevada, Wyoming, and California, and a few other western States. We also are down to a few herds of horses. The reason I believe this is important not only to western States or ranchers or landowners or humane societies and others is because for the American people generally, the idea of wild spaces with wild horses is something that is part of our heritage. We want to make sure that heritage is not lost, that we are being responsible in terms of the way the land is being used for multiple purposes and, from the perspective of horse advocates, that the horses themselves are being treated well.

None of that is now being done in the way that most people would appreciate or would be satisfied with. There have been any number of studies I will submit for the record. Most recently, the Congressional Research Service, as well as the Government Accounting Office, suggested major changes to the program. I am going to go through a few possible options. One is the creation of several public/private sanctuaries. This has been suggested by a few fairly high-profile individuals. The idea has merit. We are working with a variety of groups, along with the Department, to think about the possibility of creating public/private partnerships, large sanctuaries, maybe 500,000 or a million acres, where thousands of wild horses could not only roam freely in a healthy way but could potentially become ecotourist opportunities for some of the States and communities, as it would be an attraction that could potentially make money and attract people to some of the western areas or, for that matter, rural areas in other parts of the country.

There is the possibility of making some smart investments to step up some of the adoption programs that might work. There are any number of scientific and new technologies that can be brought to bear in terms of breed management, reproductive issues that could help us to get a much more cost-effective, sane, and humane approach to this problem.

I wanted to let the managers of this legislation know that while we will not have an amendment at this time on the Interior bill, I am looking forward to working with members of the Energy Committee who have jurisdiction over this matter to review in detail a bill that has come over from the House, the ROAM Act, by the chairman of that subcommittee, whom I commend for taking the committee's time, Congressman RAHALL, who sent the bill over here to the Senate. As we begin to discuss the ways that bill could potentially be modified, working with the Department of Interior to find a long-term solution, one that is cost effective, one that is humane, and one that honors the great history of wild horses, not just pleasant to look at but helped us to settle the West, helped us to open transport and commerce for the Nation, have carried us into war, into battle, helped to feed and clothe this Nation in our history, needs a bit more attention than what they are getting right now.

In conclusion, there was a disturbing roundup conducted not too long ago—just a few weeks ago—and I thank the advocates who brought this to my attention and commit to them to continue to work until we find a better way forward; again, a way that is good for the wild horses, that honors our heritage but is also very respectful of these Western lands and the ranchers who have multiple uses of this property.

I am certain in the Nation God has bequeathed to us we can find enough space for everyone if we keep an open mind. I know the Senator from Tennessee would agree with that; that if we work hard enough, we can find some common ground solutions to this issue.

I thank the Chair and yield the time. I understand my colleague from California is here to speak on a different issue.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, thank you very much.

I am on the floor, along with Senator WHITEHOUSE—there may be some others—to respond to the remarks made by Senators MURKOWSKI and THUNE regarding an amendment they very much wanted to put before this body. That amendment, simply stated, would stop the Environmental Protection Agency from enforcing the Clean Air Act as it relates to the pollutant carbon.

Some of the things they said are so reminiscent of what was said before the Clean Air Act passed, that: Oh, this is going to be a terrible thing for our people; and the same thing that was said when the Clean Water Act was passed: Oh, this is going to be a burden on business. I have to say to this body, the day we turn our back on these landmark environmental laws is the day the health of our people will suffer. We do not want that to happen.

I wish to be clear, I know this amendment will come back again and again. I know there will be attacks on the Clean Air Act and the Clean Water Act. That is an attack on our families. It is particularly an attack on our children and on our vulnerable senior citizens and our citizens who may have disabilities and who are ill. I will fight it with every ounce of my strength every time it rears its ugly head in this Chamber.

The interesting thing is, most of these environmental laws started with a Republican President named Richard Nixon. What happened to the days when environmental laws were supported on both sides? Those days appear to be gone.

What I would like to do is—I am going to yield up to 20 minutes to the Senator from Rhode Island. He is so eloquent on this point. Before I do, I wish to place some letters in the RECORD.

One letter is from the Environmental Protection Agency, saying they would have a very difficult time making sure the air was clean if that Murkowski amendment had been offered and passed and become law.

Interestingly, we have a letter from the Alliance of Automobile Manufacturers, also opposing that Murkowski amendment.

We have two more letters to put in the RECORD—and this just happened in 24 hours—one from a coalition made up of the Alliance for Climate Protection, Center for American Progress Action Fund, Center for Auto Safety, Center for Biological Diversity, the Clean Air Task Force, Clean Water Action, the Defenders of Wildlife, Environment America, the Environmental Defense Fund, League of Women Voters of the United States, National Audubon Society, the Natural Resources Defense Council, Oceana, the Sierra Club, Southern Alliance for Clean Energy, Southern Environmental Law Center, and Union of Concerned Scientists—all saying they oppose this amendment, which concerns not enforcing the Clean Air Act as it relates to carbon dioxide.

Lastly, we have a very well put together letter by the National Wildlife Federation, in which they quote a poll that says 75 percent of Americans believe our government should, in fact, regulate global warming pollution, which, of course, is mostly carbon.

Mr. President, I ask unanimous consent those letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, September 23, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter about Senator Lisa Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As you noted in your letter, Senator Murkowski's amendment would prohibit the Environmental Protection Agency from using any funds made available under the Act to take any action that would have the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

You asked me what the practical impact would be if Congress enacted Senator Murkowski's amendment. Perhaps the most striking impact would be to make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009. Because of the way the Clean Air Act is written, promulgation of the proposed light-duty vehicle rule will automatically make carbon dioxide a pollutant subject to regulation under the Clean Air Act for stationary sources, as well as for light-duty vehicles. The only way that EPA could comply with the prohibition in Senator Murkowski's amendment would be to not promulgate the light-duty vehicle standards.

As you know, promulgation of EPA's light-duty vehicle greenhouse-gas emissions standards is an essential part of the historic agreement that President Obama announced earlier this year with the nation's auto-makers, the State of California, the Department of Transportation, and EPA. That agreement attracted broad, bi-partisan support. The joint DOT-EPA standards are projected to save 1.8 billion barrels of oil over the life of the program, which is twice the amount of oil (crude oil and products) imported in 2008 from the Persian Gulf countries, according to the Department of Energy's Energy Information Administration Office. Additionally, the standards are projected to help save consumers more than $3,000 over the lifetime of a model year 2016 vehicle and reduce approximately 900 million metric tons of greenhouse gas emissions. Enactment of Senator Murkowski's amendment would pull the plug on those extraordinary accomplishments.

Sincerely,

LISA P. JACKSON.

SEPTEMBER 24, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing regarding Senator Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As manufacturers, we are sympathetic to the thrust of Senator Murkowski's amendment that the Congress—and not simply EPA acting under the provisions of the current Clean Air Act—should determine how best to reduce U.S. greenhouse gas emissions economy-wide.

However, the amendment raises additional issues that must be considered where complicated and interconnected environmental and legal issues are at stake. We are concerned that due to the complex interactions among regulations under the various sections of the Clean Air Act, the amendment may impact significantly pending regulations in the mobile source sector—despite language in the amendment that would appear to leave the sector unaffected. In a letter to Senator Feinstein dated September 23, Administrator Jackson stated EPA's interpretation that the Murkowski amendment as filed would ''make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009.''

While the author of the amendment appears not to intend this outcome, we feel compelled to express our concerns. It is critical that the national program for regulating greenhouse gas emissions from autos be finalized early next year. Failure to do so would subject automakers to a patchwork of conflicting state and federal regulations.

Therefore, we respectfully oppose the adoption of the Murkowski amendment as written to H.R. 2996.

Sincerely,

DAVE MCCURDY,
President & CEO, Alliance of Automobile Manufacturers.

MICHAEL STANTON,
President & CEO, Association of International Automobile Manufacturers.

SEPTEMBER 24, 2009.

DEAR SENATOR: We are writing in opposition to Senator Murkowski's revised appropriations amendment (No. 2350) to the FY 2010 Interior Appropriations bill, H.R. 2996, which concerns carbon dioxide pollution and the Clean Air Act.

The filed amendment's spending limitation would go well beyond blocking the Environmental Protection Agency (EPA) from curbing carbon dioxide pollution from power plants, refineries, and other big ''stationary sources.'' It also would block EPA from implementing the Supreme Court's landmark decision in Massachusetts v. EPA by curbing carbon pollution from cars and trucks. If this amendment passes, EPA could not issue the historic consensus standards that the President announced in May with the support of the auto makers, the UAW, states, and the environmental community. Here is why:

The first sentence of the amendment says: ''No action taken by the Environmental Protection Agency using funds made available under this Act shall have the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act . . . for any source other than a mobile source. . . .'' This is a reference to Section 169 of the Act, which says that every new or modified major stationary source needs to install best available control technology (BACT), considering costs, for each pollutant ''subject to regulation under this chapter,'' i.e., under the Clean Air Act.

When EPA issues final vehicle carbon dioxide standards under Section 202 of the Act as

planned next March, carbon dioxide will automatically become a pollutant ''subject to regulation'' under Section 169. From that point on, new or modified major stationary sources will need to install BACT for carbon dioxide, just as they currently do for other dangerous pollutants. This is automatic; there is no way around it without blocking the vehicle rules. Since the Murkowski amendment would bar any action that has the effect of making carbon dioxide ''subject to regulation'' under Section 169, EPA would be barred from issuing the vehicle standards.

This is why EPA Administrator Lisa Jackson said yesterday that the amendment would be ''a death knell to the historic agreement between the President and automakers to increase gas mileage and reduce emissions from cars and trucks.''

Congress should not take any action that would undo the progress already made on carbon pollution from motor vehicles.

Later paragraphs of the revised amendment attempt to limit other collateral damage done by the amendment. But those provisions cannot overcome the effect of the amendment's first sentence.

We believe common ground can be found to ensure that the Clean Air Act's stationary source requirements apply only to power plants and other big sources, not smaller sources, and to incorporate this approach in comprehensive energy and climate legislation. But it cannot be accomplished through this rider.

The Murkowski amendment would only move us farther from, not closer to, a bipartisan consensus on comprehensive clean energy and climate legislation that the Senator says she seeks. We strongly urge you to oppose Senator Murkowski's amendment as well as any other amendments to the Interior Appropriations bill that would delay America's progress toward a clean energy economy that would create jobs, increase America's energy security, and cut pollution.

Alliance for Climate Protection, Center for American Progress Action Fund, Center for Auto Safety, Center for Biological Diversity, Clean Air Task Force, Clean Water Action, Defenders of Wildlife, Environment America, Environmental Defense Fund, League of Women Voters of the United States, National Audubon Society, Natural Resources Defense Council, Oceana, Sierra Club, Southern Alliance for Clean Energy, Southern Environmental Law Center, Union of Concerned Scientists.

NATIONAL WILDLIFE FEDERATION,
NATIONAL ADVOCACY CENTER,
Washington DC, September 24, 2009.

DEAR SENATOR: National Wildlife Federation asks you to oppose Amendment 2530, sponsored by Sen. Murkowski, on HR 2996 (the Fiscal Year 2010 Interior and Environment appropriations bill).

America and the world are poised to take long overdue action to reduce global warming pollution. As President Obama said this week in a climate address to the United Nations, there are ''no excuses for inaction. . . . we don't have much time left.'' At this historic juncture, Senators should not hit the ''snooze button'' to delay enforcement of the Clean Air Act and extend the government's long nap on global warming. Year after year, Congress has debated whether or not to act on global warming, but little has been done. Over the past two decades, as the impacts of warming became increasingly severe and the scientific warnings increasingly urgent, U.S. emissions of global warming pollution increased 17%.

National Wildlife Federation, which represents over four million members and supporters, and Americans across the nation strongly and overwhelmingly support action by the Environmental Protection Agency. A recent Washington Post poll found that 75% of Americans believe the government should regulate global warming pollution from power plants and factories.

Amendment 2530 has been revised from earlier drafts and now has a fatal flaw that would extend the amendment's damage beyond what is intended, undoing the recent progress made by automakers, environmental groups and the Obama administration to reach agreement on reducing vehicle emissions. The regulation of a pollutant under the Clean Air Act for vehicles automatically triggers regulation of stationary sources. By blocking action on stationary sources, the amendment would block the Environmental Protection Agency from implementing the new vehicle tailpipe standards as well.

The Clean Air Act has a strong and proven track record of cleaning the air we breathe while allowing our economy to prosper. The Supreme Court has spoken clearly on the government's neglected responsibility to address global warming under the Clean Air Act. And the Environmental Protection Agency is already taking commonsense steps to meet the requirements of the Clean Air Act, focusing on the biggest corporate polluters and limiting the reach of any new regulations.

We appreciate Sen. Murkowski's commitment to advance global warming legislation in Congress, and look forward to pursuing that common effort with her and other Senators this year. But we strongly oppose this amendment.

Please support action on global warming and vote ''no'' on Murkowski Amendment 2530.

Sincerely,

LARRY J. SCHWEIGER,
President and CEO.

Mrs. BOXER. So here we had a situation where I am very pleased the rules of this Senate did not allow this very dangerous amendment to be brought before the body. We would have talked about it for days because, before I would allow a vote on that, I would want to make sure every single Senator understood it is a repeal of the Clean Air Act through the backdoor, even after the Bush Supreme Court said the Clean Air Act covers carbon and greenhouse gases.

With that, Mr. President, I yield 20 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, first, let me thank my distinguished Environment and Public Works Committee chairman, Senator BOXER, for her passionate defense of this statute, which has improved the quality of life and the quality of our air for a generation now of Americans against this assault. I appreciate that she has given me a few moments to discuss the amendment the Senator from Alaska wanted to offer. I know it was not offered, but, nevertheless, I feel we need to respond, given the message that amendment sends to this body, to the Nation, and to the world regarding America's position on the need to curb global warming and our move toward a clean energy economy.

This amendment would have tied the hands of the Environmental Protection Agency at the very time we need its help to protect the American public from the dangers of climate change—dangers to America's public health, to our national security, and to our economy.

A little history is in order here.

In 2007, the U.S. Supreme Court overrode the Bush administration and ruled, in a case called Massachusetts v. EPA, that the Clean Air Act requires the Environmental Protection Agency to regulate greenhouse gas emissions as pollutants, if the Agency determined that greenhouse gases posed a danger to public health, and the Court further obliged the EPA to go ahead and make that determination, yes or no.

The Bush administration, of course, did everything in its power to avoid the duty ordered by the Supreme Court, and it was only this April that the EPA, under Administrator Jackson, finally issued its proposed endangerment finding. The finding, unsurprisingly, acknowledged what every reasonable scientist—in fact, every reasonable person—has known for years: That carbon dioxide and other so-called greenhouse gas emissions cause our planet's atmosphere to warm and pose a threat to the public health.

The conclusion that these gases should be regulated under the Clean Air Act logically and inevitably followed, as required by law, from the determination that these pollutants threaten public health. Thankfully, this administration has already begun this important work. Senator MURKOWSKI's amendment would have required EPA to take what is called a timeout while Congress crafted a legislative solution to global warming. Unfortunately, time is not on our side as we race to protect our planet from the effects of carbon pollution.

Just yesterday, our President spoke before the United Nations about the challenges to all nations from unchecked global climate change and the opportunities we have to revive the world economy through the advancement of clean energy and clean energy jobs. The world community needs the United States to be a leader in this effort, and the world is watching our actions closely.

President Obama pledged that our steps so far—investments in alternative energy, efficiency measures, tougher fuel standards—and our steps to come ''represent an historic recognition on behalf of the American people and their government.'' He said:

> We understand the gravity of the climate threat. We are determined to act. And we will meet our responsibility to future generations.

Forcing the EPA to take a timeout now would have sent exactly the opposite message; would tell the world we do not truly care about climate change; that we are not ready to step up, let alone lead; would say we would prefer to leave a polluted world to our

children and grandchildren, a world far worse off than the world our parents and grandparents left to us. Any timeout now would have damaged our international progress and our leadership.

Moreover, a timeout of the sort proposed in the Murkowski amendment would have hurt our legislative efforts. Supporters of the timeout idea profess to want a legislative solution to address climate change. Well, maybe. But doing so would have set back that very goal.

To the extent some of the big polluters are working with us in this legislative process, it is because they feel the hot breath of the future on their necks, and they know they had better participate or be left to their fate. Give them an artificial reprieve from those consequences—real consequences of science, of fact, of law, and of nature—and their motivations would change. Delay would become their friend, indeed their purpose, because of the artificial, false status quo that a timeout would create for them.

Let me tell you how these polluters affect Rhode Island, my home.

Let's start back in 1972, when EPA authorized the use of tall smokestacks instead of emissions limits. By the mid-1970s, four different circuit courts of appeal had ruled that the Clean Air Act required real emissions controls and not just increased stack heights. A tall smokestack only curbs local emissions, but it spreads the poisons widely.

In 1977, Congress enacted section 123 of the Clean Air Act, which barred the construction of smokestacks taller than called for by good engineering practice. Notwithstanding, Midwestern powerplants continued to increase the height of their stacks. The average smokestack height increased from 200 feet tall in 1956 to over 500 feet tall in 1978. In 1970, there were two smokestacks in the United States taller than 500 feet. By 1985, 180 smokestacks stood taller than 500 feet. Twenty-three of these were over 1,000 feet. Once you get over 1,000 feet tall, you actually have to put that smokestack on the aviation safety maps because it becomes a hazard to aviation. Local interests, of course, were happy because less of the smokestack-emitted poisons fell locally and more were spread abroad.

What did this mean for downwind States, such as my State of Rhode Island? Well, all other things being equal, the taller the stack, the farther the poisons travel. According to a 2001 report by the Clean Air Act Task Force entitled ''Power to Kill: Death and Disease from Power Plants Charged with Violating the Clean Air Act,'' pollution spewed from just 51 plants has shortened the lives of as many as 9,000 people nationwide annually, including about 1,500 to 2,100 people in our downwind States such as Rhode Island.

These plants have also caused tens of thousands of asthma attacks each year and hundreds just in Rhode Island. This is just from 51 plants. Physicians for Social Responsibility has estimated that all coal plants in the United States together cause about 23,600 premature deaths and 554,000 asthma attacks each year.

The Centers for Disease Control tells us that between 1980 and 1995 the incidence of childhood asthma increased over 100 percent—the increase of childhood asthma more than doubled—from 3.6 percent to 7.5 percent of all children.

By 2005, nearly 9 percent of all children were reported to have asthma. In African-American children, the rate soared to 19.2 percent—nearly one in five African-American children.

Massachusetts, Maryland, and my State of Rhode Island—all downwind States—were among the five States with the highest incidence of asthma. The Rhode Island Lung Association estimates that 15,000 children—15,000 children in my State of less than 1 million population—have asthma. Nationally, every year more than 40 kids 4 years old and under will die from asthma. Another 115 kids 5 to 15 years old will die, and nearly 400 more age 15 to 34 will die every year. This is what upwind polluters have helped cause.

When I was attorney general for the State of Rhode Island, I joined EPA's lawsuit against American Electric Power for its illegal modification of 16 plants. In 2008, the utility company settled the lawsuit by installing billions of dollars of pollution-control equipment which slashed NO_X and SO_2 emissions by 813,000 tons each year—813,000 tons of pollution each year. American Electric Power also paid a $15 million penalty, nearly five times what ExxonMobil has paid so far for the Exxon Valdez oil spill in 1990, and it invested another $60 million in environmental mitigation projects. So don't tell me things can't be done.

But in Rhode Island, the danger continues, and still every summer in Rhode Island the morning radio announces several days that are unsafe air days, when infants and seniors and people with breathing difficulties are told they should stay home, that they should stay indoors because the summer air in Rhode Island is not safe, and one of the prime reasons it isn't safe is because we are downwind. So don't expect a lot of sympathy from me for these polluters, with their belching smokestacks, that want a free pass to endanger the public, timeout or not.

Here is a little description of how tall some of these stacks go. The tallest building is Willis Tower in Chicago. A lot of its radio towers are on the top, but it is still a heck of a big building. The Empire State Building is 1,250 feet. The Washington Monument is 555 feet. The Statue of Liberty is 305 feet. In Marshall, WV, there is a smokestack 1,204 feet tall. In Rockport, IN, there is a smokestack 1,038 feet tall. In Jefferson, OH, there is a smokestack exactly 1,000 feet tall. I don't know whether that has to go on the aviation safety maps. That is just at the boundary. What these things do is they solve the local problem of pollution by pushing the poisons so far up into the atmosphere that they don't fall in West Virginia, in Indiana, and in Ohio, but they move elsewhere and they land often in Rhode Island, and we face the health consequences every day. So if anybody is looking for a sympathetic ear for these powerplants, they have come to the wrong place if they have come to Rhode Island.

Today, we are facing perhaps the greatest environmental threat of our time: Global climate change triggered by increased concentrations of carbon dioxide in our atmosphere. We have supersaturated the atmosphere with carbon dioxide, and it is having an effect. Coal-fired powerplants share much of the blame. Forty percent of all carbon dioxide emissions come from coal powerplants. And the polluters will fight—they are fighting—any effort to control their carbon dioxide emissions. The polluter opponents of climate change who are resisting our change to a clean energy economy are strong and wealthy, and they will stop at nothing. We have even recently seen forged letters to Congress opposing climate change legislation in the names of groups that never authorized the letters.

Just like the polluters fought the Clean Air Act in the past, just like the polluters built taller stacks rather than making what comes out of the stacks cleaner, just like the polluters manipulated their flunkies in the Bush administration, today the polluters wanted a timeout. They may say they support a legislative solution to climate change, but if they could fool us so that we defunded and stopped and weakened all of the other available tools for pollution control, that would not help in passing a climate bill. That would give those polluters every incentive in the world to defect, to delay, and ultimately to defeat our efforts to move this country toward a clean energy economy, to stop subsidizing their pollution of our air, and our efforts to start solving this great problem of our day. To protect ourselves, we have to keep all of our tools available, all options for curbing greenhouse gas emissions working to protect us.

I thank the chairman very much for yielding me this time, and I look forward to working with her as we continue to find ways to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank the Senator from Rhode Island. He gets us to where we need to be, which is focusing on what happens to our people when we walk away from protecting them from pollution.

I know Senator BROWN is in the chair. I wanted to share with him the fact that he knows well that after the Cuyahoga River caught fire in Ohio in 1969 and many of our lakes and rivers

appeared to be more like sewers, the committee, which I now chair so proudly and on which Senator WHITEHOUSE sits, responded by enacting the Clean Water Act. That was 1972. I don't know if Senator BROWN was born yet. The fact is, that incident of a river catching fire really caught the attention of the people of this Nation. Whether it was our water or our air or endangered species, we decided to take control of our communities, of our health, of our environment.

There is a lot about America that makes us proud. There is a lot about America that makes us great. I believe one of our values is caring about the health of our families. I thought Senator WHITEHOUSE was very clear that we are not just debating a regulation on page 4 or 5 or 20 or 50. We are talking about the ability of our kids to breathe the air. We are talking about the ability of this planet to survive without the ravages of global warming, which the Bush administration's CDC told us would have unbelievable effects on the health and safety of our people.

The laws we passed are the landmark laws. So therefore I just want to be put on record, along with Senator WHITEHOUSE, that if this amendment that wasn't offered today comes back in any other form, we are going to have to open up the debate pretty wide—pretty wide—because a repeal of an environmental law can't be done on an appropriations bill. In essence, when you don't enforce a law—that is what the Murkowski amendment would have done—when you don't enforce it, it is the same as not really having it. But you don't have to look in the eyes of your constituents and say: Oh, by the way, today I repealed the Clean Air Act. What you say instead is: Today I fought to have a pause—no enforcement. Well, let me tell my colleagues, when that child gets asthma, she is not going to ask her mom: Did I get asthma because there was a pause in the Clean Air Act or because they repealed the Clean Air Act? That child will get asthma. I swear to my colleagues that I am not going to let more kids get asthma, not on my watch. It is wrong. It is wrong.

Here is the great news. The great news is, if we decide to be the leader in this clean energy revolution, we will see our people get healthy. We will see millions of jobs created. We will move off of these dirty energy sources. We will create American jobs, 21st-century jobs, building wind turbines, installing solar panels, producing a new fleet of electric cars, hybrid vehicles. We see it in Ohio already where they are building solar panels. This is the one area of growth.

We are having a tough time in our State—people laid off, terribly high unemployment rate. The stimulus is helping us. We are getting some jobs back, but we are suffering. The one area of growth, I say to the Chair, 125,000 new green jobs that can't be taken away. You can't take a job of putting a solar rooftop on a home in Los Angeles or Riverside or San Bernardino or San Diego or Akron, OH—you can't have that person in China putting on a solar rooftop. They have to be here. These are good jobs. That is what we ought to be doing, not repealing the laws that protect the health of our citizens but trying to figure out a way to work together to have a bill that will create these new clean energy jobs, that will protect our kids from carbon pollution, and that will make sure the ravages of global warming won't occur.

At the end of the day, our competitiveness depends on how we face this challenge. I believe Thomas Friedman got it right. If you haven't read his book ''Hot, Flat, and Crowded,'' I think you should read it because he is so eloquent on the point. He is not on the defense on this, he is on the offense. He says that if we don't grab this mantle of leadership on clean energy, then other countries will grab it and they will create the technologies, they will create the jobs, and we will fall behind.

America is a leader. We are not a follower. We will have many more opportunities to debate this in the future, but, my goodness, if we are facing legislation that does not move us forward but takes us back to before Richard Nixon was President by not enforcing the Clean Air Act—I have heard of the party of no, but this is the party of yesterday if those are the kinds of amendments we are going to face, dangerous amendments that will hurt the health of our children.

So I wanted to make sure that America takes control of its energy future and that it doesn't cower in the corner and repeal laws that protect our citizens, landmark laws such as the Clean Air Act. I am so glad that today we avoided having to have this long debate. I am glad this amendment was disallowed because it doesn't belong on an appropriations bill. It is a repeal of the Clean Air Act. Let's face it, you don't do that in 15 minutes on the floor of the Senate and call it a timeout. Call it whatever you want, but when you tell an agency: Don't enforce the law that protects the health of our children and our families, that is a repeal through the back door.

So I thank you very much for the time. I know I have additional time. I will not be using it. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, in just a few minutes, the Senator from Maine will have the floor. Senator FEINSTEIN has asked those Senators who have amendments which are part of the unanimous consent agreement to come on over and call them up. I think Senator COBURN is probably coming following Senator COLLINS from Maine.

I listened carefully to Senator WHITEHOUSE and to the distinguished chairman of the Environment and Public Works Committee. I wish to make an observation, if I may, which will take only 3 or 4 minutes, not to prolong the debate.

First, what Senator THUNE and Senator MURKOWSKI were saying is that the question of climate change is so important that we in the Congress ought to deal with it, not the Environmental Protection Agency. That is the point of the amendment.

Second, I am one Senator who believes we need to deal with climate change and who believes humans are contributing to it, and we need to stop stuffing so much carbon into the atmosphere. But while my friends on the other side often speak in great rhetorical flourishes about the inconvenient problem of climate change that my friend and fellow Tennessean Al Gore talks about, they are conspicuously silent about the inconvenient solution, which is nuclear power.

Even the President of the United States went to New York this week and made an entire speech talking about our commitment to climate change and lecturing the developing countries of the world about climate change when they are ahead of us on nuclear power and the President, in his entire remarks, didn't mention it once. I simply think that ought to be noted in the midst of this debate.

The largest contributors to carbon in the air are China, the United States, Russia, India, and Japan. There are 44 nuclear reactors under construction this minute, almost all of them in Asia. China has 4 reactors under construction and has announced plans for 130 more reactors. Why? Because nuclear power is carbon free. The United States hasn't built a new nuclear plant in 30 years. Russia intends to build 2 reactors a year in order to replace the 30 percent of electricity they get from natural gas so they can sell that gas to Europe at a big profit.

Japan is building two nuclear reactors a year. They derive 36 percent of their electricity from nuclear. South Korea gets nearly 40 percent of its electricity from nuclear, and they are planning 8 more reactors by 2015. India is developing thorium reactors instead of uranium. France is 80 percent nuclear and is selling electricity to Germany, which is the only major European country still renouncing nuclear power. And here we sit worried about climate change, having 104 reactors that we built before 30 years ago, which produce 20 percent of our electricity, but 70 percent of our carbon-free electricity, and the President goes to New York and doesn't say one word about nuclear power. He wants to build 186 50-story wind turbines, which will operate about a third at a time, and not at all in our part of the country, instead of taking the greatest technological advance of the last century, which we already use to produce 70 percent of our carbon-free electricity, and say let's do more of that.

I am hopeful that as this debate proceeds, the President will say let's double our nuclear production and build

100 new nuclear plants in the next 20 years. We should be able to agree on 100 new nuclear plants and electrifying our cars and trucks. If we do those two things alone, we would meet the Kyoto Protocol by 2030. But we don't hear a word about it.

Let's bring up the inconvenient problem of climate change and let's deal with it here. But let's bring up the inconvenient solution of nuclear power. As far as science goes, the chief scientist in the Obama administration, a Nobel Prize winner, Dr. Chu, says nuclear power is safe and nuclear waste—used nuclear fuel—can be safely dealt with for the next 40 to 60 years by having it stored onsite, while we have a mini Manhattan Project over the next 20 years to find the best way to recycle used nuclear fuel that doesn't produce plutonium.

This is a good debate. I am glad Senators have come to the floor to talk about this, and this is an appropriate amendment on which to have the discussion. The point of the Republican amendments were, let's do it in Congress, not the agency. If we are going to talk about the inconvenient problem, climate change—and I agree it is a problem and we need to deal with it—let's talk about the inconvenient solution, nuclear power, which today provides 70 percent of our carbon-free electricity, which is what we are debating.

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader is recognized.

AMENDMENT NO. 2531

Mr. REID. Mr. President, I have an amendment No. 2531, and I ask that it be brought before the Senate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2531.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make funds available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada)

On page 183, line 14, before the period, insert the following: "': *Provided*, That, at the discretion of the Administrator of the Environmental Protection Agency, from the funds included under this heading, $500,000 may be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada''.

Mr. REID. Mr. President, I appreciate my friend from Maine allowing me to speak for a couple minutes prior to her being recognized.

The amendment I have called up allows, not directs, the EPA Administrator to use $500,000 of the funds provided in the bill for preliminary planning and design to work to consolidate the many agency offices and labs in Las Vegas into one high-performance green building.

It doesn't make a lot of sense to continue spending money on aging facilities spread across several buildings in need of repair and rehabilitation, particularly with the leases that are not far from ending. Current costs associated with these facilities' leases and their operation cost over $5.5 million annually.

Consolidation would improve administrative efficiencies and reduce agency energy, water, and other costs over time. Developing a more precise estimate of total savings would be part of the preliminary planning effort my amendment authorizes.

The people in the offices and labs I think could be consolidated would also greatly benefit from their being able to work more closely together, given their mission and activities. These include the agency's National Exposure Research Laboratory, the Emergency Response Team—when something bad happens with a nuclear device, they are able to move on that—the Radiation and Indoor Environments National Laboratory, the Financial Management Center, the Human Resources Office, the National Environmental Research Center, and the Environmental Services Division's various laboratories and Technical Reference Center.

As we know, the Energy Independence and Security Act of 2007 and the Recovery Act strongly direct the Federal Government to be a leader, not a follower, in adopting green building technologies. EPA should be at the top of the list, given its important role, and I think its labs and facilities in Las Vegas should serve as a shining example of environmental leadership that saves the Federal Government and taxpayers money.

I ask unanimous consent to have printed in the RECORD following my statement a letter to the Appropriations Committee regarding this request, in compliance with paragraph 9 of rule XLIV of the Standing Rules of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 22, 2009.

Hon. DANIEL K. INOUYE,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. DIANNE FEINSTEIN,
Chairwoman, Subcommittee on Interior, Environment, and Related Agencies, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,
Vice Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. LAMAR ALEXANDER,
Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUYE, VICE CHAIRMAN COCHRAN, CHAIRWOMAN FEINSTEIN, AND RANKING MEMBER ALEXANDER: I am writing to request that the Interior Appropriations bill for fiscal year 2010 include the discretion for the Administrator of the U.S. Environmental Protection Agency to use up to $500,000 from the amounts identified for buildings and facilities for the purpose of preliminary planning and design work to consolidate the Agency's Las Vegas offices into one high-performance green building.

Such a consolidation would save taxpayers money, reduce energy and water use, and improve administrative efficiency. The current facilities used by the EPA offices and laboratories are in need of rehabilitation and repair and their leases expire in the near future, so it is essential that the Agency begin making plans for their future use.

Consistent with paragraph 9 of Rule XLIV of the requirements of the Standing Rules of the Senate, I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending items I have requested. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Thank you for your attention to this request

Sincerely,

HARRY REID,
United States Senator.

Mr. REID. Mr. President, on the University of Nevada-Las Vegas campus we have EPA buildings. They are so old. We have been talking about doing something about them for decades. They have been so terribly important over the years with what has been going on at the Nevada Test Site and Yucca Mountain. The leases are about to run out. It is not fair to the Federal Government or the university. It would save the government huge amounts of money and it would be the right thing to do. This would be the beginning of accomplishing what EPA wanted to do for decades. I hope that Senators will look favorably on this amendment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Reid amendment.

AMENDMENT NO. 2498

Ms. COLLINS. Mr. President, prior to Senator REID offering his proposal, the pending business before the Senate was an amendment I offered earlier this week, which was designed to promote better transparency, accountability, and oversight within our government.

I am deeply disappointed that a procedural tactic will be invoked to prevent an up-or-down vote on my amendment, which is designed to bring the proliferation of czars under the normal process.

The amendment I proposed would have ensured that the 18 new czar positions appointed by this administration could be held accountable to Congress and to the American people. The proliferation of czars under the current administration to manage some of the most complex and important issues facing our country has created serious problems in oversight, accountability, and transparency. It is of great concern to me that these positions circumvent the congressional requirements for

oversight. They circumvent the constitutional process by which the Senate is supposed to give advice and consent to major policy positions within our government.

I have a list of the 18 new czar positions that have been created by this administration. 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:

CZARS

POSITIONS IN THE EXECUTIVE OFFICE OF THE PRESIDENT (10)

Central Region Czar: Dennis Ross. Official Title. Special Assistant to the President and Senior Director for the Central Region. Reports to: National Security Adviser Gen. James L. Jones.

Cybersecurity Czar: TBD. Reported Duties: Will have broad authority to develop strategy to protect the nation's government-run and private computer networks. Reports to: National Security Advisor Gen. James L. Jones and Larry Summers, the President's top economic advisor.

Domestic Violence Czar: Lynn Rosenthal. Official Title: White House Advisor on Violence Against Women. Reported Duties: Will advise the President and Vice President on domestic violence and sexual assault issues. Reports to: President Obama and Vice President Biden.

Economic Czar: Paul Volcker. Official Title: Chairman of the President's Economic Recovery Advisory Board. Reported Duties: Charged with offering independent, nonpartisan information, analysis and advice to the President as he formulates and implements his plans for economic recovery. Reports to: President Obama.

Energy and Environment Czar: Carol Browner. Official Title: Assistant to the President for Energy and Climate Change. Reported Duties: Coordinate energy and climate policy, emphasizing regulation and conservation. Reports to: President Obama.

Health Czar: Nancy-Ann DeParle. Official Title: Counselor to the President and Director of the White House Office of Health Reform. Reported Duties: Coordinates the development of the Administration's healthcare policy agenda. Reports to: President Obama.

Senior Director for Information Sharing Policy: Mike Resnick. Reported Duties: Lead a comprehensive review of information sharing and lead an interagency policy process to identify information sharing and access priorities going forward. (Perhaps performing functions statutorily assigned to the Program Manager for the Information Sharing Environment). Reports to: Unknown.

Urban Affairs Czar: Adolfo Carrion Jr. Official Title: White House Director of Urban Affairs. Reported Duties: Coordinating transportation and housing initiatives, as well as serving as a conduit for federal aid to economically hard-hit cities. Reports to: President Obama.

WMD Policy Czar: Gary Samore. Official Title: White House Coordinator for Weapons of Mass Destruction, Security and Arms Control. Reported Duties: Will coordinate issues related to weapons of mass destruction across the government, including: proliferation, nuclear and conventional arms control, threat reduction, and terrorism involving weapons of mass destruction. Reports to: National Security Advisor Gen. James L. Jones.

Green Jobs Czar: TBD (Van Jones—Resigned). Official Title: Special Adviser for Green Jobs, Enterprise, and Innovation at the White House Council on Environmental Quality. Reported Duties: Will focus on environmentally-friendly employment within the administration and boost support for the idea nationwide. Reports to: Head of Council on Environmental Quality.

POSITIONS IN A DEPARTMENT OR AGENCY (8)

Afghanistan Czar: Richard Holbrooke. Official Title: Special Representative for Afghanistan and Pakistan. Reported Duties: Will work with CENTCOM head to integrate U.S. civilian and military efforts in the region. Reports to: Secretary of State (position is within the Department of State).

Auto Recovery Czar: Ed Montgomery. Official Title: Director of Recovery for Auto Communities and Workers. Reported Duties: Will work to leverage government resources to support the workers, communities, and regions that rely on the American auto industry. Reports to: Labor Secretary and Larry Summers, the President's top economic advisor (position is within the Department of Labor).

Car Czar (Manufacturing Policy): Ron Bloom. Official Title: Counselor to the Secretary of the Treasury. Reported Duties: Leader of the White House task force overseeing auto company bailouts; worked on the restructuring of General Motors and Chrysler LLC. Reports to: Treasury Secretary and Larry Summers, the President's top economic advisor (position is within the Department of Treasury).

Great Lakes Czar: Cameron Davis. Official Title: Special advisor to the U.S. EPA overseeing its Great Lakes restoration plan Reported Duties: Oversees the Administration's initiative to restore the Great Lakes' environment. Reports to: Environmental Protection Agency Administrator (position is within the Environmental Protection Agency).

Pay Czar: Kenneth Feinberg. Official Title: Special Master on executive pay. Reported Duties: Examines compensation practices at companies that have been bailed out more than once by the federal government. Reports to: Treasury Secretary (position is within the Department of the Treasury).

Guantanamo Closure Czar: Daniel Fried. Official Title: Special Envoy to oversee the closure of the detention center at Guantanamo Bay. Reported Duties: Works to get help of foreign governments in moving toward closure of Guantanamo Bay. Reports to: Secretary of State (position is within the Department of State).

International Climate Czar: Todd Stern. Official Title: Special Envoy for Climate Change. Reported Duties: Responsible for developing international approaches to reduce the emission of greenhouse gases. Reports to: Secretary of State (position is within the Department of State).

Special Representative for Border Affairs and Assistant Secretary for International Affairs (dubbed ''Border Czar''): Alan Bersin. Official Title: Assistant Secretary for International Affairs. Reported Duties: Will coordinate all of the Department's border security and law-enforcement efforts. Reports to: Homeland Security Secretary (position is within the Department of Homeland Security).

Ms. COLLINS. Many of the czars on the list seem to either duplicate or dilute the statutory authority and responsibilities that Congress has already conferred upon Cabinet level officials and other senior executive branch officials who go through the normal constitutional process whereby the Senate gives its consent to these nominees.

As I said when I first introduced this amendment, I do not consider every position that has been identified as a czar in various media reports to be problematic. Some of those positions are established by law. Some of them are subject to Senate confirmation. Rather, my amendment is carefully tailored so it would not cover and would not apply to positions recognized in law or subject to Senate confirmation.

For example, the proposal I have would not apply to the Director of National Intelligence, to the National Security Advisor, to the Homeland Security Advisor, to the Chairman of the Recovery Accountability and Transparency Board, or to the so-called information or regulatory czar within OMB. These positions, because they are recognized in law, or they are subject to Senate confirmation, simply do not raise the same kinds of concerns about accountability, transparency, oversight, and vetting.

Instead, my amendment has been carefully tailored to cover officials that the President has unilaterally designated as responsible for significant policy matters. It would not have covered the President's Chief of Staff, for example, and it would not cover less senior White House officials, despite some misinformation to the contrary.

Because the White House has raised so many objections to my amendment, I have offered to sit down with the White House counsel and narrow the scope of the amendment further, to address any concerns the White House might have. Unfortunately, the White House has failed to provide any modification to the text of my amendment. Instead, they said they did not want any of these officials to be called to testify before Congress.

Let me explain exactly what my amendment would have done, so you can see how modest indeed the amendment was.

The amendment simply would have required that the President certify to Congress that officials in these important positions would respond to all reasonable requests to testify before or provide information to congressional committees with jurisdiction over the issues involved.

Second, it simply would have required these officials to submit a biannual report to the congressional committee with jurisdiction, describing the activities of the official and his or her office, and any rule, regulation, or policy that the official participated in or assisted in the development of.

That is it. How can we possibly be against that kind of accountability, transparency, and oversight? It is our job as Members of Congress to conduct such oversight.

We cannot do so when the administration sets up a structure where there is an energy czar, an urban affairs czar, an environmental czar, a cyber-security czar—the list goes on and on. It creates confusion over who is in charge, who is making policy.

Let's take the area of health care. Is the top policy position in this administration Nancy-Ann DeParle, who is the

health care czar within the Executive Office of the President—a person, by the way, for whom I have the greatest respect—or is it Senate-confirmed Kathleen Sebelius, the Secretary of Health and Human Services? Who is in charge? Whom do we hold accountable?

What the President has done by creating so many czar positions within the White House that appear to duplicate the executive branch officials who are subject to Senate confirmation is to blur the lines of authority. That is not good for our system of government, and it is not in keeping with this administration's pledge to be the most transparent administration ever—a pledge for which I salute the President.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Ms. COLLINS. I will be happy to yield.

Mr. DURBIN. Mr. President, I would like to ask the Senator about her amendment. The first thing I would like to ask is, her amendment does not specify how many czars—I think that is the term she used on the floor—how many czars she thinks there are in the administration or what their titles are. Could the Senator from Maine tell me how many czars we are going to try to impact with her amendment?

Ms. COLLINS. I will be happy to. Mr. President, I say to my friend that I have a list of 18 positions which I have talked repeatedly about and which I have inserted into the RECORD. As I have said, I am not one who has used this term in the way some have to include individuals with broad authority across various agencies, such as the Director of National Intelligence. But that is the position that is established or recognized in law and is subject to Senate confirmation. I did not include those. In fact, in the language of my amendment, I specifically say it does not apply to positions established in law.

Mr. DURBIN. Mr. President, if the Senator will yield and share a copy of that list with me, I would appreciate it. But in the meantime, I ask the Senator, it seems that the czar watchers on her side of the aisle, Senator HUTCHISON, for example, found 32 czars when she went looking. One of the advisers to some politicians—and I will not include the Senator from Maine; she can speak for herself—the noted guru Glenn Beck has identified 32 czars as well.

I ask the Senator from Maine before we get into the propriety of her amendment under Senate rules, who is going to define who is covered by her amendment, if her colleague from Texas found 32, Glenn Beck found 32, and she found 18?

Ms. COLLINS. Mr. President, I will be glad to respond to the question of my colleague. My colleague did not have the benefit of being on the Senate floor when I first presented my amendment, and I addressed this very issue.

I was very careful in drafting this amendment to make clear that I was not talking about positions that are recognized in law. Some of my colleagues legitimately have taken a different approach. But that is not the approach that is before the Senate now. Rather, I have taken into account the issues that have been raised by my colleagues on the other side of the aisle, such as Senator BYRD—who certainly knows more about the Constitution than I think any of us who are serving at the present time—who has expressed concerns about the proliferation of czars. I have taken into account concerns expressed by Senator FEINGOLD, by Senator FEINSTEIN. I have done a careful, narrowly tailored amendment that does not attempt to sweep in positions that are recognized in law, nor does it sweep in positions that are subject to Senate confirmation.

That is why it is so disappointing to me that my colleagues are not unanimously adopting my amendment, which it looked like they were going to do earlier this week before the White House weighed in, because I did not take a broad sweeping approach. I took a very narrow, careful approach that aimed at the promise the President talked about, the lack of oversight, transparency, and accountability.

Mr. DURBIN. If the Senator will yield further for a question, I would like to ask the Senator—I have been told that using the definition of ''czar'' that Mr. Beck, political adviser to some, and Senator HUTCHISON, and even you use, that under President George W. Bush, the previous Republican administration, one could characterize his officials and advisers in the Executive Office of the President and other agencies as an Afghanistan czar, an AIDS czar, a drug czar, a faith-based czar, an intelligence czar, a Mideast peace czar, a regulatory czar, a science czar, a Sudan czar, a TARP bailout czar, a terrorism czar, and a weapons czar, under the previous administration. I ask the Senator from Maine if she proposed this amendment under a Republican President who clearly had his own stable of Muscovite czars of a lot of different versions?

Ms. COLLINS. Mr. President, I, again, will be happy to attempt to clarify this issue for my colleague and friend—and he is my friend—from Illinois. I realize he has his role to play in this debate. But the fact is, he has just listed several positions that are established by law. The intelligence czar is the Director of National Intelligence, Dennis Blair. Joe Lieberman and I wrote the law that established that position in 2004, and he is confirmed by the Senate.

The regulatory czar—he is referring to Cass Sunstein in this administration and John Graham in the previous one—it is established by law. It is part of the Office of Information and Regulatory Affairs within OMB. I am not talking about those positions no matter in whose administration it is. I am talking about perhaps other positions on his list. Regardless of whose administration they are in, I would apply the same standards.

The Senator may say why didn't I offer this amendment in the previous administration. The answer is, we did not have this proliferation of czar positions in the previous administration. But I would say to my colleagues, regardless of whether it is a Democratic President or a Republican President, a Democratic Congress or a Republican Congress, I think this is an institutional issue, and I think all of us as Members of Congress should be very concerned about organizational structures that make it impossible for us to conduct effective congressional oversight; that insulate these officials who have significant policy responsibilities from ever coming to testify, from going through the vetting and the confirmation process.

I think that is a problem regardless of who the President is, and I am not the only one who thinks it. That is why Senator ROBERT C. BYRD wrote to the White House, wrote to the President, as this press release says, questioning the Obama administration on the role of White House czar positions because, as he says:

> Too often, I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process.

I am not saying this is part of a plot to obscure information, but what I am saying is we have an obligation to exercise our constitutional duties, and the proliferation of these unaccountable positions in any administration makes that impossible for us to do so.

Mr. President, if I may complete the end of my statement—before we got into this good little colloquy. And I do appreciate the opportunity to clarify whom my amendment would cover, who would be covered by it and who would not. As I said, I was willing to work with the White House to make this even clearer. My staff was here many hours last night. I had conversations with White House officials and, unfortunately, at the last moment, they decided not to try to propose revisions to the text.

I am not going to seek to overturn the Chair's ruling on this amendment which will be forthcoming, and I know how it will go. But I do think it is unfortunate that a procedural tactic is being used to block a vote on this amendment. I do want to tell my colleagues that I think this is a real issue. I am very pleased the Homeland Security and Governmental Affairs Committee, under Chairman LIEBERMAN, is going to hold a hearing to explore this issue because it does have constitutional ramifications and it does involve the balance of power between the executive and legislative branches. The ruling the Chair is going to make is not going to be the last word on this subject.

The administration needs—any administration—to fully explain the responsibilities and authorities of these

czars. Until all of these czars are made available to testify before and provide information to Congress, until Congress is fully consulted on the decisions to create these positions in the first place, I will continue to press forward on this issue.

I believe the amendment I drafted is a very reasonable, balanced one, and it would have been a significant step toward establishing an oversight structure for these positions that would provide the transparency, accountability, and oversight our Nation expects from its leaders. I am dismayed the Senate is about to choose a point of order over these principles.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me point out at the outset my friendship and respect for Senator COLLINS. These are terms tossed around on the Senate floor sometimes in meaningless context, but this is meaningful. We have worked together on many issues. I respect her very much and believe when she was chairman of the then Governmental Affairs Committee, later to be the Homeland Security Committee, that she did extraordinary work with Senator LIEBERMAN, particularly when it came to the creation of a new intelligence agency. After 9/11, it was one of the toughest political assignments ever given, and Senator COLLINS handled it with professionalism, in a bipartisan way. I commend her for it. I think she is exceptionally talented, and I am happy to have her as my ranking member on the Financial Services and General Government Appropriations Subcommittee where we continue to work closely together.

She raises a legitimate inquiry. The legislative branch should ask whether the executive branch has gone beyond its constitutional authority. I think it is a legitimate question. Unfortunately, before she came to the Senate floor, the waters had been muddied by statements made by our colleague, Senator HUTCHISON, in the Washington Post on September 13 as to when she went searching for czars in the Obama administration, she found 32 of them. The political wise man, Glenn Beck, found 32 as well but went on to say on his Web site—he is a major champion on this issue, incidentally—''since czar isn't an official job title, the number [of czars in the Obama administration] is somewhat in the eye of the beholder.''

That is why this becomes a pretty difficult amendment to consider at this moment in time. The Senator from Maine has been kind enough to add a page in the RECORD that lists her findings of 18 of these so-called czars. I don't know if others would find the same number, more or less. Whether there are 57 known czars or whether there are 18, I just don't know.

This amendment would prohibit funds for the administrative expenses of White House advisers—and that is a term usually used by those not partial to Russian history—unless those positions were created through express statutory authorization.

Further, the amendment requires the President to certify to Congress that the adviser will respond to all reasonable requests to testify before or provide information to any congressional committee with jurisdiction over such matter.

The adviser must give a report every 6 months, kind of a work-in-progress report, a diary of what they are doing. So in addition to working on issues such as health care reform, they need to prepare a report sent to Congress every 6 months to let us know they are showing up on time at their desks and actually doing what they are supposed to do. The President doesn't need statutory authority to appoint advisers, and it doesn't make sense to require an assistant to the President, who has an otherwise pretty serious workload, to fill out these reports to Congress every 6 months to make sure they are showing up as promised.

But the amendment does touch on accountability in a way that I agree with. Public officials, including those who serve at the pleasure of the President, should be responsive to congressional inquiries. That is why Senator COLLINS and I, through our appropriations subcommittee, bring in leaders from the administration. And I can't say for certain, but I am virtually certain we have not been turned down by any at this point. The committee expects officials employed in whole or in part by the Executive Office of the President and designated by the President to coordinate policy agendas across executive departments and agencies to keep Congress fully and currently informed. We ask that of them, and so far we have received their cooperation.

Over the past several weeks, there has been this new interest in the czars and czarinas in the Obama administration, according to Mr. Beck and others. Some Members have asked serious questions about the makeup of the White House staff. The bulk of the noise being heard right now began with partisan commentators like Mr. Beck, suggesting this is somehow a new and sinister development that threatens our democracy.

Unfortunately, this czar issue didn't start with the Obama administration. It goes back much further in history, and it certainly includes the previous Bush administration, which was not subjected to an amendment such as is being offered at this moment. Many of the officials cited by conservative commentators—and I don't include Senator COLLINS because I haven't seen her list of 18—are Senate-confirmed appointees or advisory roles carried over from the Bush White House. Many are advisers to the President's Cabinet Secretaries. Many hold policy jobs that existed in the Bush administration. Some hold jobs that involve coordinating the work of agencies on President Obama's key policy priorities: health insurance reform, energy and green jobs, and building a new foundation for a longlasting economic growth.

I might say that in the past the same concern and furor hasn't arisen. DARRELL ISSA, a Congressman from California, was recently on FOX News and was asked what kind of investigation he had made into the Bush administration about czars, and he said he hadn't done so. He hadn't raised any objection, although he now thought it was a pretty important issue under President Obama. In fact, if you adhere to the definition of czar held by many Members—and I won't include Senator COLLINS in this group but other Members in the Senate—the Bush administration had 47 czars—budget czars, faith czars, manufacturing czars, to name a few.

Many of the Members who now decry the practice have called on Presidents in the past to appoint czars. Senator ROBERT BENNETT of Utah, a friend and recognized colleague who worked hard on the Y2K concern, asked for a czar to be appointed, and he said he had worked with that person to maintain ''bipartisan and across-the-government communication.'' Even the ranking member of the Appropriations Interior Subcommittee, Senator ALEXANDER of Tennessee, has had words said about czars in this administration. But during remarks delivered on the Senate floor in 2003, captured in the CONGRESSIONAL RECORD, Senator ALEXANDER said, ''I would welcome [President Bush's] manufacturing job czar.'' That same day in the Senate, he also expressed support for President Bush's AIDS czar, Randall Tobias.

Mr. ALEXANDER. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. ALEXANDER. Mr. President, I would ask the distinguished assistant Democratic leader if he is aware that the manufacturing czar in President Bush's time was appointed by the President and confirmed by the Senate and testified before the Senate? And I wonder if he is also aware that the AIDS czar was appointed by the President and confirmed by the Senate and testified before the Senate?

Senator COLLINS has been careful—I believe he is aware; I wonder if he is aware—that she is not talking about any czars whom we confirm and the President appoints and who testify, and she is only talking about the 18 new czars under the Obama administration, just as Senator BYRD did in February.

I wonder if the Senator is aware of those things?

Mr. DURBIN. I thank the Senator from Tennessee for the question, and I am aware of that fact, and I would respond to him, that is why I was trying to clarify how many czars are in this Muscovite conspiracy because one of his colleagues from Texas, Senator HUTCHISON, identified 32, as did Mr.

Glenn Beck, and they included 16—pardon me, 7 of these so-called czars are people who have—pardon me, 9 have been confirmed by the Senate. So it appears that some of your colleagues do not share your definition that Senator COLLINS referred to on the floor.

The point I am trying to make is that this is a legitimate inquiry, it is an important inquiry, but it has been muddled by statements made by some Members of Congress and certainly by those in the political commentary realm.

The good news for Senator ALEXANDER and Senator COLLINS and everyone else concerned about this issue is that a trusted friend and colleague, Senator JOE LIEBERMAN, chairman of the Homeland Security Committee, has promised a hearing on this issue. I know he will engage Senator COLLINS, as ranking Republican member, on it, and serious questions which have been presented will be considered by Senator LIEBERMAN. We respect him in that capacity.

So the reason I am objecting to this amendment isn't because I don't think Senator COLLINS has at least a legitimate inquiry, but I think it should be taken in the greater order of things rather than considered in this fashion on an appropriations bill.

So, Mr. President, I make a point of order that the Collins amendment, No. 2498, violates rule XVI, paragraph 4, legislating on an appropriations bill.

Excuse me, Mr. President, I missed one procedural step.

I call for regular order on the pending Collins amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. DURBIN. Mr. President, I now make a point of order that the Collins amendment, No. 2498, violates rule XVI, paragraph 4, in that it legislates on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the assistant Democratic leader for his comments, and I want to especially thank the Senator from Maine.

The Senator from Illinois suggested that the waters had gotten muddied because some of us didn't count very well in terms of the number of czars who might exist in the Obama administration. That is why we are so fortunate to have the Senator from Maine, who is always careful, always thoughtful, and always experienced. What she has done is gone back to Senator BYRD's first letter in February, in which he expressed his concern about the constitutional issues here, and then she has counted 18 new czars in the Obama administration. Her letter of September 14 to the President is limited, thoughtful and respectful, and she simply asks that the President identify the specific authorities and responsibilities of those positions, the process by which the administration examines these people, and whether they are willing to testify before us. She is the ranking member of the committee Senator LIEBERMAN chairs and will have an opportunity during the hearings to explore this.

Some of us are concerned that the administration is too dedicated to too many Washington takeovers, and the unusual number of new czars is the most visible symbol of the large number of Washington takeovers. I think we are fortunate that we have as thoughtful a Senator as the Senator from Maine and an independent Senator from Connecticut, JOE LIEBERMAN, who will look into it. I am sure Senator BYRD will want to weigh in. Senator FEINGOLD may want to have a hearing. So we will have an opportunity to have a thoughtful resolution.

I thank the Senator from Maine for her amendment and her leadership on this issue, and I look forward to hearing more from her on it.

Madam Chairman, if I could say to the Senator from California, the Senator from New Mexico has been waiting and the Senator from Louisiana has been waiting.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent for 2 minutes of recognition before we move away from this issue.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. VITTER. Mr. President, I will be brief. I wish to compliment my distinguished colleague from Maine on her amendment. It was very well tailored and very carefully put together. I do think it is a shame that it won't be able to come to any vote because of this procedural move by the assistant majority leader.

I want to underscore three points:

No. 1, maybe we can talk about some other universe when we debate the Beck amendment, but we are not debating the Glenn Beck amendment, we are talking about the Collins amendment, and we will get to vote on the Vitter amendment. What all of us have been talking about are appointees of the President whose offices were not created by statute in any way and who were never Senate confirmed.

No. 2, I also want to underscore the point that this is clearly a bipartisan concern, as evidenced by Senator BYRD's letter of February and the recent comments of Senator Russ Feingold. It is a very serious and very bipartisan concern.

No. 3, we will have an opportunity to vote on this issue today under my amendment. The climate change czar is one of those 18, and she clearly threatens to supercede and overshadow Senate-confirmed Cabinet members such as the head of EPA. My amendment is very simple. It says EPA shouldn't have to carry out orders of the climate change czar when it is supposed to be headed by a Cabinet member, a Senate-confirmed appointee, directly at EPA.

So again I compliment the Senator from Maine on her efforts. I will certainly pledge ongoing support on the issue, including through my amendment.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I rise today to oppose the Murkowski amendment. The Murkowski amendment would prohibit the EPA from using funds under the Clean Air Act to deal with climate change.

I listened earlier today, and I heard the Senator from California, the chairman of the Appropriations Interior, Environment Subcommittee, speaking about the issue, and she spoke eloquently. I heard Senator BOXER, the chairman of the Environment and Public Works Committee, speaking about this issue. She also made the very strong point that this amendment would be ill-advised and irresponsible. And I rise today to speak to this amendment and to oppose it.

America and the world are face-to-face with a perfect storm—an energy crisis and a climate crisis that require a do-it-all energy policy. These two crises are closely linked, and today I would like to raise one facet of the solution: clean energy incentives.

I strongly believe we should resist efforts to block the Obama administration actions on clean energy on the fiscal year 2010 Interior and Environment Appropriations Act or other legislation, for that matter. If that were to happen, American families and the men and women in our Armed Forces would be stuck with the bill.

Concerns about the cost of the administration's actions to address our energy and climate crisis have it exactly backward. The biggest cost is the cost of inaction—costs families pay at the pump in energy bills every day; money from their hard-earned paychecks that end up in the treasuries of foreign countries or foreign oil companies, some of which are hostile to the United States. In the end, the only people who will benefit from efforts to block clean energy solutions are members of OPEC and other special interests in the fossil fuel industry.

To put it simply, our dependence on fossil fuels is a huge drag on families' pocketbooks and a clear and present danger to our national security. In 2008, American families and businesses sent $475 billion overseas to pay for foreign oil. That works out to over $4,000 per household in America—a massive transfer of wealth from hard-working families in New Mexico and the other 49 States to the treasuries of foreign nations. The largest consumer of foreign oil is the U.S. military, which is engaged in two major conflicts in the Middle East—an area of strategic importance largely due to its massive oil reserves.

Making matters worse, this same reliance on fossil fuels pollutes our atmosphere with toxic compounds such as sulfur dioxide, soot, and mercury, alongside greenhouse gases such as carbon dioxide. The global climate crisis is real. Strong scientific evidence shows unless we transition to clean energy sources, our home States will pay a heavy price.

In New Mexico, scientific evidence indicates more devastating forest fires, droughts, and invasive species caused by climate change.

Luckily, we have numerous cost-effective solutions at hand to address the energy and climate crisis. My home State of New Mexico and many other States across the Nation are rich in much cleaner domestic sources of energy, sources such as wind and solar, geothermal and natural gas. Several years ago, wind energy was unusual but today these projects are quite common. Wind projects create thousands of U.S. jobs in the steel, manufacturing, and construction sectors.

The United States is now installing over a gigawatt of solar power each year and there are six other gigawatts of concentrated solar power projects planned nationally, particularly in the Southwest.

U.S. natural gas reserves have also increased by 35 percent in 1 year, an increase that gives our Nation a century's worth of supply. While natural gas is a fossil fuel, it is significantly cleaner than either coal or oil, and much more abundant.

Despite these improvements, we continue to waste tremendous amounts of energy. Government and industry studies have found that the right investments could save energy and more than $1 trillion at the same time. Energy efficiency does not mean turning down the heater in the winter. Rather, efficiency means investments in building technologies such as advanced windows, insulation, and smart electric grids that do not waste energy or money. Improving our efficiency on a major scale would also save more than 1 billion tons of greenhouse gases, proving we can address the global climate crisis without increasing costs on families.

The U.S. Supreme Court ruled that the Bush administration was required by the Clean Air Act to reduce air pollution that is causing our climate crisis, but the Bush administration failed to act. Congress should not put the Obama administration in handcuffs when the President is trying to change course and follow the law. To those who worry that the administration action could short circuit debate on these issues in Congress, nothing could be further from the truth. I agree that Congress should act and set a comprehensive clean energy incentive policy. Numerous Cabinet Secretaries from the administration have testified that they welcome congressional action to create a path forward on clean energy. For Congress to block the administration and to fail to act itself would be the height of irresponsibility.

Our energy and climate crisis have the same root cause. The Senate should address both challenges with the same cost-effective solutions—incentives for renewable energy and energy efficiency. That is why efforts to block the Obama administration from acting on climate change are so dangerous. Such efforts continue our reliance on fossil fuels that hurt family budgets, threaten our national security, and pollute our atmosphere.

The bottom line is America needs a ''do it all'' energy policy, one that includes all the tools in our energy toolbox—more alternative energies and a commitment to conservation; increased domestic oil production, including offshore; investments in clean coal research and technology; and nuclear power has to be part of the mix. Energy and climate change are one of the defining challenges of our time—our perfect storm. We have the tools to fix the problem. Now we need the will to act, not to obstruct.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wanted to make some comments based on the comments the Senator from New Mexico raised.

He talked about $4,000 a year in terms of imported oil into this country and then he talked about we needed to do offshore exploration, but I note for the RECORD he voted against an opportunity to expand offshore exploration yesterday. You can't have it both ways. If we are going to get off oil and hydrocarbons, it is going to take us 25 years. But when we have an opportunity to decrease that cost of $4,000 per family and use American oil, we do not have the same consistency as the rhetoric when it comes to the votes. I think the RECORD needs to show that although the Senator claims that, when he had the opportunity yesterday to vote in a way to expand domestic offshore exploration, he voted against that opportunity.

I wish to take this time to bring up several amendments and make them pending. I thank the chairman of the committee and staff for working with us. We will try to make this as painless as possible and do it in as short a period of time as possible, but I have been down here for the last 4 days, every day, trying to get things done and unable to get them done. So I am going to take adequate time to explain these amendments and also explain a couple of amendments I agreed not to offer but I think it pertinent the American people hear about.

AMENDMENT NO. 2463

First, I ask the pending amendment be set aside and amendment No. 2463 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2463.

Mr. COBURN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. _____. (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 this 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.

AMENDMENT NO. 2523

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2523 be called up.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2523.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To secure our borders and protect our environment)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USE OF FUNDS TO IMPEDE OPERATIONAL CONTROL.

None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367)) over the international land and maritime borders of the United States.

AMENDMENT NO. 2483

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2483 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2483.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To help preserve America's national parks and other public land treasures by reducing maintenance backlogs that threaten the health and safety of visitors)

At the appropriate place, insert the following:

SEC. ___. MAINTENANCE BACKLOG.

Notwithstanding any other provision of this Act, any funds provided from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) to an agency under this Act for federal land acquisition shall be used by the agency for maintenance, repair, or rehabilitation projects for constructed assets.

AMENDMENT NO. 2482

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2482 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2482.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect property owners from being included without their knowledge or consent in the Federal preservation and promotion activities of any National Heritage Area)

Beginning on page 173, strike line 1 and all that follows through page 174, line 5, and insert the following:

NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 115. (a) IN GENERAL.—Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking ''subsection (i)'' and inserting ''subsection (j)''; and

(3) by inserting after subsection (f) the following:

''(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN A NATIONAL HERITAGE AREA.—

''(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in a National Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

''(2) PROPERTY REMOVAL.—

''(A) PRIVATE PROPERTY.—At the request of an owner of private property included in a National Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the National Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

''(B) PUBLIC PROPERTY.—

''(i) INCLUSION.—Only on written notice from the appropriate State or local government entity may public property be included in a National Heritage Area.

''(ii) WITHDRAWAL.—On written notice from the appropriate State or local government entity, public property shall be immediately withdrawn from a National Heritage Area.''.

(b) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act shall be made available for a Heritage Area that does not comply with section 8004(g) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1240) (as amended by subsection (a)).

AMENDMENT NO. 2511

Mr. COBURN. I ask it be set aside and amendment No. 2511 be called up.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Mr. President, if I may, if the Senator would be good enough to mention the subject of the amendment as he reads the number, it would be appreciated. We could keep it straight that way.

Mr. COBURN. This is the last one. These are all in the agreement the Senator and I had that I would bring up and this is the last one.

Mr. FEINSTEIN. Good. I just want to know about which one the Senator is speaking when he is speaking.

Mr. COBURN. I will be happy to do that. No. 2511.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. COBURN. This amendment is as modified without the second degree, with agreement of the chairman of the committee, and you should have the modified amendment at the desk.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2511.

The amendment is as follows:

(Purpose: To prohibit no-bid contracts and grants)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON NO-BID CONTRACTS AND GRANTS.

(a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

AMENDMENT NO. 2511, AS MODIFIED

Mr. COBURN. I ask unanimous consent this amendment be as modified, and I yield to the chairman of the committee.

Mrs. FEINSTEIN. Mr. President, with respect to amendment No. 2511, Senator COBURN and I have come to an agreement. Therefore, there is no need for me to offer a second degree.

I ask unanimous consent that the Coburn amendment No. 2511 be modified with the changes at the desk, and that the amendment, as modified, be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2511), as modified, was agreed to, as follows:

(Purpose: To prohibit no-bid contracts and grants)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON NO-BID CONTRACTS AND GRANTS. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, or other procedures specifically authorized by law to select the grantee or award recipient.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States, or Federally recognized Indian tribes; or

(3) Such contracts or grants are authorized by the Indian Self-Determination and Education and Assistance Act (P.L. 93–638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a grant or contract with an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)).

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I will try to do this, to save some time, in the shortest amount of time I can. I also thank the chairman of this committee for working with me.

There are several amendments I did not offer. I want to spend a couple of minutes talking about those because I think the American people need to hear about them.

Less than a block from this building is the Belmont House. It is a foundation. It is a beautiful building. It has $4 million in the bank, the foundation does. There is an earmark in this bill at this time of a $1.8 trillion deficit, of a 16-percent increase in this bill. The Senator, Senator LANDRIEU from Louisiana, is sending $1 million to that building. They have the money in the bank but we are still going to take $1 million from our grandkids and send it there. I am not offering that amendment in conjunction with having the pleasure of the chairman consider my other amendments. But the American people need to know that kind of thing is going on. It is absolutely not indicated. Who uses that building? We do,

for fundraisers. We do for events. We do for social events. In fact, there is a high price paid when you rent it. But what we are going to do, without regard to what our fiscal situation is, is we are going to send another $1 million as though it is a peanut and send it to that building. That is all I will say on it, but to me it is one of the reasons why this Congress, and we in particular as Members of the Senate, lack the respect of the American people.

The other amendment I am not going to offer that was objected to by the chairman of the Resources Committee is for us to know what kind of land we own. We don't know, since 2005, how much land we have or where we own it.

Supposedly the BLM puts out something. Supposedly the Geological Survey puts something out. But there is not a concise list of the land that the Federal Government owns—and it is somewhere in excess of a third of all the land of this country—and it is 650 million acres. In this bill is another $300 million—almost $400 million—to buy more land. At the same time, the National Park Service has a backlog of $11 billion. We do not have one national park that does not have significant factors of erosion and dilapidation that is now putting both the employees and park visitors at risk. Yet we are going to spend $400 million to buy more land, to require more of their services to take care of, rather than to take care of what we have. It does not fit with common sense.

There is no way the American people as a whole would embrace that kind of stupidity. Yet that is in this bill. We are going to buy more land, we are going to take more land off the tax rolls, we are going to hurt the States, we are going to limit the ability of property owners, and we are going to continue—the Park Service, this year, their backlog grew by over $400 million.

We have the Carlsbad Caverns where we had sewage leaking into the cavern. I won't spend the time to go through the hundreds of examples the Park Service has given us, that they cannot maintain the parks because we will not send them the money to do it. We would rather spend it on an earmark or buy more land. The priorities here are amazing.

Let me talk about amendment No. 2511. I will spend a short period on it. That is the competitive bidding amendment. We have carefully crafted that with the concerns of both staff and the chairman and ranking member of this committee. What it says is we are going to use competitive bidding, much like the President campaigned, when we go to buy things that are approved in this bill. We very carefully exempted the sections of the Native Americans where their sovereignty reigns, where we would not step on their sovereignty—although I am not sure we should not require them to competitively bid, but we agreed not to do that.

Here is what we do know. If you take different branches of the Federal Government, about 5 percent of the costs are excessive because we do not have competitive bidding. If you take the Pentagon, it is about $20 billion a year because we do not have competitive bidding. In the Interior it is much smaller. But any penny we can save, in terms of enhancing the value of the American taxpayers' dollars by saying what we buy is going to be competitively bid, we ought to do that. We ought to get the best value we can. We may not always get great value but at least we are going to have a competitive bid and we are at least going to have everybody in that who is qualified to have a shot at some of that business. So it is a ''two-fer.'' It is, No. 1, better value for the American people but also opening up all this to everybody who has a opportunity to offer a service when the Federal Government buys it.

With that, we have an agreement and I appreciate the chairman accepting that amendment.

Amendment No. 2463 is an amendment for the public to see all the reports required by this bill if, in fact, that will not in any way compromise national security. I think we have worked out an agreement on that amendment to where that is going to be accepted. It is about transparency.

We ought to make sure the American people see what we are doing, and if we ask for a report that will not in any way endanger the security of this country that comes back to us, there is no reason the American people should not be able to see that and we make it available to them so they can make a judgment to judge us on what we are doing and whether we are responding properly to problems identified in such reports.

So I am very thankful for the chairman in terms of accepting this amendment. I look forward to her comments on it. We should do the same thing with this amendment as we did with the last one.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would be happy to do the same thing. If I may, Senator COBURN's amendment No. 2463, he and I have come to an agreement.

I ask unanimous consent that the Coburn amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2463) was agreed to.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from Oklahoma is recognized.

AMENDMENT NO. 2523

Mr. COBURN. Madam President, I switch now to amendment No. 2523, which is a prohibition on funds being spent in this act that would actually limit the effectiveness of the Homeland Security Department in terms of securing our borders and protecting us.

This amendment basically ensures that the wilderness areas and other public lands are protected from crime and pollution. I know it is not seen that way, but what is happening is a very big and sad story about what is happening in our wilderness areas.

Border violence and trafficking is at an all-time high. Our public lands along the border are being exploited by drug and human smugglers. Wilderness concerns hinder law enforcement efforts. How do we balance properly our concerns for the environment and still secure our borders and still protect our population from both drug smuggling and human trafficking?

Wilderness areas also are being destroyed by these very smugglers because we do not allow the enforcement agencies access to be able to make a difference. We have not acted on it; we have not acted on it in this bill. We have to make sure there is the proper balance between protecting our wilderness areas and protecting our country and our citizens.

We have sought to address in the last couple of years our border security concerns by appropriating a large increase in Federal funds for law enforcement and for significant legislation to construct infrastructure along the southern border.

In the Secure Fence Act of 2006, Congress sought to ensure that the Secretary of the Department of Homeland Security was able to take the actions necessary and appropriate to achieve and maintain the operational control over the entire international land and maritime borders of the United States.

The goal of the act was to prevent all unlawful entries into the United States, including entries by terrorists, narcotics, and other contraband, except it has not had the desired impact, and in large part, to the unwelcome increase of illegal human and drug trafficking through public lands, along our southern border. So we have a conflict of desires by agencies to do their jobs.

Amendment No. 2523 would prohibit any funds from within the Interior appropriations bill to be used to prohibit or restrict the activities of Homeland Security on public lands to secure our borders. The effect of this amendment would be to ensure that DHS is able to further secure our borders from terrorists and other national security threats and protect the environment of these lands.

I know there is some concern on the other side with the language, the way we have written it. I am more than willing to work with the chairman of both the Resources Committee, Interior Committee, and the Appropriations Committee to try to put that in a way that properly balances it. I know this is a tough amendment. I do not deny that.

But when you hear the testimony—and I am going to ask that this be printed in the RECORD. This is former

Border Patrol officers and field supervisory Border Patrol agents who testified in Congress last April about what is going on in our wilderness areas.

Do you realize that these people, because we do not have law enforcement in there, they are setting fires in our wilderness areas to distract us to the fire so they can smuggle contraband and humans while we are addressing the fire?

Our wilderness areas are being defiled near McAllen, TX. It relates: When a wilderness area or refuge is established near the border, the criminal element moves in and trashes it because the restrictive wilderness or refuge status accorded to these lands effectively prevents all law enforcement from effectively working the area.

This is Border Patrol:

> In other words, refuge or wilderness designation actually serves to put the environment at a greater risk of being seriously damaged and defaced. Law enforcement must have common, unrestricted, free access to all lands near the U.S. border.

He goes on to clarify that it needs to be at least 50 miles. The other thing that was especially telling and which is horrific is the comments about what is going on along Interstate 8 and Interstate 10 in Arizona: numerous reported ''rape trees'' have been identified in and near the current Pajarita Wilderness near the U.S.-Mexican border.

> Rape trees mark the location where drug and alien smugglers habitually sexually assault and rape illegal alien females that are being brought into the United States across the Mexican border. These locations are marked by the perpetrators who prominently display and hang—

I will not use the words that he does.

> the underwear of their victims on a particular tree. I visited one such reported tree on March 27, 2008, and noticed 30 sets of underwear. These rape-tree trails begin at the Mexican border and travel all of the way through the Pajarita Wilderness.

In southern Arizona we are experiencing increased incidents of wildfires from two primary sources. The first source is illegal aliens who cross into the United States illegally and start fires through carelessness. The second is from illegal aliens engaged in other criminal enterprises who start wildfires intentionally to create a diversion so they can smuggle things into or out of the United States.

You cannot deny the fact that we are having a conflict between the Department of Interior and the Department of Homeland Security in terms of law enforcement along our border. The tragedy is that the very intent of the Department of Interior to protect the environment is actually being made worse by their policy of not allowing law enforcement efforts, i.e., the Border Patrol, into those areas.

So this amendment is intended to do a couple of things. Let me talk about what the claims against this amendment are first, and that I am more than willing to try to work out a sensible agreement. What is driving me nuts is those two Departments have not worked out a sensible agreement themselves, which we ought to have significant oversight hearings on the fact that we are having to do something that they should be taking care of.

The claim is that if this amendment passes it will devastate the environment and give the Department of Homeland Security the mandate to show no regard for the environment. Nothing can be further from the truth. The interpretation of congressional intent that we currently have has led to the destruction of much of our wilderness area because human and drug smugglers have been able to use these lands as major thoroughfares without fear of law enforcement.

Additionally, the Department of Homeland Security will still be obligated to conduct its law enforcement activities in a manner that seeks to minimize or mitigate any negative environmental impact. Do you realize in Arizona they are cutting down 150-year-old cactuses to block the road to inhibit anybody following them? And the fact that we do not have significant law enforcement, i.e., Border Patrol there, these majestic, 100-year-old cactuses, which are protected, are intentionally being destroyed to protect the smugglers.

In the past, when the Secretary of Homeland Security waived 30 environmental and other laws and regulations associated with the construction of tactical infrastructure along the southwest border in compliance with the Federal law, he still required the Department to practice responsible stewardship of natural and cultural resources.

The U.S. Customs and Border Patrol is also committed to do that. I will stop with this: I do want to have printed in the RECORD a letter from the National Border Patrol Council, which is the AFL–CIO representative of our Border Patrol agents who fully endorse this amendment because they are the people actually on the ground seeing the problem, and we are not allowing them to do their job.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EAGLE FORUM,
September 23, 2009.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the many thousands of American families we represent, I urge you to support Senator Tom Coburn's (R–OK) Secure Our Borders and Protect the Environment amendment (#2523) to the Interior Appropriations bill, H.R. 2996, currently being debated on the Senate floor.

The Coburn amendment would simply prevent any funds in this bill from going to any Department of the Interior efforts or activities to impede or stall the Department of Homeland Security's progress of the border fence or to prevent the enforcement of U.S. law on public lands near the border. Yesterday, the House passed a motion to recommit to the Santa Cruz Valley National Heritage Area Act (H.R. 324) by a vote of 259 to 167 that included this same amendment language.

In 2006, the U.S. Senate overwhelmingly passed the Secure Fence Act of 2006 by a vote of 80 to 19 to construct 700 miles of border fence between the U.S. and Mexico—even then-Senator, President Barack Obama, voted in favor of the fence. Despite the enactment of this law and billions of taxpayer dollars for law enforcement efforts, our border remains vulnerable and the increase in violence in Mexico has begun to spill over into the United States. Even worse, our national parks and other federal public lands are being easily targeted by and used as sanctuaries for illegal drug smugglers because environmental concerns limit the range of U.S. Border Patrol agents and also complicate efforts to build the barrier ordered by Congress.

Not only do these restrictions on enforcement endanger our border guards, but the increased illegal activity as a result of reduced law enforcement has led to adverse environmental impacts on these lands, including contamination of pristine areas with bio-hazardous waste and communicable diseases, contamination of water supplies for animals and local ranchers, and an increase in wildfires.

We need the Coburn amendment because it is a common-sense step in our fight against the illegal drug and human trade, to secure our border, and to restore our wilderness areas that border Mexico. I urge you to vote in favor of the Coburn amendment when it comes up for a floor vote today. Eagle Forum will score this vote, which will appear in our scoreboard, published annually, for the 1st session of the 111th Congress.

Sincerely,

SUZANNE BIBBY,
Legislative Director, Eagle Forum.

NATIONAL BORDER PATROL COUNCIL OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFFILIATED WITH AFL–CIO,
September 24, 2009.

Hon. TOM COBURN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COBURN: The United States Border Patrol is charged with the formidable task of securing our Nation's borders, and confronts numerous obstacles that hinder the accomplishment of that goal, including rugged terrain, extreme climatic conditions, an overwhelming number of people crossing the border illegally, and violence perpetrated by smugglers and other criminals. Bureaucratic regulations that prevent Border Patrol agents from utilizing vehicles and technology on public lands should be the least of their concerns, but unfortunately are not.

Your amendment to the Fiscal Year 2010 appropriations bill for Interior, Environment and Related Agencies that would preclude the use any of those funds to impede, prohibit, or restrict any activities of the Department of Homeland Security on public lands that are undertaken to achieve operational control of our borders is therefore greatly appreciated by the dedicated men and women of the U.S. Border Patrol.

Sincerely,

T.J. BONNER,
President.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, if I may say through the Chair to the distinguished Senator from Oklahoma, the manager of the amendment and I are prepared to take the amendment. Moreover, we are prepared to convene a meeting between the two Department heads, have you present, and sit down and see what we can work out.

Mr. COBURN. Well, that is perfectly acceptable to me. I want the problem solved. I think security is just as important as protecting our environment. We are not going to allow one to trump the other.

Mrs. FEINSTEIN. We will accept the amendment on both sides with the stricture I just added to it on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2523) was agreed to.

Mrs. FEINSTEIN. Thank you, Madam President.

AMENDMENT NO. 2483

Mr. COBURN. I would next like to talk about amendment No. 2483. This is the amendment that moves the Federal Land Acquisition Fund to backlog.

There is no question my colleagues in this body know of my concern about an ever-expanding, ever-enlarging Federal role in terms of land ownership. In fact, I have had a lot of conflicts with the chairmen, whether it was a Republican chairman or a Democratic chairman, in terms of expanding the amount of property the Federal Government owns.

It is not just about expanding. When we expand it costs more money. It costs our kids more money. But in this bill, we have almost $400 million that is going to be put in to buy more land where we cannot take care of the land that we have today.

What we know is the following: Federal land management agencies across all these different branches of government, as well as within this bill, are responsible for a large and aging number of structures. As we have continued, through the Federal Government, to consume more private land nationwide, Federal agencies have increasingly been unable to maintain the existing land holdings.

All one has to do is talk to any park ranger. Go up to the Statue of Liberty, they have an $800 million backlog. Go to the Washington Mall, well over $1 billion in maintaining some of our most significant structures. If you go to the Grand Canyon National Park, people are continually being limited because we can't maintain the trails and because we don't put the money in to do it. The National Park Service, which receives most of the money to buy more land in this bill, faces an $11 billion backlog.

When I first started talking about the issue, the backlog was $6 billion. In 4 years, we have seen the backlog with the National Park Service almost double. Although I am thankful for the increase in maintenance funds this bill does add to the national parks, it does not come sufficiently close.

What is the priority? Is the priority for the Federal Government to consume more land, restrict more access, limit the freedom of people around that land and on that land, or is it to let Americans own the land and take care of the land the Federal Government already has? It owns a third of the land. How much land is enough for the Federal Government to own? How much is enough, especially when most of the land we own we are not taking care of. We are letting it fall down. The question has to be: What are the priorities?

The committee says the priority is to buy more land. This amendment says the priority is to repair and take care of the land we have. It specifically directs this money to the National Park Service to help with a backlog of falling down structures and the increased risk of safety for both park employees and visitors.

I obviously don't have all the information the committee has, but as the Senator from New Mexico knows, I have been looking at land acquisition and land bills for the last few years. I have not been successful in slowing them down, but I think the American people need to know about this. They need to recognize that our priorities are screwed up and that, in fact, we ought to be about taking care of what we have before we add to it.

I yield the floor.

Mrs. FEINSTEIN. Madam President, regretfully, I have to oppose this amendment. The fact is, we would lose opportunities to conserve valuable lands because within national parks there are inholdings, and inholdings, when they become available—these are private properties that people own—the Federal Government buys them and adds to the public land. Let me name a few: In Georgia, I am told the Chattahoochee National Recreation Area would be involved; in many States, Civil War battlefield sites; in Ohio, the Cuyahoga Valley National Park; in the State of Washington, Mount Rainier, Olympic, and San Juan National Parks; in Texas, Big Thicket National Preserve; in Indiana, the Hoosier National Forest; in Utah, Dixie National Forest; in South Dakota, the Black Hills National Forest.

The point I wish to make is, on occasion, there are families who have large land holdings, and these are valuable, pristine land holdings. Their first preference might be to have the Federal Government buy these lands to hold them for the future and to conserve the lands. If the Federal Government can't do that, the lands go on the market, generally, for the highest and best use. With some of our prized and treasured possessions, that is not the way to go.

I will oppose this amendment. I am sure it will be in line for a vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. The chairman makes my point for me. Yes, we might miss an opportunity. But we don't have the courage to put the priorities right. We are going to miss an opportunity while structures fall down at Yellowstone. That is what the choice is. We are going to take large, valuable land segments that are now paying property taxes and, because they are up for sale, we are going to spend that money rather than repair Carlsbad Caverns. That is the choice. The chairman made my argument for me. We are not going to do the sensible thing.

Many of these things will come back. They are not gone forever. What we are saying is, because we don't have any limitation on what we spend or how we spend it, we therefore have no limitation in worrying about whether things fall down. The fact is, now an $11 billion backlog, which grew $400 million last year alone in the Forest Service, documented by the Forest Service—those are not my numbers—we are going to say these are more important now than putting back in proper order things that relate to safety or security in the national parks. I will end with the fact that if we don't do this, what we have done is earned the reputation we are garnering, that we refuse to make tough choices. Life is about tough choices. Maybe we don't get to add to one of these parks right now. But how about taking care of what we have? Why not make that a priority?

It is kind of like when your front porch is falling down and that is the only entrance to your house, you start building a garage rather than fix your front porch or you buy an extra five acres so you can have a big garden. We wouldn't do that. The American people wouldn't do that. We need to respond with some commonsense solutions. Instead, we are adding to the cost as the backlog grows.

I am uncomfortable with the fact that that is how we think here. I know the American people are uncomfortable with that fact. I am disappointed we will not have the support of the committee. I look forward to the vote.

The next amendment I will call up is pending, but I will discuss amendment No. 2482.

Mrs. FEINSTEIN. Will the Senator yield? I know he is a gentleman.

Mr. COBURN. I am happy to.

Mrs. FEINSTEIN. Madam President, when we did the stimulus, we put in the maximum amount that the departments could use for maintenance and rehabilitation. I have the breakdown. It is hard to add it all up quickly, but I can give some idea. Bureau of Land Management deferred maintenance, $35 million; recreation maintenance, 25; trail maintenance, 20; abandoned mine site remediation, $30 million; habitat restoration, 25. It goes on. I recall as we did this, what we were told by our staffs is that was the maximum amount these departments could absorb in the length of time covered by the stimulus. I will leave my colleagues with that.

Mr. COBURN. I would be happy to have a UC on this amendment that would exclude the inholdings, if that would satisfy the chairman.

In fact, the inholdings are a very small amount of the $400 million. A very small amount of the money for land acquisitions is inholdings. I would be happy to accept a second degree that would exclude the inholdings from this.

Mrs. FEINSTEIN. I appreciate that, but I cannot accept that. We believe the Land and Water Conservation Fund is working as it is supposed to. If anything, it has been underfunded. This bill proposes to appropriate $420 million of the $900 million that is authorized. That is less than 50 percent. The Land and Water Conservation Fund, we believe, is extraordinarily important. We would try to get it higher if we could, but we cannot.

Mr. COBURN. I thank the chairman for her comments on that. I am sure it is important. It is important to preserve what we have. You can't go to one national park and talk to the park rangers and talk to the person in charge without hearing them talk about the declining status of their individual parks. We have to start making some choices. We are going to refuse to do that. So next year, instead of it being $11 billion, it is going to be $11.6 billion, and then it is going to grow. What is happening right now is, we are shutting off parts of our parks. We are saying, since it is dangerous or it is in disrepair, we cannot let people experience it.

I will put in the RECORD hundreds of examples where that is happening right now. We have researched and the parks have told us where they are limiting access because of the lack of maintenance funds and funds for repair of required things in the parks.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2504, AS MODIFIED

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2504, as modified, be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, is pending.

AMENDMENT NO. 2504, AS FURTHER MODIFIED

Mrs. FEINSTEIN. Madam President, there is a further modification at the desk, and I ask unanimous consent that the amendment be further modified.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment, as further modified, is as follows:

(Purpose: To encourage the participation of the National Park Service in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009)

On page 135, line 2, before the period, insert the following: ''of which $200,000 may be made available by the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue, preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct scholarly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martin Luther King, Jr.;''.

Mrs. FEINSTEIN. Madam President, this modification, which has been agreed to on both sides, allows the Secretary of the Interior to make $200,000 available for preservation of the Martin Luther King papers. It is an amendment offered by Senator ISAKSON. I fully support the amendment.

Madam President, I ask unanimous consent that the amendment as further modified, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2504), as further modified, was agreed to.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2535

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to call up amendment No. 2535.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. BARRASSO, proposes an amendment numbered 2535.

The amendment is as follows:

(Purpose: To provide for the use of certain funds for an Indian estate planning assistance program)

In the matter under the heading ''FEDERAL TRUST PROGRAMS (INCLUDING TRANSFER OF FUNDS)'' under the heading ''OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I, insert '', and of which $1,500,000 shall be available for the estate planning assistance program under section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f))'' after ''historical accounting''.

Mrs. FEINSTEIN. Madam President, this amendment has been accepted by both sides. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2535) was agreed to.

AMENDMENT NO. 2527

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to call up amendment No. 2527.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. BENNETT, proposes an amendment numbered 2527.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the definition of the term ''Beaver Dam Wash National Conservation Area Map'')

On page 240, between lines 13 and 14, insert the following:

SEC. 4___. Section 1971(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note; Public Law 111–11) is amended by striking ''December 18, 2008'' and inserting ''September 20, 2009''.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2527) was agreed to.

Mrs. FEINSTEIN. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I come to the floor because we were looking at an amendment earlier today that would have stopped the EPA from exercising its obligation to combat global warming pollution. There are those here who would choose to defer taking action to deal with this enormous threat where future generations' lives and well-being would be at risk. But the time for delay is a luxury we don't have. We can't afford to wait any longer and we cannot afford to limit our options.

Every day the science makes it more clear we are on a dangerous course. In fact, the scientific community has recently had to revise its own estimates because rising temperatures are destabilizing our planet far faster than originally expected. For instance, 2 years ago, scientists warned us that summers in the Arctic would be completely ice free by 2050. Now they are saying summers in the Arctic will be completely ice free in 3 years. Two years ago they said sea levels would rise less than 2 feet by the end of this century and now it is being said sea levels will rise by 6 feet. The risks of inaction are too great.

We have to look also at the national security risks we face by continuing to do nothing about climate change. According to the CIA's National Intelligence Council, if we fail to act, nearly 1 billion people may face water and food shortages in the next 15 years. These shortages will set the stage for conflict and breed conditions for terrorism. At the same time, with 20 percent of the world's population living in

coastal zones, rising sea levels and stronger hurricanes could displace more than 150 million people by 2050. When it is expressed in percentages such as that and talking about numbers that are almost beyond the imagination, it sometimes loses its impact. But what we are talking about are people seeking higher-level places to take themselves and their families so they are not overwhelmed by floods.

Border pressures created by these mass migrations will increase tensions and lay the groundwork for armed conflict. The U.S. Navy has looked at this problem in the past and issued a report that in the last half of the 21st century we could be looking at a different structure for naval engagements with smaller boats, higher speeds, and so forth to keep people from flooding our shores because they are trying to get away from higher water. Nations will look to us, to the United States, as a first responder in the aftermath of these major natural emergencies and humanitarian disasters.

Retired GEN Anthony Zinni put it this way, that if we don't begin reducing carbon emissions now, we will ''pay the price later in military terms and that will involve human lives.''

Delay is not a substitute for confronting this growing problem. It is no surprise that many of those who want to shelve the Clean Air Act and stop EPA from doing its duty are the same ones who close their eyes to the overwhelming scientific evidence that says, Wake up, hear the alarm. They have dismissed the ominous forecasts of life changes for plants, animals, and humans. They called global warming ''the greatest hoax ever perpetrated on the American people.'' A hoax is a joke. That is a bad joke.

Let's not forget, the EPA's power to curb greenhouse gas emissions under the Clean Air Act was recently affirmed by the Supreme Court. The Clean Air Act has been one of the great success stories of our lifetime and it is one of the few tools we have to overcome climate change. For the last 40 years, this law has led to cleaner skies and healthier children. If it weren't for the Clean Air Act, 225,000 Americans would have died prematurely, according to an EPA study. Imagine, we would have lost 225,000 people if it weren't for the Clean Air Act.

While the gains have been enormous, the cost to polluters has been minimal. In fact, the total benefits to our economy have been identified as high as $49 trillion, putting the benefit at 100 times greater than the cost for action. Even so, history shows that opponents often dramatically overstate the costs of environmental improvement. The last time we strengthened the Clean Air Act, our adversaries rang the alarm that these changes would cost too much and damage the economy. But as it turned out, the actual costs were less than one-fifth of what these opponents estimated. Today, even though EPA has a proven track record of producing trillions in benefits for our economy and our country under the Clean Air Act, we are hearing the same kinds of warnings. It makes no sense.

There is no doubt our opponents prefer to endorse inaction and will reward failure. That is why I urge my colleagues to stand up to the special interests and stand for the public interest. It is time to say from our hearts that we are willing to stand firm against those who claim the overstated cost of change outweighs the risk of disappearing species, poor health, and international unrest.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, I wish to put my colleagues on notice that we are trying to work out an amendment so it can be acceptable to all parties concerned. It has to do with the heritage areas. If, in fact, you are a landowner in this country or you are a farmer or you are a rancher or you happen to have 20 acres in the country, you ought to be very worried about the implications and the consequences of those who come in and change the zoning laws on heritage areas.

Most people in this country have no idea they are in a heritage area. They have no knowledge that they are in a heritage area. As a matter of fact, the whole State of Tennessee is a heritage area. So what we are attempting to do is to create a mechanism where anybody in the country who is in a heritage area who doesn't want to be in it can be out of it with their property.

We also want to respectfully protect some efforts in North Dakota on one specifically where they would have to opt in. So we are working on an agreement. We will come back and talk about this when this is finished. Hopefully, this is the start of restoring property rights to Americans that have been trampled, in my opinion, by those who are empowered through the heritage area name.

My hope is we are going to make good progress on this with this bill. It is important. If you are a farmer or a rancher, if you are a farm bureau member, if you are a cattleman or if you are a dairy farmer, it is time to make sure this stays—whatever agreement we come to—in this bill as it goes to conference. Because real property rights are at risk. They have been at risk. They have been trampled on. This is a great solution in terms of solving it.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I wish to thank the Senator from Oklahoma, the Senator from California, the Senator from North Dakota, and the Senator from New Mexico for their work on this amendment. The Senator from Oklahoma stated it exactly right, and that is our intention. I wish to thank the Senators involved.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I am in support of the amendment offered by the Senator from Oklahoma. I also offered an amendment which I understand will be accepted. It allows for something called an ''opt in'' for private property. It means that for the Northern Plains Heritage Area, private property would be involved only if someone wishes to be included. My understanding is, after having worked with the Senators from Tennessee and Oklahoma, and the Senator from California, who is managing this bill, my amendment will also be accepted by unanimous consent.

My amendment is amendment No. 2441 which has previously been filed.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, in the interest of moving things along—Members are impatient. We have been on this bill for a long time. We wish to conclude. It is my understanding both sides are agreeable to take the Dorgan amendment No. 2441, so I ask for unanimous consent.

Mr. ALEXANDER. Madam President, the Senator from Oklahoma has asked to be present when we do that, so I wonder if it might not be possible to take up other amendments at this time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I withdraw my prior request and I ask unanimous consent that at 5 o'clock tonight, the Senate proceed to vote in relation to the following amendments and motion to recommit remaining in order to H.R. 2996, the Interior Appropriations Act, and in the following order:

The Vitter amendment, No. 2549; the Ensign motion to recommit; the Coburn amendment No. 2482; the Coburn amendment No. 2483; and the Reid amendment No. 2531; that the remaining provisions of the previous order are still in effect.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, the exercise of governmental authority by White House advisers, sometimes called ''czars,'' is a serious issue that deserves serious consideration by the Senate. Our ability to conduct meaningful oversight of those who hold the levers of power and to evaluate whether they have the qualifications and character to carry out their duties may be undermined by the centralization of power in the White House. That is why I wrote to the President recently and plan to chair a hearing in the Constitution Subcommittee on this topic in the very near future. We need to know

more about the role of these advisers and what powers they have. There is a core issue here that concerns me. At this point, however, it is premature to pass legislation on this topic before fully understanding the constitutional and policy ramifications. I am also uncomfortable with singling out a single policy adviser, the Assistant to the President for Energy and Climate Change, particularly since I am not aware of any evidence that she is acting inappropriately. Therefore, I will vote against the Vitter amendment.

Mrs. FEINSTEIN. Mr. President, I yield back the time remaining on the Vitter amendment No. 2549, and I move to table it. 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 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) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—57

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

NAYS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McCaskill
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker
Crapo	Lugar	

NOT VOTING—1

Byrd

The motion was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. ALEXANDER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

MOTION TO RECOMMIT

Mr. ENSIGN. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to recommit H.R. 2996 to the Committee on Appropriations with instructions to report the same back to the Senate with changes that reduce the aggregate level of discretionary appropriations in the Act for fiscal year 2010 by $4,270,000,000 from the level currently in the Act.

The PRESIDING OFFICER. There is 2 minutes equally divided.

Mr. ENSIGN. Mr. President, this is a very simple motion. It just says that at this time of runaway deficits, of out-of-control Federal spending, we are going to try to do a little something. We are just going to take this appropriations bill and say with regard to last year's level, which was increased fairly substantially, we are going to freeze it to last year's level.

As State budgets, local budgets, and family budgets are all being cut, trimmed, and tightened around the country, Washington says: You know what, we are going to print money. We are just going to borrow from our children and grandchildren and continue to print money and print money and push it off onto the next generation.

It is time for this body to show some fiscal restraint. So let's cut $4 billion out of this spending bill and bring it back to last year's level. Let the Appropriations Committee determine where that spending is, but let's actually show some fiscal responsibility.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I urge a ''no'' vote. I am going to move to table at the appropriate time. If we adopt the Ensign motion, we cut Park Service dollars, Indian health dollars, particularly water infrastructure. Mr. President, $2.5 billion in this bill is for sewer grants; $1.8 billion is for fire suppression. It is the first time we have met the fire suppression need fully so that they do not have to take from other accounts to fight fires.

I move to table the motion to recommit.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the motion to recommit.

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) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—64

Akaka	Feinstein	Nelson (NE)
Alexander	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Klobuchar	Shelby
Burris	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murkowski	
Feingold	Murray	

NAYS—34

Barrasso	Enzi	McCain
Bayh	Graham	McCaskill
Brownback	Grassley	McConnell
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Snowe
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	Wicker
DeMint	LeMieux	
Ensign	Lugar	

NOT VOTING—1

Byrd

The motion to table the motion to recommit was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 2482, AS MODIFIED

Mr. COBURN. Mr. President, I think we can dispense with two fairly quickly, one with a vote and one without. We have worked out an agreement on amendment No. 2482. I believe the modification is at the desk. We have an agreement between the chairman and ranking member of the committee and the Senator from New Mexico, who is chair of the appropriate authorizing committee, which allows private property owners to opt out of heritage areas. I ask for its consideration now, rather than spending more time on it, and ask unanimous consent it be accepted.

Mrs. FEINSTEIN. The Senator is correct. We are prepared to accept the amendment.

The PRESIDING OFFICER. If there is no objection, the amendment will be modified and agreed to as modified.

The amendment (No. 2482), as modified, was agreed to, as follows:

At the appropriate place insert the following:

Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.

AMENDMENT NO. 2441

Mrs. FEINSTEIN. A corollary part of this is Dorgan amendment No. 2441, which also moves along with this. So we are prepared to accept Dorgan No. 2441 as well.

Mr. DORGAN. Mr. President, let me say I think this has been cleared by both sides. It does have a connection to the previous amendment. I appreciate the cooperation of the Senator from California, the Senator from Tennessee, and the Senator from Oklahoma.

I ask for its immediate consideration and approval.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, and Mr. CONRAD, proposes an amendment No. 2441.

The amendment is as follows:

(Purpose: To provide for the inclusion of property in, or removal of property from, the Northern Plains Heritage Area)

Beginning on page 173, strike line 12 and all that follows through page 174, line 5, and insert the following:

''(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

''(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

''(2) PROPERTY REMOVAL.—

''(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

''(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area.''.

The PRESIDING OFFICER. Without objection, the amendment will be accepted.

The amendment (No. 2441) was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 2483

Mr. COBURN. We are on amendment No. 2483, which was not agreed to. We could not work out an agreement. I want to take a minute or two—we don't have a time agreement on this—to talk about this amendment, what amendment No. 2483 will do.

The PRESIDING OFFICER. There is 2 minutes equally divided on this amendment.

Mr. COBURN. I am not sure I was present. Do we have a unanimous consent in that regard?

The PRESIDING OFFICER. Yes.

Mr. COBURN. I should have been here to object.

We have an $11 billion backlog in the national parks. It grew by $400 million this year. The Land and Water Conservation Act of 1965 was not meant just to buy land. It was meant to take care of the backlogs and the problems associated with outdoor recreation enjoyment by the American people. There is almost $400 million in this bill to buy more land rather than take care of the things we have today. This amendment simply moves that to take care of the backlog at every national park we have. If we do not do that, we are soon going to be at $12 billion, soon at $13 billion.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COBURN. The fact is, it is common sense. Every American knows you do not build a garage when your front porch is falling down and that is the only way to get into your house. That is what is happening to our parks. I know there is some increased funding for the parks but the fact is they are falling down, whether it is Yellowstone—I don't care where it is, there are significant maintenance problems in the parks. That ought to be a priority before we add 1 more acre to 650 million acres we already own.

The PRESIDING OFFICER. Who yields time?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, we oppose this amendment. We oppose it because it takes $420 million out of the Land and Water Conservation Fund. We oppose it because the committee in the stimulus bill put in as many dollars as these departments could absorb in the period of time for maintenance.

I move to table. 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 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) is necessarily absent.

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—79

Akaka	Cochran	Kaufman
Alexander	Collins	Kerry
Baucus	Corker	Klobuchar
Bayh	Dodd	Kohl
Begich	Dorgan	Landrieu
Bennet	Durbin	Lautenberg
Bennett	Feingold	LeMieux
Bingaman	Feinstein	Leahy
Bond	Franken	Levin
Boxer	Gillibrand	Lieberman
Brown	Graham	Lincoln
Brownback	Gregg	McCain
Burr	Hagan	McCaskill
Burris	Harkin	McConnell
Cantwell	Hutchison	Menendez
Cardin	Inouye	Merkley
Carper	Isakson	Mikulski
Casey	Johnson	Murkowski
Murray	Schumer	Udall (NM)
Nelson (NE)	Sessions	Vitter
Nelson (FL)	Shaheen	Voinovich
Pryor	Shelby	Warner
Reed	Snowe	Webb
Reid	Specter	Whitehouse
Roberts	Stabenow	Wyden
Rockefeller	Tester	
Sanders	Udall (CO)	

NAYS—19

Barrasso	DeMint	Kyl
Bunning	Ensign	Lugar
Chambliss	Enzi	Risch
Coburn	Grassley	Thune
Conrad	Hatch	Wicker
Cornyn	Inhofe	
Crapo	Johanns	

NOT VOTING—1

Byrd

The motion was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. ALEXANDER. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 2531

The PRESIDING OFFICER. The question is on agreeing to the Reid amendment No. 2531.

Mrs. FEINSTEIN. I yield back all time on the Reid amendment. It has been cleared on both sides. I ask for its adoption by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2531) was agreed to.

TAHOE RIM TRAIL

Mrs. FEINSTEIN. Mr. President, I rise to provide additional clarification regarding a congressionally directed spending items included in the fiscal year 2010 Senate Interior Appropriations Subcommittee. At Senator REID'S request, the committee included $100,000 for the U.S. Forest Service to fund trail improvements in Nevada. It is my understanding that Senator REID intended those funds to be used for improvements for the Tahoe Rim Trail, to be conducted through a partnership with the Tahoe Rim Trail Association. Due to a clerical error, the project is not listed correctly in the committee report, and I would like to ensure that the RECORD clearly reflects Senator REID'S intended use for these funds. Through the chair, I would like to ask my colleague from Nevada, the distinguished majority leader, if my understanding of his intent is correct?

Mr. REID. I would like to thank the chairman for her efforts to clarify this matter Chairman FEINSTEIN is correct, I do intend that the funds recommended by the committee be used by the U.S. Forest Service for improvements to the Tahoe Rim Trail through their partnership with the Tahoe Rim Trail Association. I would also note for the record that my request complies fully with all disclosure requirements relating to congressionally directed spending.

Mrs. FEINSTEIN. Mr. President, I thank the majority leader for his clarification and I look forward to working with him to support his project as we move through the annual appropriations process.

FUNDING RCAPS

Mr. LEAHY. Mr. President, as the Chair knows, I have long been a supporter of improving the quality of drinking water in rural America. There is a lot of work to be done. While small rural communities are home to fewer than 20 percent of America's population, they account for more than 85 percent of the Nation's community water systems, and are more likely than larger systems to report major drinking water violations. According to EPA data, 93 percent of the maximum contaminant level, MCL, and treatment technique, TT, violations reported in 2002 affected community water systems serving fewer than 10,000 people. MCL and TT violations include higher than allowable levels of organic and inorganic contaminants such as arsenic, benzene, atrazine, lead, copper and nitrate.

One significant reason for these high numbers is the lack of capacity among local elected officials to deal with the complexities of maintaining a safe and clean supply of drinking water. For this reason I have supported funding for RCAPs—six regional nonprofit organizations that help rural communities with facilities needs.

The technical assistance and training activities the RCAPs provide focus on helping communities comply with the Clean Water Act and the Safe Drinking Water Act. Last year alone, the RCAPs assisted more than 2,000 communities, leveraged over $200,000,000 in funding, conducted 78 training sessions for almost 2,000 community water officials, and assisted nearly 3 million people to access safe and clean water. Most of the communities the RCAPs work with have populations of less than 1,500.

Funding for the RCAPs has been included in this bill for more than 20 years. I understand that the committee was limited by rules regarding earmarks, and I note that funding for the RCAPs is not included in the fiscal year 2010 Senate bill. However, I understand that the House bill includes funding for the RCAPs at the current rate and it my hope that in conference the Senate will move toward the House position on this.

Mrs. FEINSTEIN. I thank the Senator for his comments on this. I appreciate the difficulties faced by rural communities in gaining and maintaining access to adequate drinking water. I also know well the good work of the RCAPs in assisting those communities. As we move into conference on this legislation I look forward to working with my colleague to see if we can maintain funding for this important program.

WHITE NOSE SYNDROME

Mr. LAUTENBERG. I would like to discuss with the Senator a serious issue that deserves our attention. White nose syndrome, WNS, is a fungus that is causing an extraordinary number of bat deaths, particularly in the Northeast. This disease has the potential to inflict widespread ecological, agricultural, and economic damage throughout our country. More than 1 million bats have died from New Hampshire to Virginia over the last two winters, and scientists report mortality rates as high as 100 percent in some affected caves. Experts fear that WNS could lead to the extinction of many bat species as the disease spreads across the country.

WNS not only has ecological effects, but it also has severe economic and environmental implications. Bats consume vast quantities of insects, protecting crops and reducing pesticide use. A single bat can easily eat more than 3,000 insects a night and an entire colony will consume hundreds of millions of insects per year. Bats prey on mosquitoes, which spread disease, and moths and beetles, which damage agriculture.

With the Senator's leadership, the fiscal year 2010 Interior appropriations bill has included $500,000 for research to prevent the spread of WNS, and I thank the Senator for that.

Mrs. FEINSTEIN. I thank Senator LAUTENBERG. Our offices have worked together on efforts to provide funding to fight WNS, and I share his concerns about this issue.

Mr. LAUTENBERG. As the Senator knows, the U.S. Fish and Wildlife Service, FWS, is spearheading efforts to better understand this deadly disease and learn how to control its spread. FWS is working in conjunction with the U.S. Geological Survey, National Park Service, and U.S. Forest Service and with State and local partners, scientists, and conservation organizations. Due to the high mortality rate and the rapid spread of the disease, time is of the essence.

Mrs. FEINSTEIN. I agree with the Senator. We must tackle this issue head-on and make sure all stakeholders are working together to combat this challenge.

Mr. LAUTENBERG. Experts estimate that much more funding is needed for research on WNS. Accordingly, I filed an important amendment to this bill, amendment No. 2476, to shift $1.4 million in additional funding to WNS research. My amendment would not put any other projects or programs at risk, and it would provide critical resources to fight this disease. I ask for the chairman's assurance that she will work in conference to implement my amendment.

Mrs. FEINSTEIN. As I mentioned earlier, I share the Senator's concerns and agree that we need to focus more attention and resources on WNS. I commit to work in conference to increase funding for this disease as called for in his amendment.

CLEAN AUTOMOTIVE TECHNOLOGY

Mr. LEVIN. Mr. President, I want to bring to the attention of the distinguished chair of the Appropriations Subcommittee on Interior, Environment and Related Agencies a very important program in my State. The Environmental Protection Agency's National Vehicle and Fuel Emissions Laboratory in Ann Arbor, MI, leads EPA's Clean Automotive Technology Program by facilitating collaboration with the automotive industry through innovative research to achieve ultra low-pollution emissions, increase fuel efficiency and reduce greenhouse gases.

One of the programs that has been developed collaboratively through the Ann Arbor laboratory and its industry partners is the hydraulic hybrid technology which has come out of the laboratory's focus areas in hydraulic hybrid research, engine research, alternative fuels research and technical and analytical support. This technology offers potential to reduce greenhouse gas emissions by 50 percent.

The President's fiscal year 2010 budget increases the Climate Protection Program line in EPA's budget, which includes this facility, and I appreciate the subcommittee's concurrence with the request in the bill before the Senate.

It is my understanding that the version of the bill adopted by the House of Representatives provides an additional $1.6 million over the fiscal year 2010 budget request. Is that also the understanding of the Senator from California?

Mrs. FEINSTEIN. The Senator is correct. The President's budget proposed $18.975 million for the Climate Protection Program, and that is the same amount proposed in this bill. The House of Representatives approved $20.575 million.

Mr. LEVIN. I hope to provide additional funding for this program in order to fund a demonstration program to deploy hybrid hydraulic technology in larger fleet vehicles, such as school buses. Demonstration of this hybrid hydraulic technology, through its incorporation into a fleet of school buses, would not only bring these fuel-efficient and environmentally friendly technologies closer to wide-scale viability and acceptance but also provide EPA with important data to support its work in developing achievable standards for fuel economy and greenhouse gas emissions.

As the conference committee considers the differences between the House and Senate bills, I am hopeful that the additional $1.6 million included in the House bill will be maintained and that serious consideration will be given to directing this funding to demonstration of the hybrid hydraulic technology I have described.

Mrs. FEINSTEIN. I appreciate the Senator from Michigan bringing this to my attention and I assure him that I will keep his suggestions in mind as this bill progresses.

Mr. LEVIN. I thank the distinguished Senator.

NEW YORK'S NORTHEASTERN STATES RESEARCH COOPERATIVE FUNDING

Mrs. FEINSTEIN. I would like to enter into a colloquy with my colleague from New York.

Mrs. GILLIBRAND. I thank the chairman for entering into a colloquy

with me and for her hard work on this bill. I want to discuss the need to add New York to the list of States included for Northeastern States Research Cooperative Funding.

The Northeastern States Research Cooperative, NSRC, was originally authorized by Congress in the Forest and Rangeland Renewable Resources Research Act of 1978 and is managed by the U.S. Forest Service. The clear intent of Congress in creating the NSRC was to fund a competitive grants research program shared by the four states of the cooperative, New Hampshire, Vermont, Maine and New York.

The original intent of Congress was to have all four States jointly funded by the enacted authorization of this act. Unfortunately, New York has been left out of the Forest Service budget requests this year.

Funding through this cooperative will maintain critical forestry research programs in New York State. For instance, the State University of New York, College of Environmental Science and Forestry has received funding through this program in the past that has provided research, technology transfer and outreach to coordinate and improve ecological and economic vitality of the northeastern forests of New York, Vermont, New Hampshire and Maine.

The NSRC's research is critical to the economic vitality of and quality-of-life in the 18.5 million acres of the New York's forested land.

Mrs. FEINSTEIN. I would like to thank my colleague for bringing this to my attention and I will certainly look into this matter during conference negotiations.

Mrs. GILLIBRAND. I thank the chairman for her help and for her leadership.

Mr. UDALL of New Mexico. Mr. President, I would like to correct the record regarding some recent remarks of Senator TOM COBURN of Oklahoma regarding offshore drilling. Senator COBURN stated in today's debate that I ''voted against an opportunity to expand offshore exploration yesterday.''

First, the Senator's comments are somewhat confusing because there were no votes yesterday that would have opened up even one acre of our offshore public lands to oil exploration. Instead, I believe that Senator COBURN may have been referring to yesterday's motion to recommit by Senator VITTER of Louisiana.

I opposed the Vitter motion yesterday because it was counter-productive. By using political interference in offshore permitting, it would have actually created serious delays. Supporters of the Vitter motion talked about their desire to expand offshore oil drilling, but the motion set up major legal obstacles to developing our natural resources.

The motion was vaguely drafted, but it could have blocked funding from being used to review the over 300,000 public comments received. The motion also could have blocked the Secretary from considering facts and scientific evidence regarding the decision he needs to make.

I opposed the Vitter motion because the only way that we can legally access our public lands for natural resources is by due process. If we block the Department of Interior from following due process, that only serves to delay the process with litigation.

Mr. HATCH. Mr. President, I rise today to discuss an amendment I filed to the Interior appropriations bill, and in doing so, I hope to remind my colleagues about their responsibility as federally elected representatives of the citizens of the United States. The U.S. Constitution, the document written by the people to empower and limit government, specifically gives the Congress the power to make the laws that direct this government. The first section of the first article of the Constitution states ''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.'' The people also established an executive power and a judicial power, but put the lawmaking power specifically into the hands of Congress

I would invite my colleagues to consider for a moment, and to remind themselves, why the people put the control of the Nation's laws into the hands of Congress, and not to the other branches of government. It is because Congress is directly answerable to the people. For members of Congress, there is no escape from the people. Our founding document ensures that we routinely have elections whereby lawmakers face the citizens who sent them here. By limiting legislative powers to Congress, the people have secured this power to themselves. So we see that the people are willing to live under laws, but only to the extent that those laws are their own.

This is a principle upon which our Nation was founded. This is a principle upon which we have achieved our status as a great nation. It is a principle that has made our government an inspiration to generations of free minds throughout the world. And I believe it is a principle that is being weakened on our watch during the 111th Congress.

In April of 2007, the Supreme Court ruled in Massachusetts v. EPA, by a 5 to 4 margin, that the Environmental Protection Agency could act to regulate carbon dioxide emissions as a pollutant from vehicles under the Clean Air Act without further authorization from Congress. And it is widely believed that this decision allows the EPA to also regulate carbon dioxide emissions from all other sources, as well, without further action from Congress.

I disagree with the Supreme Court's decision in Massachusetts v. EPA and even consider it ill-informed in some respects. However, I don't question the role of the Court to make such a decision. After all, the people did, in fact, give the Supreme Court the jurisdiction to interpret the laws of Congress.

Furthermore, I disagree with the EPA's finding that carbon dioxide poses an endangerment to humans and that it is a pollutant. Unlike conventional pollutants, CO_2 does not normally cause direct harm to our environment or to our bodies. It is considered an endangerment only because it has the potential as a greenhouse gas to warm the planet. What seems to be completely lost by the EPA, is that most scientists will tell you that a warming climate is a net benefit, while a cooling climate is a net detriment to life on Earth.

If greenhouse gases and warming are detrimental to life, then why doesn't the EPA propose to regulate water vapor? Water vapor makes up 95 percent of all greenhouse gases, and a cubic foot of water vapor has a much stronger warming factor than a cubit foot of carbon dioxide?

Those are just a couple questions that haven't been answered sufficiently, in my view. And so I disagree with the EPA's finding that carbon dioxide is an endangerment. In spite of that, I do recognize that the Supreme Court has the ability to interpret the Clean Air Act in a way that allows the EPA to make this finding.

However, I doubt that any of my colleagues can honestly say that when Congress voted for the Clean Air Act in 1970, that we intended that carbon dioxide should be regulated as a pollutant. But now we are witnessing the EPA initiating a process to that end which will lead to the most sweeping, and probably most expensive set of regulations in our nation's history, with no specific authorization from Congress to do so.

Is it the proper role of Congress to sit by and allow an independent agency, with nary an elected official within its walls to take over every single energy producing activity in the Nation? Could there be a more dramatic and sweeping centralization of government power than the move to control all carbon dioxide emissions? And are we, as the elected body representing the people going to hide behind a decision by a Supreme Court and just watch it happen? While technically, the Supreme Court and the EPA are acting within their jurisdictions and authority. Certainly, though, with such far reaching regulations, Congress has a responsibility to put these actions back under the direct authority of Congress, and thus back into the hands of the people.

My amendment would do just that. It would bar the EPA from moving forward with these far reaching regulations until Congress has expressly authorized such an action. I urge my colleagues to restore Congress and the people to their proper role over laws that relate to the regulation of carbon dioxide, and support my amendment.

Mr. AKAKA. Mr. President, I rise today to speak in support of the fiscal

year 2010 Department of the Interior, Environment, and Related Agencies Appropriations Act. I wish to thank subcommittee Chairman FEINSTEIN and Ranking Member ALEXANDER, as well as committee Chairman INOUYE and Vice Chairman COCHRAN, for their work on this bill.

This bill will fund important programs at the Environmental Protection Agency, Department of the Interior, Indian Health Service, Forest Service, Smithsonian Institution, National Endowment for the Arts, and National Endowment for the Humanities. Consequently, it addresses critical needs related to public lands management, environmental protection, Indian Country, and cultural education. I am pleased with the inclusion of a number of initiatives for which I requested funding and that I believe will be of great benefit to Hawaii and our Nation. Therefore, I am very thankful that my colleagues on the Appropriations Committee recognized the need of these programs and backed them with unanimous committee approval. I would like to take this opportunity to discuss these important initiatives.

The Omnibus Public Lands Management Act of 2009, which was signed into law earlier this year, includes a bill I introduced in the 110th Congress to authorize appropriations for the National Tropical Botanical Garden, NTBG. Chartered by Congress in 1964, the NTBG collects, cultivates, and preserves tropical flora and conducts research in tropical botany. The NTBG's work has advanced disease treatment, world hunger prevention, and medical education. Funding in this appropriations bill will allow the NTBG to continue to help protect, propagate, and study tropical species that could permit additional scientific advances but are threatened with extinction.

The bill will also fund the establishment and construction of a research and education center for the Hawaii Experimental Tropical Forest, HETF. The Hawaii Tropical Forest Recovery Act, which I sponsored and became law in 1992, authorized the establishment of the HETF to be managed as a site for research and education on tropical forestry, conservation biology, and natural resource management. HETF has been home to dozens of research projects since its establishment, and it has been selected as one of the National Science Foundation's 20 core wildland sites of the National Ecological Observatory Network and a site of the Forest Service's Experimental Forest and Range Synthesis Network. Construction of the center will further HETF's mission to improve the conservation and scientific understanding of tropical forests, a natural resource of global significance.

The James Campbell National Wildlife Refuge will receive funding in this bill to help provide for the acquisition of the remaining parcels on Oahu's northern shore to complete the expansion of the Refuge. The expansion would add approximately 1,100 acres and ensure protection of the largest natural coastal wetland and last remaining natural coastal dune ecosystem on Oahu. It is a premier endangered Hawaiian waterbird recovery area and supports four endangered Hawaiian waterbirds and a variety of migratory shorebirds and waterfowl. I was pleased to be an original cosponsor of the 2005 legislation that authorized such expansion and believe that securing the remaining parcels will aid in preserving the wetland's natural floodwater retention function.

In addition, the invasive species management project in Hawaii included in this bill will help to reduce the impact of established invasive species in the State and support ongoing efforts to prevent the introduction of new ones. Hawaii's delicate insular ecosystems are home to over 300 endangered species, which is more than any other State, and the primary factor limiting their recovery and contributing to their decline in Hawaii is the continued presence of ecologically harmful invasive species. Thus, continued vigilance and action is needed to safeguard these species and their habitats, which are so important both nationally, in terms of biodiversity, and locally, in terms of agriculture, tourism, and culture.

I am also pleased the funding in this appropriations bill that will support the Native Hawaiian Culture and Arts Program, NHCAP, which preserves, supports, revitalizes, and develops Native Hawaiian arts and culture. NHCAP's efforts are focused on assisting Native Hawaiians to be practitioners of their culture and to share knowledge of and celebrate Hawaiian art and culture. NHCAP projects include educational programs, exhibits, publications, and increased access to the Bishop Museum's vast cultural collections of artifacts, documents, and images. These projects foster Native Hawaiian cultural preservation, create important educational opportunities for youth, and promote the sort of understanding necessary in a multicultural nation and increasingly interconnected world.

As population grows on islands with limited freshwater resources, information to evaluate the sustainability of water resources is needed to make informed decisions that balance environmental protection with economic opportunity. The resources that this bill supports for well monitoring and water assessment in my State will enable continued work with stakeholders to provide information on water resources so that they can be managed in a sustainable and legally compliant basis. It will also provide for the operation of stream gauges, which supply data important to signaling flood conditions, improving long-term planning, examining climate change, and measuring water availability and quality.

In all, funding for our national priorities in such areas as environmental protection, Federal lands, and cultural education is complemented in this bill by these six Hawaii programs that drive progress on research, education, planning, and preservation related to natural and cultural resources across my home state for the benefit of my constituents and the country as a whole. Again, I thank my colleagues for their support of these initiatives and urge continued support in conference.

Mr. LEVIN. Mr. President, I will vote for this bill to provide $32 billion in funding for a variety of important environmental and infrastructure purposes. This bill would provide clean drinking water, prevent pollution from contaminating our precious natural resources, clean up hazardous waste sites, protect lands for habitat preservation and recreation, improve vehicle efficiency, and help restore the Great Lakes.

I am pleased this bill includes $400 million for Great Lakes restoration and protection efforts through a new effort called the Great Lakes Restoration Initiative, GLRI. The GLRI is a multiagency effort to address the array of current and historic threats facing the Great Lakes including invasive aquatic species, nonpoint source pollution, and contaminated sediment.

While I appreciate the significant investment in the Great Lakes, I have encouraged the bill managers to provide the full funding requested for the GLRI. The President requested $475 million for the GLRI, and the Environmental Protection Agency has prepared a spending plan for the full funding. Full funding is needed now and would be well spent.

A 2003 GAO report on Great Lakes federal restoration programs stated: ''Despite early success in improving conditions in the Great Lakes Basin, significant environmental challenges remain, including increased threats from invasive species and cleanup of areas contaminated with toxic substances that pose human health threats.'' More recently, scientists report that the Great Lakes are exhibiting signs of stress due to a combination of sources, including toxic contaminants, invasive species, nutrient loading, shoreline and upland land use changes, and changes to how water flows. A 2005 report from a group of Great Lakes scientific experts states that ''historical sources of stress have combined with new ones to reach a tipping point, the point at which ecosystem-level changes occur rapidly and unexpectedly, confounding the traditional relationships between sources of stress and the expected ecosystem response.''

The Great Lakes are a unique American treasure. We must recognize that we are only their temporary stewards. If Congress does not act to keep pace with the needs of the lakes, and the tens of millions of Americans dependent upon them and affected by their condition, the problems will continue

to build and we may start to undo some of the important work that has already been done and is underway. We must be good stewards by providing the resources that the Federal Government needs to meet its ongoing obligation to protect and restore the Great Lakes. This bill will help us meet that great responsibility to future generations.

Importantly, the bill would provide $1.4 billion to capitalize the Drinking Water State Revolving Fund and $2.1 billion for the Clean Water State Revolving Fund for wastewater projects. The funding in the Senate bill more than doubles the amount provided in the fiscal year 2009 bill. I had urged appropriators to provide this increase because Michigan's water infrastructure needs are sizable. Michigan would receive about $41 million for drinking water and $88 million for wastewater projects, protecting public health, improving the environment, and creating a stronger economic climate.

I am also pleased this bill provides $2.7 billion for our National Park Service, an increase of $200 million from last year's level, which I supported. Michigan has six national park units, and this funding would help ensure these resources are adequately maintained and protected. The national parks have been struggling for years with inadequate funding and large maintenance and construction backlogs. This funding would help meet these needs so that our Nation's natural and cultural heritage is preserved. Over a million people visited Michigan's national parks last year, and it is important that visitors find our parks in good condition and that we do the same for future generations.

I am pleased to see this bill includes the President's fiscal year 2010 budget request for the Environmental Protection Agency's Climate Protection Program, which includes the Clean Automotive Technology Program. EPA's National Vehicle and Fuel Emissions Laboratory in Ann Arbor, MI, leads the Clean Automotive Technology Program by facilitating collaboration with the automotive industry through innovative research to achieve ultra low-pollution emissions, increase fuel efficiency and reduce greenhouse gases. An example of the work done collaboratively through this program at the Ann Arbor laboratory with its industry partners is development of hydraulic hybrid technology that offers potential to reduce greenhouse gas emissions by 50 percent. The House bill includes an additional $1.6 million for the Climate Protection Program, and I am hopeful this additional funding will be maintained in conference and that serious consideration will be given to directing this funding to deployment of hybrid hydraulic technology in larger fleet vehicles, such as schoolbuses.

Mr. President, this appropriations bill would protect our natural resources and the Great Lakes in particular, provide communities with safe drinking water and wastewater infrastructure, improve fuel efficiency and reduce greenhouse gases, and protect and improve public lands and parks, and I support its passage.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, my understanding is that the next vote will be final passage on the Interior appropriations bill. I want to alert all Members and give them kind of a suggestion of what the schedule is going to be.

First of all, people are asking about the Finance Committee. I have spoken to Chairman BAUCUS. The Finance Committee is going to work late tonight. They are going to come in in the morning and work, and then they will make a decision how long they are going to work tomorrow and whether they go into the weekend.

The next item of business will be the Department of Defense appropriations bill. Tonight will be debate only. There will be no votes on Friday. The Defense appropriations managers will be here for amendments and debate.

This is one of the most important bills we deal with every year. There will be no votes on Monday. It is one of the high holidays, Yom Kippur. The Defense managers will be here to continue consideration of the bill. We are not going to be in session on Monday, not on the holiday. I do not think that would be appropriate. People are traveling that day. I do not think it is fair.

There will be votes on Tuesday. It will be like a regular Monday. There will be no votes before 5:30. I would hope if people have amendments on this Defense bill they will lay them down. We want to move on this as quickly as possible. We know there are lots of important subjects people want to talk about.

Wednesday, September 30, is the end of the fiscal year. We have a number of things we must do before the end of the fiscal year. We are going to have a CR. We have to extend FAA authority and other issues. All of the chairmen and ranking members know what they are and we have discussed them on the Senate floor.

Next week will be an extremely busy week. I am hopeful in the next few days the Finance Committee will complete their work on the Finance health care bill, and I hope we do not have to do anything dealing with reconciliation on that. We have made progress this week.

Members this week working on this bill have been very cooperative. We have two wonderful managers on this Interior appropriations bill. They have worked well together and done a good job.

Mrs. FEINSTEIN. Before you call the roll, I just want to thank the distinguished ranking member. A lot of cooperation went into this bill or it would have taken a lot longer.

I thank particularly the staff: Peter Kiefhaber, Virginia James, Scott Dalzell, Rachael Taylor, Chris Watkins; on the Republican side, Lee Fonnesbeck, Rachelle Schroeder, and Rebecca Benn. We thank you very much.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. In 60 seconds I would like to thank Chairman FEINSTEIN for being so accommodating working with Republican Members. I would like to thank my colleagues for moving this bill along. Senators COCHRAN, INOUYE, REID, and MCCONNELL have been terrific. The staff members, Peter and Rachael and Scott; on our side, Leif and Rachelle and Rebecca. We thank you for your hard work.

The PRESIDING OFFICER. Under the previous order, the committee substitute, as amended, is agreed to.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2445

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Inhofe amendment No. 2445 be in order.

The PRESIDING OFFICER. Notwithstanding the adoption of the substitute, the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2445.

Mrs. FEINSTEIN. This amendment has been cleared on both sides. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2445) was agreed to, as follows:

AMENDMENT NO. 2445

(Purpose: To provide for the expedited cleanup of the Tar Creek Superfund Site)

On page 240, between lines 13 and 14, insert the following:

SEC. 423. TAR CREEK SUPERFUND SITE.

(a) IN GENERAL.—To expedite the cleanup of the Federal land and Indian land at the Tar Creek Superfund Site (referred to in this section as the ''site''), any purchase of chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (or a successor regulation)), from the site shall be—

(1) counted at twice the purchase price of the chat; and

(2) eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

(b) RESTRICTED INDIAN OWNERS.—Subsection (a) shall only apply if the purchase of chat is made from 1 or more restricted Indian owners or an Indian tribe.

(c) APPLICABLE LAW.—The use of chat acquired under subsection (a) shall conform with applicable laws (including the regulations for the use of chat promulgated by the Administrator of the Environmental Protection Agency).

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment in the nature of

a substitute, as amended, and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. MENENDEZ. Mr. 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) is necessarily absent.

The PRESIDING OFFICER. Are there are other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—77

Akaka	Gillibrand	Murray
Alexander	Gregg	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Hatch	Reed
Bennett	Hutchison	Reid
Bingaman	Inouye	Risch
Bond	Isakson	Roberts
Boxer	Johanns	Rockefeller
Brown	Johnson	Sanders
Brownback	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Shelby
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Crapo	Lincoln	Voinovich
Dodd	Lugar	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wicker
Feinstein	Mikulski	Wyden
Franken	Murkowski	

NAYS—21

Barrasso	Cornyn	Kyl
Bayh	DeMint	LeMieux
Bunning	Ensign	McCain
Burr	Enzi	McConnell
Chambliss	Graham	Sessions
Coburn	Grassley	Thune
Corker	Inhofe	Vitter

NOT VOTING—1

Byrd

The bill (H.R. 2996), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER appointed Mrs. FEINSTEIN, Mr. BYRD, Mr. LEAHY, Mr. DORGAN, Ms. MIKULSKI, Mr. KOHL, Mr. JOHNSON, Mr. REED, Mr. NELSON of Nebraska, Mr. TESTER, Mr. INOUYE, Mr. ALEXANDER, Mr. COCHRAN, Mr. BENNETT, Mr. GREGG, Ms. MURKOWSKI, Ms. COLLINS and Mr. BOND conferees on the part of the Senate.

ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1707, introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1707) to authorize appropriations for fiscal year 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1707) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1707

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Enhanced Partnership with Pakistan Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Statement of principles.

TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

Sec. 101. Authorization of assistance.
Sec. 102. Authorization of appropriations.
Sec. 103. Auditing.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

Sec. 201. Purposes of assistance.
Sec. 202. Authorization of assistance.
Sec. 203. Limitations on certain assistance.
Sec. 204. Pakistan Counterinsurgency Capability Fund.
Sec. 205. Requirements for civilian control of certain assistance.

TITLE III—STRATEGY, ACCOUNTABILITY, MONITORING, AND OTHER PROVISIONS

Sec. 301. Strategy Reports.
Sec. 302. Monitoring Reports.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in this Act, the term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through violent means.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) FRONTIER CRIMES REGULATION.—The term ''Frontier Crimes Regulation'' means the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) IMPACT EVALUATION RESEARCH.—The term ''impact evaluation research'' means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(7) MAJOR DEFENSE EQUIPMENT.—The term ''major defense equipment'' has the meaning given the term in section 47(6) of the Arms Export Control Act (22 U.S.C. 2794(6)).

(8) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(9) OPERATIONS RESEARCH.—The term ''operations research'' means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(10) SECURITY FORCES OF PAKISTAN.—The term ''security forces of Pakistan'' means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, levies, Frontier Corps, and Frontier Constabulary.

(11) SECURITY-RELATED ASSISTANCE.—The term ''security-related assistance''—

(A) means—

(i) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(ii) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et. seq); but

(B) does not include—

(i) assistance authorized to be appropriated or otherwise made available under any provision of law that is funded from accounts within budget function 050 (National Defense); and

(ii) amounts appropriated or otherwise available to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32).

SEC. 3. FINDINGS.

Congress finds the following:

(1) The people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

(2) Since 2001, the United States has contributed more than $15,000,000,000 to Pakistan, of which more than $10,000,000,000 has been security-related assistance and direct payments.

(3) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule, reversing years of political tension and mounting popular concern over military rule and Pakistan's own democratic reform and political development.

(4) Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has

led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past seven years.

(6) Despite killing or capturing hundreds of al Qaeda operatives and other terrorists—including major al Qaeda leaders, such as Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi—the FATA, parts of the NWFP, Quetta in Balochistan, and Muridke in Punjab remain a sanctuary for al Qaeda, the Afghan Taliban, the Terikh-e Taliban and affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

(7) The security forces of Pakistan have struggled to contain a Taliban-backed insurgency, recently taking direct action against those who threaten Pakistan's security and stability, including military operations in the FATA and the NWFP.

(8) On March 27, 2009, President Obama noted, ''Multiple intelligence estimates have warned that al Qaeda is actively planning attacks on the United States homeland from its safe-haven in Pakistan.''.

(9) According to a Government Accountability Office report (GAO–08–622), ''since 2003, the [A]dministration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA'' and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(10) During 2008 and 2009, the people of Pakistan have been especially hard hit by rising food and commodity prices and severe energy shortages, with ⅔ of the population living on less than $2 a day and ⅕ of the population living below the poverty line according to the United Nations Development Program.

(11) Economic growth is a fundamental foundation for human security and national stability in Pakistan, a country with more than 175,000,000 people, an annual population growth rate of two percent, and a ranking of 136 out of 177 countries in the United Nations Human Development Index.

(12) The 2009 Pakistani military offensive in the NWFP and the FATA displaced millions of residents in one of the gravest humanitarian crises Pakistan has faced, and despite the heroic efforts of Pakistanis to respond to the needs of the displaced millions and facilitate the return of many, it has highlighted the need for Pakistan to develop an effective national counterinsurgency strategy.

SEC. 4. STATEMENT OF PRINCIPLES.

Congress declares that the relationship between the United States and Pakistan should be based on the following principles:

(1) Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and economic development of Pakistan.

(2) United States assistance to Pakistan is intended to supplement, not supplant, Pakistan's own efforts in building a stable, secure, and prosperous Pakistan.

(3) The United States requires a balanced, integrated, countrywide strategy for Pakistan that provides assistance throughout the country and does not disproportionately focus on security-related assistance or one particular area or province.

(4) The United States supports Pakistan's struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,900 soldiers and police since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(5) The United States intends to work with the Government of Pakistan—

(A) to build mutual trust and confidence by actively and consistently pursuing a sustained, long-term, multifaceted relationship between the two countries, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) to support the people of Pakistan and their democratic government in their efforts to consolidate democracy, including strengthening Pakistan's parliament, helping Pakistan reestablish an independent and transparent judicial system, and working to extend the rule of law in all areas in Pakistan;

(C) to promote sustainable long-term development and infrastructure projects, including in healthcare, education, water management, and energy programs, in all areas of Pakistan, that are sustained and supported by each successive democratic government in Pakistan;

(D) to ensure that all the people of Pakistan, including those living in areas governed by the Frontier Crimes Regulation, have access to public, modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children;

(E) to support the strengthening of core curricula and the quality of schools across Pakistan, including madrassas, in order to improve the prospects for Pakistani children's futures and eliminate incitements to violence and intolerance;

(F) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan, including support for institutions of higher learning with international accreditation;

(G) to expand people-to-people engagement between the two countries, through increased educational, technical, and cultural exchanges and other methods;

(H) to encourage the development of local analytical capacity to measure program effectiveness and progress on an integrated basis, especially across the areas of United States assistance and payments to Pakistan, and increase accountability for how such assistance and payments are being spent;

(I) to assist Pakistan's efforts to improve counterterrorism financing and anti-money laundering regulatory structure in order to achieve international standards and encourage Pakistan to apply for ''Financial Action Task Force'' observer status and adhere to the United Nations International Convention for the Suppression of the Financing of Terrorism;

(J) to strengthen Pakistan's counterinsurgency and counterterrorism strategy to help prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan or elsewhere;

(K) to strengthen Pakistan's efforts to develop strong and effective law enforcement and national defense forces under civilian leadership;

(L) to achieve full cooperation in matters of counter-proliferation of nuclear materials and related networks;

(M) to strengthen Pakistan's efforts to gain control of its under-governed areas and address the threat posed by any person or group that conducts violence, sabotage, or other terrorist activities in Pakistan or its neighboring countries; and

(N) to explore means to consult with and utilize the relevant expertise and skills of the Pakistani-American community.

TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

SEC. 101. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance to Pakistan—

(1) to support the consolidation of democratic institutions;

(2) to support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally-recognized human rights;

(3) to promote economic freedoms and sustainable economic development;

(4) to support investment in people, including those displaced in on-going counterinsurgency operations; and

(5) to strengthen public diplomacy.

(b) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (a) include the following:

(1) To support democratic institutions in Pakistan in order to strengthen civilian rule and long-term stability, including assistance such as—

(A) support for efforts to strengthen Pakistan's institutions, including the capacity of the National Parliament of Pakistan, such as enhancing the capacity of committees to oversee government activities, including national security issues, enhancing the ability of members of parliament to respond to constituents, and supporting of parliamentary leadership;

(B) support for voter education and civil society training as well as appropriate support for political party capacity building and responsiveness to the needs of all the people of Pakistan; and

(C) support for strengthening the capacity of the civilian Government of Pakistan to carry out its responsibilities at the national, provincial, and local levels.

(2) To support Pakistan's efforts to expand rule of law, build the capacity, transparency, and trust in government institutions, and promote internationally recognized human rights, including assistance such as—

(A) supporting the establishment of frameworks that promote government transparency and criminalize corruption in both the government and private sector;

(B) support for police professionalization, including training regarding use of force, human rights, and community policing;

(C) support for independent, efficient, and effective judicial and criminal justice systems, such as case management, training, and efforts to enhance the rule of law to all areas in Pakistan;

(D) support for the implementation of legal and political reforms in the FATA;

(E) support to counter the narcotics trade;

(F) support for internationally recognized human rights, including strengthening civil society and nongovernmental organizations working in the area of internationally recognized human rights, as well as organizations that focus on protection of women and girls, promotion of freedom of religion and religious tolerance, and protection of ethnic or religious minorities; and

(G) support for promotion of a responsible, capable, and independent media.

(3) To support economic freedom and economic development in Pakistan, including—

(A) programs that support sustainable economic growth, including in rural areas, and

the sustainable management of natural resources through investments in water resource management systems;

(B) expansion of agricultural and rural development, such as farm-to-market roads, systems to prevent spoilage and waste, and other small-scale infrastructure improvements;

(C) investments in energy, including energy generation and cross-border infrastructure projects with Afghanistan;

(D) employment generation, including increasing investment in infrastructure projects, including construction of roads and the continued development of a national aviation industry and aviation infrastructure, as well as support for small and medium enterprises;

(E) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders;

(F) access to microfinance for small business establishment and income generation, particularly for women; and

(G) countering radicalization by providing economic, social, educational, and vocational opportunities and life-skills training to at-risk youth.

(4) To support investments in people, particularly women and children, including—

(A) promoting modern, public primary and secondary education and vocational and technical training, including programs to assist in the development of modern, nationwide school curriculums for public, private, and religious schools; support for the proper oversight of all educational institutions, including religious schools, as required by Pakistani law; initiatives to enhance access to education and vocational and technical training for women and girls and to increase women's literacy, with a special emphasis on helping girls stay in school; and construction and maintenance of libraries and public schools;

(B) programs relating to higher education to ensure a breadth and consistency of Pakistani graduates, including through public-private partnerships;

(C) improving quality public health to eliminate diseases such as hepatitis and to reduce maternal and under-five mortality rates;

(D) building capacity for nongovernmental and civil society organizations, particularly organizations with demonstrated experience in delivering services to the people of Pakistan, particularly to women, children, and other vulnerable populations; and

(E) support for refugees and internally displaced persons and long-term development in regions of Pakistan where internal conflict has caused large-scale displacement.

(5) To strengthen public diplomacy to combat militant extremism and promote a better understanding of the United States, including—

(A) encouraging civil society, respected scholars, and other leaders to speak out against militancy and violence; and

(B) expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, the Youth Exchange and Study Program, and related programs administered by the Department of State designed to promote mutual understanding and interfaith dialogue and expand sister institution programs between United States and Pakistani schools and universities.

(c) ADDITIONAL AND RELATED ACTIVITIES.—

(1) AVAILABILITY OF AMOUNTS FOR PAKISTANI POLICE PROFESSIONALIZATION, EQUIPPING, AND TRAINING.—Not less than $150,000,000 of the amounts appropriated for fiscal year 2010 pursuant to the authorization of appropriations under section 102 should be made available for assistance to Pakistan under this section for police professionalization, equipping, and training.

(2) AVAILABILITY OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Up to $10,000,000 of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102 may be made available for administrative expenses of civilian departments and agencies of the United States Government in connection with the provision of assistance under this section. Such amounts shall be in addition to amounts otherwise available for such purposes.

(3) UTILIZING PAKISTANI ORGANIZATIONS.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contracts, and to work with local leaders to provide assistance under this section.

(4) USE OF DIRECT EXPENDITURES.—Amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102 or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

(5) CHIEF OF MISSION FUND.—Of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102, up to $5,000,000 may be used by the Secretary of State to establish a fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under this title or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes of this section, or for purposes of humanitarian relief. The fund established pursuant to this paragraph may be referred to as the ''Chief of Mission Fund''.

(6) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence in Pakistan and support international efforts to coordinate assistance to refugees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;

(B) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, health, education, infrastructure development, and environmental restoration in identified parts of the country where Afghan refugees have lived; and

(C) the United States should have a coordinated, strategic communications strategy to engage the people of Pakistan and to help ensure the success of the measures authorized by this title.

(d) NOTIFICATION.—For fiscal years 2010 through 2014, the President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of the Government of Pakistan and shall include in such notification a description of the purpose and conditions attached to any such budgetary support.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under this title and to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), up to $1,500,000,000 for each of the fiscal years 2010 through 2014.

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the amounts appropriated in each fiscal year pursuant to the authorization of appropriations in subsection (a)—

(A) none of the amounts appropriated for assistance to Pakistan may be made available after the date that is 60 days after the date of the enactment of this Act unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees pursuant to section 301(a); and

(B) not more than $750,000,000 may be made available for assistance to Pakistan unless the President's Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during such fiscal year—

(i) a certification that assistance provided to Pakistan under this title or the Foreign Assistance Act of 1961 to date has made or is making reasonable progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report; and

(ii) a memorandum explaining the reasons justifying the certification described in clause (i).

(2) MAKER OF CERTIFICATION.—In the event of a vacancy in, or the termination of, the position of the President's Special Representative to Afghanistan and Pakistan, the certification and memorandum described under paragraph (1)(B) may be made by the Secretary of State.

(c) WAIVER.—The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional committees, that it is in the national security interests of the United States to do so.

(d) SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to $1,500,000,000 for each of the fiscal years 2015 through 2019 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

SEC. 103. AUDITING.

(a) ASSISTANCE AUTHORIZED.—The Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the inspectors general of other Federal departments and agencies (other than the Inspector General of the Department of Defense) carrying out programs, projects, and activities using amounts appropriated to carry out this title shall audit, investigate, and oversee the obligation and expenditure of such amounts.

(b) AUTHORIZATION FOR IN-COUNTRY PRESENCE.—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient staff from each of the Offices of the Inspector General, respectively, to carry out subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under section 102 for each of the fiscal years 2010 through 2014, up to $30,000,000 for each fiscal year is authorized to be made available to carry out this section.

(2) RELATION TO OTHER AVAILABLE FUNDS.—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

SEC. 201. PURPOSES OF ASSISTANCE.

The purposes of assistance under this title are—

(1) to support Pakistan's paramount national security need to fight and win the ongoing counterinsurgency within its borders in accordance with its national security interests;

(2) to work with the Government of Pakistan to improve Pakistan's border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and

(4) to help strengthen the institutions of democratic governance and promote control of military institutions by a democratically elected civilian government.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) for Pakistan, including expanded international military education and training (commonly known as ''E–IMET'').

(2) USE OF FUNDS.—It is the sense of Congress that a substantial amount of funds made available to carry out this subsection for a fiscal year should be used to pay for courses of study and training in counterinsurgency and civil-military relations.

(b) FOREIGN MILITARY FINANCING PROGRAM.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) for the purchase of defense articles, defense services, and military education and training for Pakistan.

(2) USE OF FUNDS.—

(A) IN GENERAL.—A significant portion of the amount made available to carry out this subsection for a fiscal year shall be for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan.

(B) SENSE OF CONGRESS.—It is the sense of Congress that a significant majority of funds made available to carry out this subsection for a fiscal year should be used for the purpose described in subparagraph (A).

(3) ADDITIONAL AUTHORITY.—Except as provided in sections 3 and 102 of the Arms Export Control Act, the second section 620J of the Foreign Assistance Act of 1961 (as added by Public Law 110–161), and any provision of an Act making appropriations for the Department of State, foreign operations, and related programs that restricts assistance to the government of any country whose duly elected head of government is deposed by military coup or decree, and except as otherwise provided in this title, amounts authorized to be made available to carry out paragraph (2) for fiscal years 2010 and 2011 are authorized to be made available notwithstanding any other provision of law.

(4) DEFINITIONS.—In this section, the terms ''defense articles'', ''defense services'', and ''military education and training'' have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate Pakistan's establishment of a program to provide reconstruction assistance, including through Pakistan's military as appropriate, in areas damaged by combat operations.

(d) EXCHANGE PROGRAM BETWEEN MILITARY AND CIVILIAN PERSONNEL OF PAKISTAN AND CERTAIN OTHER COUNTRIES.—

(1) IN GENERAL.—The Secretary of State is authorized to establish an exchange program between—

(A) military and civilian personnel of Pakistan; and

(B)(i) military and civilian personnel of countries determined by the Secretary of State to be in the process of consolidating and strengthening a democratic form of government; or

(ii) military and civilian personnel of North Atlantic Treaty Organization member countries,

in order to foster greater mutual respect for and understanding of the principle of civilian rule of the military.

(2) ELEMENTS OF PROGRAM.—The program authorized under paragraph (1) may include conferences, seminars, exchanges, and other events, distribution of publications and reimbursements of expenses of foreign military personnel participating in the program, including transportation, translation and administrative expenses.

(3) ROLE OF NONGOVERNMENTAL ORGANIZATIONS.—Amounts authorized to be appropriated to carry out this section for a fiscal year are authorized to be made available for nongovernmental organizations to facilitate the implementation of the program authorized under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 to carry out the program established by this subsection.

SEC. 203. LIMITATIONS ON CERTAIN ASSISTANCE.

(a) LIMITATION ON SECURITY-RELATED ASSISTANCE.—For fiscal years 2011 through 2014, no security-related assistance may be provided to Pakistan in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(b) LIMITATION ON ARMS TRANSFERS.—For fiscal years 2012 through 2014, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(c) CERTIFICATION.—The certification required by this subsection is a certification by the Secretary of State, under the direction of the President, to the appropriate congressional committees that—

(1) the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, such as providing relevant information from or direct access to Pakistani nationals associated with such networks;

(2) the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups, consistent with the purposes of assistance described in section 201, including taking into account the extent to which the Government of Pakistan has made progress on matters such as—

(A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

(B) preventing al Qaeda, the Taliban and associated terrorist groups, such as Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan, including carrying out cross-border attacks into neighboring countries, closing terrorist camps in the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets; and

(C) strengthening counterterrorism and anti-money laundering laws; and

(3) the security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan.

(d) CERTAIN PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), none of the funds appropriated for security-related assistance for fiscal years 2010 through 2014, or any amounts appropriated to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32), may be obligated or expended to make payments relating to—

(A) the Letter of Offer and Acceptance PK–D–YAD signed between the Governments of the United States of America and Pakistan on September 30, 2006;

(B) the Letter of Offer and Acceptance PK–D–NAP signed between the Governments of the United States of America and Pakistan on September 30, 2006; and

(C) the Letter of Offer and Acceptance PK–D–SAF signed between the Governments of the United States of America and Pakistan on September 30, 2006.

(2) EXCEPTION.—Funds appropriated for security-related assistance for fiscal years 2010 through 2014 may be used for construction and related activities carried out pursuant to the Letters of Offer and Acceptance described in paragraph (1).

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State, under the direction of the President, may waive the limitations contained in subsections (a), (b), and (d) for a fiscal year if the Secretary of State determines that is important to the national security interests of the United States to do so.

(2) PRIOR NOTICE OF WAIVER.—The Secretary of State, under the direction of the President, may not exercise the authority of paragraph (1) until 7 days after the Secretary of State provides to the appropriate congressional committees a written notice of the intent to issue to waiver and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.

(a) FOR FISCAL YEAR 2010.—

(1) IN GENERAL.—For fiscal year 2010, the Department of State's Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32), hereinafter in this section referred to as the ''Fund'', shall consist of the following:

(A) Amounts appropriated to carry out this subsection (which may not include any amounts appropriated to carry out title I of this Act).

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) PURPOSES OF FUND.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) TRANSFER AUTHORITY.—

(A) IN GENERAL.—The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense's Pakistan Counterinsurgency Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32) and such amounts may be transferred back to the Fund if the Secretary of Defense, with the concurrence of the Secretary of State, determines that such amounts are not needed for the purposes for which initially transferred.

(B) TREATMENT OF TRANSFERRED FUNDS.—Subject to subsections (d) and (e) of section 203, transfers from the Fund under the authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense's Pakistan Counterinsurgency Fund.

(C) RELATION TO OTHER AUTHORITIES.—The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) NOTIFICATION.—The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees in writing of the details of any such transfer.

(b) SUBMISSION OF NOTIFICATIONS.—Any notification required by this section may be submitted in classified or unclassified form, as necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

SEC. 205. REQUIREMENTS FOR CIVILIAN CONTROL OF CERTAIN ASSISTANCE.

(a) REQUIREMENTS.—

(1) IN GENERAL.—For fiscal years 2010 through 2014, any direct cash security-related assistance or non-assistance payments by the United States to the Government of Pakistan may only be provided or made to civilian authorities of a civilian government of Pakistan.

(2) DOCUMENTATION.—For fiscal years 2010 through 2014, the Secretary of State, in coordination with the Secretary of Defense, shall ensure that civilian authorities of a civilian government of Pakistan have received a copy of final documentation provided to the United States related to non-assistance payments provided or made to the Government of Pakistan.

(b) WAIVER.—

(1) SECURITY-RELATED ASSISTANCE.—The Secretary of State, in consultation with the Secretary of Defense, may waive the requirements of subsection (a) with respect to security-related assistance described in subsection (a) funded from accounts within budget function 150 (International Affairs) if the Secretary of State certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(2) NON-ASSISTANCE PAYMENTS.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) with respect to non-assistance payments described in subsection (a) funded from accounts within budget function 050 (National Defense) if the Secretary of Defense certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(c) APPLICATION TO CERTAIN ACTIVITIES.—Nothing in this section shall apply with respect to—

(1) any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.);

(2) any assistance to promote democratic elections or public participation in democratic processes;

(3) any assistance or payments if the Secretary of State determines and certifies to the appropriate congressional committees that subsequent to the termination of assistance or payments a democratically elected government has taken office;

(4) any assistance or payments made pursuant to section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended;

(5) any payments made pursuant to the Acquisition and Cross-Servicing Agreement between the Department of Defense of the United States of America and the Ministry of Defense of the Islamic Republic of Pakistan; and

(6) any assistance or payments made pursuant to section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578).

(d) DEFINITIONS.—In this section—

(1) the term ''appropriate congressional committees'' means the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the term ''civilian government of Pakistan'' does not include any government of Pakistan whose duly elected head of government is deposed by military coup or decree.

TITLE III—STRATEGY, ACCOUNTABILITY, MONITORING, AND OTHER PROVISIONS

SEC. 301. STRATEGY REPORTS.

(a) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan under this Act. The report shall include the following:

(1) A description of the principal objectives of United States assistance to Pakistan to be provided under title I of this Act.

(2) A general description of the specific programs, projects, and activities designed to achieve the purposes of section 101 and the respective funding levels for such programs, projects, and activities for fiscal years 2010 through 2014.

(3) A plan for program monitoring, operations research, and impact evaluation research for assistance authorized under title I of this Act.

(4) A description of the role to be played by Pakistani national, regional, and local officials and members of Pakistani civil society and local private sector, civic, religious, and tribal leaders in helping to identify and implement programs and projects for which assistance is to be provided under this Act, and of consultations with such representatives in developing the strategy.

(5) A description of the steps taken, or to be taken, to ensure assistance provided under this Act is not awarded to individuals or entities affiliated with terrorist organizations.

(6) A projection of the levels of assistance to be provided to Pakistan under this Act, broken down into the following categories as described in the annual ''Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance'':

(A) Civil liberties.

(B) Political rights.

(C) Voice and accountability.

(D) Government effectiveness.

(E) Rule of law.

(F) Control of corruption.

(G) Immunization rates.

(H) Public expenditure on health.

(I) Girls' primary education completion rate.

(J) Public expenditure on primary education.

(K) Natural resource management.

(L) Business start-up.

(M) Land rights and access.

(N) Trade policy.

(O) Regulatory quality.

(P) Inflation control.

(Q) Fiscal policy.

(7) An analysis for the suitable replacement for existing Pakistani helicopters, including recommendations for sustainment and training.

(b) COMPREHENSIVE REGIONAL STRATEGY REPORT.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the achievement of United States national security goals to eliminate terrorist threats and close safe havens in Pakistan requires the development of a comprehensive plan that utilizes all elements of national power, including in coordination and cooperation with other concerned governments, and that it is critical to Pakistan's long-term prosperity and security to strengthen regional relationships among India, Pakistan, and Afghanistan.

(2) COMPREHENSIVE REGIONAL SECURITY STRATEGY.—The President shall develop a comprehensive interagency regional security strategy to eliminate terrorist threats and close safe havens in Pakistan, including by working with the Government of Pakistan and other relevant governments and organizations in the region and elsewhere, as appropriate, to best implement effective counterinsurgency and counterterrorism efforts in and near the border areas of Pakistan and Afghanistan, including the FATA, the NWFP, parts of Balochistan, and parts of Punjab.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the comprehensive regional security strategy required under paragraph (2).

(B) CONTENTS.—The report shall include a copy of the comprehensive regional security strategy, including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term ''appropriate congressional committees'' means—

(i) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(c) SECURITY-RELATED ASSISTANCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a plan for the proposed use of amounts authorized for security-related assistance for each of the fiscal years 2010 through 2014. Such plan shall include an assessment of how the use of such amounts complements or otherwise is related to amounts described in section 204.

SEC. 302. MONITORING REPORTS.

(a) SEMI-ANNUAL MONITORING REPORT.—Not later than 180 days after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), and every 180 days thereafter through September 30, 2014, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report that describes the assistance provided under this Act during the preceding 180-day period. The report shall include—

(1) a description of all assistance by program, project, and activity, as well as by geographic area, provided pursuant to title I of this Act during the period covered by the report, including the amount of assistance provided for each program or project, and with respect to the first report a description of all amounts made available for assistance to Pakistan during fiscal year 2009, including a description of each program, project, and activity for which funds were made available;

(2) a list of persons or entities from the United States or other countries that have received funds in excess of $100,000 to conduct projects under title I of this Act during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;

(3) with respect to the plan described in section 301(a)(3), updates to such plan and a description of best practices to improve the impact of the assistance authorized under title I of this Act;

(4) an assessment of the effectiveness of assistance provided under title I of this Act during the period covered by the report in achieving desired objectives and outcomes as guided by the plan described in section 301(a)(3), and as updated pursuant to paragraph (3) of this subsection, including a systematic, qualitative, and where possible, quantitative basis for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;

(5) a description of any shortfall in United States financial, physical, technical, or human resources that hinder the effective use and monitoring of such funds;

(6) a description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any;

(7) any incidents or reports of waste, fraud, and abuse of expenditures under title I of this Act;

(8) the amount of funds authorized to be appropriated pursuant to section 102 that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under sections 101(c)(2) and 103;

(9) a description of the expenditures made from any Chief of Mission Fund established pursuant to section 101(c)(5) during the period covered by the report, the purposes for which such expenditures were made, and a list of the recipients of any expenditures from the Chief of Mission Fund in excess of $100,000;

(10) an accounting of assistance provided to Pakistan under title I of this Act, broken down into the categories set forth in section 301(a)(6);

(11) an evaluation of efforts undertaken by the Government of Pakistan to—

(A) disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;

(B) eliminate the safe havens of such forces in Pakistan;

(C) close terrorist camps, including those of Lashkar-e-Taiba and Jaish-e-Mohammed;

(D) cease all support for extremist and terrorist groups;

(E) prevent attacks into neighboring countries;

(F) increase oversight over curriculum in madrassas, including closing madrassas with direct links to the Taliban or other extremist and terrorist groups; and

(G) improve counterterrorism financing and anti-money laundering laws, apply for observer status for the Financial Action Task Force, and take steps to adhere to the United Nations International Convention for the Suppression of Financing of Terrorism;

(12) a detailed description of Pakistan's efforts to prevent proliferation of nuclear-related material and expertise;

(13) an assessment of whether assistance provided to Pakistan has directly or indirectly aided the expansion of Pakistan's nuclear weapons program, whether by the diversion of United States assistance or the reallocation of Pakistan's financial resources that would otherwise be spent for programs and activities unrelated to its nuclear weapons program;

(14) a detailed description of the extent to which funds obligated and expended pursuant to section 202(b) meet the requirements of such section; and

(15) an assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military, including a description of the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning, and military involvement in civil administration.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.—

(1) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than one year after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

(A) a review of, and comments addressing, the Pakistan Assistance Strategy Report;

(B) recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of this Act;

(C) a detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program); and

(D) an assessment of the impact of the assistance on the security and stability of Pakistan.

(2) CERTIFICATION REPORT.—Not later than 120 days after the date on which the President makes the certification described in section 203(c) for a fiscal year, the Comptroller General of the United States shall conduct an independent analysis of the certification described in such section and shall submit to the appropriate congressional committees a report containing the results of the independent analysis.

(c) SUBMISSION.—The Secretary of State may submit the reports required by this section in conjunction with other reports relating to Pakistan required under other provisions of law, including sections 1116 and 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1906 and 1907).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. The majority leader.

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 159, H.R. 3326, the Defense Department Appropriations Act; that once the bill is reported, the Senate then proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

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, $41,267,448,000.

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, $25,440,472,000.

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, $12,883,790,000.

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, $26,378,761,000.

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, $4,286,656,000.

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, $1,905,166,000.

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, $611,500,000.

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, $1,584,712,000.

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, $7,535,088,000.

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, $2,923,599,000.

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, $30,667,886,000.

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, $34,773,497,000.

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, $5,435,923,000.

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, $33,739,447,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

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, $28,205,050,000: 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 not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: 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: Provided further, That $6,667,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

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, $2,582,624,000.

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, $1,272,501,000.

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, $219,425,000.

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, $3,085,700,000.

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), $5,989,034,000.

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, $5,857,011,000.

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, $430,864,000, 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, $307,700,000, 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 and, with appropriate authorization by the Department of Defense and Department of State, to countries outside 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, $424,093,000, to remain available until September 30, 2012: Provided, That of the amounts provided under this heading, not less than $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

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, $5,244,252,000, 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, $1,257,053,000, 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, $2,310,007,000, 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, $2,049,995,000, 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; and the purchase of eight vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; 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, $9,395,444,000, 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, $18,079,312,000, 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, $3,446,419,000, 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, $814,015,000, 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;

DDG–1000 Program, $1,393,797,000;

DDG–51 Destroyer, $3,650,000,000;

DDG–51 Destroyer (AP), $328,996,000;

Littoral Combat Ship, $1,080,000,000;

LPD–17, $872,392,000;

LPD–17 (AP), $184,555,000;

LHA–R (AP), $170,000,000;

Intratheater Connector, $177,956,000;

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

Prior year shipbuilding costs, $144,950,000;

Service Craft, $3,694,000; and

For outfitting, post delivery, conversions, and first destination transportation, $391,238,000.

In all: $15,384,600,000, 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, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; 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, $5,499,413,000, 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, $1,550,080,000, 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, $13,148,720,000, to remain available for obligation until September 30, 2012.

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, $6,070,344,000, 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, $815,246,000, 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, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; 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, $17,283,800,000, 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, $4,017,697,000, to remain available for obligation until September 30, 2012.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $1,500,000,000, to remain available for obligation until September 30, 2012: Provided, That the Chiefs of the Reserve and National Guard 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 Reserve or National Guard component.

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), $149,746,000, 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, $10,653,126,000, 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, $19,148,509,000, 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, $28,049,015,000, 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, $20,408,968,000, to remain available for obligation until September 30, 2011, of which $2,500,000 shall be available only for the Missile Defense Agency to construct a replacement Patriot launcher pad for the Japanese Ministry of Defense.

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, $1,242,758,000, 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

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $28,311,113,000; of which $26,990,219,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2011, and of which up to $15,093,539,000 may be available for contracts entered into under the TRICARE program; of which $322,142,000, to remain available for obligation until September 30, 2012, shall be for procurement; and of which $998,752,000, to remain available for obligation until September 30, 2011, shall be for research, development, test and evaluation.

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, $1,539,869,000, of which $1,125,911,000 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 $401,269,000, to remain available until September 30, 2011, shall be for research, development, test and evaluation, of which $398,669,000 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, $1,103,086,000: 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.

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, $750,812,000.

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 must 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) 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.

SEC. 8007. The Secretaries of the Air Force and the Army are authorized, using funds available under the headings ''Operation and Maintenance, Air Force'' and ''Operation and Maintenance, Army'', to complete facility conversions and phased repair projects which may include upgrades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

(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 ''Foreign Currency Fluctuations, Defense'' appropriation 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 budget request for 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 requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the 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.

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 manufactured will 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.

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.

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 $25,756,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $22,433,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $2,426,000 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 nonprofit 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 5,600 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,100 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 $120,200,000.

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, Oregon, and Minnesota relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth 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, Oregon, 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.

(RESCISSIONS)

SEC. 8040. 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:

''Research, Development, Test and Evaluation, Air Force, 2009/2010'', $110,230,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2009/2010'', $199,750,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011'', $41,087,000;

''Other Procurement, Army, 2009/2011'', $138,239,000;

''Aircraft Procurement, Air Force, 2009/2011'', $628,900,000;

''Missile Procurement, Air Force, 2009/2011'', $147,595,000;

''Other Procurement, Air Force, 2009/2011'', $5,000,000;

''Procurement, Defense-Wide, 2009/2011'', $5,200,000; and

''Procurement, Defense-Wide, 2008/2010'', $2,000,000.

SEC. 8041. 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. 8042. 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. 8043. 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. 8044. 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. 8045. (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. 8046. 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. 8047. 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. 8048. 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. 8049. (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. 8050. 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. 8051. 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. 8052. (a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

SEC. 8053. (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. 8054. 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. 8055. 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. 8056. 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: Provided, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8057. (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. 8058. (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. 8059. 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. 8060. 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. 8061. 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. 8062. 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. 8063. 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. 8064. 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. 8065. 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. 8066. 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. 8067. 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. 8068. 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. 8069. 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. 8070. 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. 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, $80,092,000 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 $72,306,000 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. 8072. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $144,950,000 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; and

LPD–17 Amphibious Transport Dock Program, $16,844,000.

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

New SSN, $18,702,000; and

LPD–17 Amphibious Transport Dock Program, $16,498,000.

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

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

SEC. 8073. 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. 8074. 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, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, 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. 8075. 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. 8076. 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. 8077. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as the provision of funds for information technology and textbook purchases, professional development for educators, and student transition support) to public schools in states that are considered overseas assignments with unusually high concentrations of special needs military dependents enrolled: Provided, That up to 2 percent of the total appropriated funds under this section shall be available for the administration and execution of the programs and/or events that promote the purpose of this appropriation: Provided further, That up to 5 percent of the total appropriated funds under this section shall be available to public schools that have entered into a military partnership: Provided further, That $1,000,000 shall be available for a nonprofit trust fund to assist in the public-private funding of public school repair and maintenance projects: Provided further, That $500,000 shall be available to fund an ongoing special education support program in public schools with unusually high concentrations of active duty military dependents enrolled: Provided further, That to the extent a Federal agency provides this assistance by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose.

SEC. 8078. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $50,500,000 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 Edward M. Kennedy Institute for the Senate; $5,500,000 to the U.S.S. Missouri Memorial Association; and $25,000,000 to the National World War II Museum.

SEC. 8079. 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. 8080. 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. 8081. 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. 8082. 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. 8083. (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. 8084. 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. 8085. 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. 8086. (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) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8087. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8088. 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. 8089. Up to $16,000,000 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. 8090. 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. 8091. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by $294,000,000, the total amount appropriated in title III of this Act is hereby reduced by $322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $236,000,000, and the total amount appropriated in title V of this Act is hereby reduced by $9,000,000: Provided, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8092. 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. 8093. 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. 8094. 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. 8095. 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. 8096. (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. 8097. 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. 8098. 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. 8099. 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.

SEC. 8100. The amounts appropriated in title II of this Act are hereby reduced by $500,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows:

From ''Operation and Maintenance, Air Force'', $500,000,000.

SEC. 8101. During the current fiscal year, not to exceed $10,000,000 from each of the appropriations made in title III 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.

SEC. 8102. 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 funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: Provided further, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8103. Funds appropriated by this Act for operation and maintenance shall be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $9,597,340,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,175,601,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $670,722,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,445,376,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $293,637,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $37,040,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $31,337,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $19,822,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $824,966,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $9,500,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $51,928,167,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $5,899,597,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $3,775,270,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $9,929,868,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $7,550,900,000, 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 $1,600,000,000, 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.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $234,898,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $68,059,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $86,667,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $125,925,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $450,246,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $289,862,000.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $6,562,769,000, 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.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $1,119,319,000, to remain available until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $475,954,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $875,866,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $365,635,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $4,874,176,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $1,342,577,000, to remain available until September 30, 2012.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $50,700,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $681,957,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $260,118,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $868,197,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $736,501,000, to remain available until September 30, 2012.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $36,625,000, to remain available until September 30, 2012.

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.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $3,138,021,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $480,780,000, to remain available until September 30, 2012.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $6,656,000,000, 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 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.

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.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $84,180,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $39,286,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $112,196,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $412,215,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,563,675,000, which shall be for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

For an additional amount for ''Drug Interdiction and Counter-Drug Activities'', $353,603,000, to remain available until September 30, 2011.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $2,033,560,000, to remain available until September 30, 2012: 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 this 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 amounts transferred shall be merged with and available for the same purposes and time period as the appropriations 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 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 an additional amount for the ''Office of the Inspector General'', $8,876,000.

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 $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: 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 sections 401(c)(4) and 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, 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 for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of $75,000 per vehicle and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $1,200,000,000 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.

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.

SEC. 9007. Each amount in this title is designated as being for overseas deployments and other activities pursuant to section 401(c)(4) and 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. (a) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander of the United States Central Command; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings ''Iraq Security Forces Fund'', ''Afghanistan Security Forces Fund'', and ''Pakistan Counterinsurgency Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security forces, disaggregated by major program and subelements by force, arrayed by fiscal year.

(c) The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $20,000,000 using funds appropriated by this or any prior Act under the headings ''Iraq Security Forces Fund'', ''Afghanistan Security Forces Fund'', and ''Pakistan Counterinsurgency Fund''.

SEC. 9010. (a) None of the funds appropriated or otherwise made available by this Act or any prior Act may be used to transfer, release, or incarcerate any individual who was detained as of October 1, 2009, at Naval Station, Guantanamo Bay, Cuba, to or within the United States or its territories.

(b) In this section, the term ''United States'' means the several States and the District of Columbia.

SEC. 9011. In addition to amounts made available elsewhere in this title there is hereby appropriated $329,000,000 for the purchase of fuel to the following accounts in the specified amounts:

''Operation and Maintenance, Army'', $83,552,000;

''Operation and Maintenance, Navy'', $33,889,000;

''Operation and Maintenance, Marine Corps'', $1,619,000;

''Operation and Maintenance, Air Force'', $179,191,000;

''Operation and Maintenance, Army Reserve'', $8,567,000;

''Operation and Maintenance, Navy Reserve'', $3,007,000;

''Operation and Maintenance, Marine Corps Reserve'', $39,000; and

''Operation and Maintenance, Army National Guard'', $19,136,000.

This Act may be cited as the ''Department of Defense Appropriations Act, 2010''.

Mr. INOUYE. Mr. President, today the Senate will begin consideration of the bill making appropriations for the Department of Defense for fiscal year 2010. On behalf of the committee, Vice Chairman COCHRAN and I are recommending funding which totals $636.3 billion for the discretionary programs under the Defense Subcommittee's jurisdiction.

This amount is $3.9 billion below the amount requested but is the same as the subcommittee's allocation.

Of this amount $128.2 billion is funding to sustain our overseas contingency operations, primarily in Iraq and Afghanistan.

I applaud Secretary Gates and the administration for putting forward a budget request which covers the operations both for the normal cost of running our national security programs and for the ongoing wartime needs.

The proposed funding in this measure protects the priorities of our military and civilian leaders; it supports our men and women in uniform, and provides the funding needed for critical acquisition programs.

There has been much discussion this year about proposals by the administration to cut funding for ''unneeded'' weapons programs. Vice Chairman COCHRAN and I have reviewed each of the proposals by the administration.

While we are not in complete agreement with the judgment of administration officials, we have generally concurred with the recommendations of our current leaders.

I would like to remind the Members of the Senate that the Defense Department has been wrong on several occasions in recommending program terminations. Luckily the Congress has not always agreed with such proposals.

Let me give three examples, although we could spend all day relaying examples of mistakes by previous administrations.

First, the F–117 Stealth fighter. After producing only one squadron of F–117s the Air Force wanted to terminate the program which some in the Defense Department saw as a threat to the F–15E.

Congress continued to add funding for the program until two squadrons had been completely filled out.

Without the additional aircraft provided by the Congress, the Defense Department would have been woefully short of Stealth aircraft in conducting operations in Desert Storm and Bosnia.

Second, the first Bush administration fought very hard to kill the V–22 which today the Marine Corps considers one of its greatest assets.

Finally, I would remind my colleagues that shortly before Desert Shield-Desert Storm some in the Pentagon wanted to eliminate the Central Command. The view at the time was that we probably wouldn't need to focus much attention on South West Asia. This clearly demonstrates that our ability to predict hot spots and future threats is not perfect.

As we go forward today—killing the F–22, the VH–71 Presidential helicopter, the Combat Search and Rescue helicopter, the Kinetic Energy Interceptor, we do so with the hope that today's military and civilian leaders are better able to predict the future than some of their predecessors were.

The recommendations before the Senate provide our best judgment on the needs of our Nation for national security.

We have not provided funding for the closure of Guantanamo because the administration has yet to produce a credible plan. Instead we have included language which for all practical purposes is the same as was adopted by the Senate earlier this year.

We have adjusted funding for the littoral combat ship because the administration did not request sufficient funding to produce the quantity it requested.

On that subject, I must report that the administration has recently announced that it will only procure two LCS ships this year, which is the number that our committee has funded.

We have reapplied savings cut from unjustified amounts requested in the budget to programs that are better suited for funding.

For example, we have reduced amounts requested for Afghanistan security forces which the administration has informed the committee cannot be spent in the coming year and transferred that amount to cover a shortfall in the critically needed MRAP program.

While we strongly concur with the administration that increased funding is required to train and equip our Afghan army and police forces, the amount that we recommend is nearly $1 billion more than was provided for fiscal year 2009.

Moreover, my colleagues should be advised that the Defense Department has not yet spent nearly $2 billion of the funds that are currently available for this program as we near the end of this fiscal year.

Notwithstanding the critical importance of funding for the Afghan security forces, it simply makes no sense to provide more funding than can be spent for this program when other shortfalls exist.

Along with our staffs we spend countless hours reviewing the programs and funding requests proposed by the administration. As you all know the defense budget is huge and it is extremely complex. There are thousands of acquisition and operations programs. In most cases the specific amounts requested for each of these programs was proposed by the military services more than a year ago.

During the intervening period many changes occur. It is not unusual for a program to be delayed or even terminated while a request is pending before the Congress.

As such, it is up to the subcommittee to make the necessary adjustments based on the latest information to ensure that the Nation is afforded the best use of the funds provided in this measure.

In so doing, we are recommending several program increases in this bill.

For example, we are recommending adding $1.5 billion to provide for essential equipment for our National Guard and Reserve Forces.

We have also added funding to sustain our near term missile defense programs—like the AEGIS standard missile, THAAD radars, and ground based interceptors for testing.

We are recommending $1.7 billion to purchase an additional DDG–51 Destroyer to put that restarted program on a more efficient and economical production schedule.

And we have added $2.5 billion to sustain production of the C–17 program for one additional year. The administration has recently been provided with authority to retire the aging, hard to maintain, and often broken C–5A force.

We expect that in re-examining its airlift fleet the Defense Department will eventually conclude that purchasing additional C–17s and maintaining the strategic asset of a hot airlift production line is the right solution.

On the question of earmarks, as we described earlier this year, the committee has reduced the amount recommended for earmarks by $300 million or 10 percent from last year's recommendation.

In numbers, the committee has reduced the number of earmarks by nearly 200 fewer projects. We recognize that most members of the Senate will receive less than last year. we hope that our colleagues can support this package with its streamlined approach to earmarking.

Collectively, we believe the recommendations in this bill will provide for our Nation's defense and is far superior to the budget request submitted by the administration. Having had the time to review the suggestions of the administration carefully has afforded the subcommittee the opportunity to produce a better bill. I hope that all my colleagues can support the bill which was approved unanimously by the committee.

Mr. COCHRAN. Mr. President, I thank Chairman INOUYE for his leadership and bipartisanship in putting together this legislation and moving it to the floor for consideration.

Two weeks ago, the Appropriations Committee unanimously approved this bill which provides over $636 billion for Department of Defense operations for fiscal year 2010, including $128 billion for overseas contingency operations. In compliance with committee allocation, this bill is $3.9 billion below the President's budget request.

Given the allocation, the committee was forced to make tough decisions. This bill reflects a balanced recommendation which fully funds key readiness programs as well as providing for pay, housing allowance, medical care and family support for our men and women in uniform and their families.

Included in this bill is funding for requirements identified by the administration after the budget request was submitted. Funding is included to address the administration's budget amendment to grow the Army by an additional 22,200 personnel. Also included is an additional $1.2 billion for 1400 mine resistant ambush protected vehicles that were recently identified as new requirements for our men and women serving in Afghanistan.

This bill also includes $1.5 billion in the National Guard and Reserve Equipment account to help the Guard and Reserve components procure needed equipment. The Guard and Reserve continue to answer the call to duty. With over 140,000 Guard and Reserve personnel activated, we need to ensure they have the resources necessary to be ready to perform their Federal and State missions. This additional funding will help ensure the Guard and Reserve have the equipment they need.

I urge Senators to support the passage of this bill so we can make sure service members and their civilian colleagues in the Department of Defense have the funding they need to carry out their responsibilities. The men and women who wear our Nation's uniform make great sacrifices and one way to

show our support is to provide funding in a timely manner. My hope is that we finish floor consideration of this bill this week. It would be good for all concerned if we could in a timely fashion before the end of this fiscal year.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business.

The Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

DEPARTMENT OF JUSTICE INVESTIGATION

Mr. CHAMBLISS. Mr. President, I rise today to speak in opposition to Attorney General Holder's decision to reexamine the judgment by career prosecutors at the Department of Justice and initiate a preliminary review to determine whether criminal charges should be filed against CIA officers who conducted interrogations against hardened al-Qaida terrorists.

At the outset, let me remind everyone that President Obama promised the American people he would look forward rather than backward and would not seek a criminal investigation for individuals involved in the CIA's interrogation and detention program. Notwithstanding this promise, he has allowed the Attorney General, a member of his Cabinet who answers to him, to rehash old ground despite the fact that career prosecutors already have examined the same information and declined to prosecute the same individuals for the same actions.

By allowing this decision to stand, President Obama is failing to exercise his duty as Chief Executive and enforcer of the law. Given that there are no new facts to justify this action by the Attorney General, the President should demand that the legal conclusions previously reached by career prosecutors be upheld.

Just last week, seven former CIA Directors—encompassing all living former CIA Directors from both political parties except the two presently serving in the Obama administration, current Director Panetta and Secretary of Defense Gates—wrote in a letter to President Obama that the decision to reexamine these cases ''creates an atmosphere of continuous jeopardy for those whose cases the Department of Justice had previously declined to prosecute.''

No facts have changed since then, no new facts have arisen, and in light of the previous refusal of the Department of Justice to prosecute all but one CIA employee, the CIA has already taken administrative action against some of these individuals. Where is the justice for these government employees who have been on the front lines in the war on terror since the 9/11 attacks and who acted under the legal guidance given to them if they are to face potential punishment more than once for their actions?

What is the message we are sending to our intelligence community? Reopening these cases is exactly the type of action which creates risk-averse intelligence agencies and officers. If an intelligence officer involved in a clandestine operation today worries that he may be prosecuted for it tomorrow, he is not going to think twice about conducting the operation. He simply will not do it. Worse yet, if an intelligence officer involved in a clandestine operation today worries that he may be prosecuted for it tomorrow because of random policy changes, it will evoke an even greater subjective risk-adverse environment. Creating such an environment where intelligence activities today are held hostage to the political decisions of tomorrow is a recipe for failure for our intelligence collection efforts.

As a member of the Senate Select Committee on Intelligence, I understand the important role that intelligence plays in our military, law enforcement, and intelligence operations. I see firsthand the bravery and professionalism exhibited by our intelligence community cadre. Partisanship plays no role in their daily operations. They are guided not by which political party may obtain their vote on a particular day in November but by an overwhelming sense of duty to their country. They understand they do not make policy. Yet they are out there risking their lives to gather the intelligence necessary for policymakers to make an informed decision.

Similarly, partisanship should play no role in the decisions of the administration or Congress when it comes to intelligence gathering. I do not want our intelligence community professionals to have to think twice about whether to gather certain information that will inform me of foreign policy developments because they fear potential prosecution at a later date for doing so. These men and women need to know they have the freedom to do their jobs within the guidance that is given to them at the time, even though that guidance or policy may change down the road. They need to know the country they are serving has their back. Sadly, that is not the message we are sending. Never before has a change in policy brought the threat of potential prosecution for past sanctioned actions.

Some may ask why the Attorney General's decision is so harmful to our national security. The answer is simple. Without calculated risk taking on the part of our intelligence community, we will lose the fight against not only our state adversaries but against terrorists as well. This is not a tradeoff I am willing to take. It is not a tradeoff the President should be willing to make either, particularly as we continue the fight in Afghanistan.

We need to look no further than the events of the past week, the arrests on American soil of three individuals with admitted ties to al-Qaida who may have been planning attacks against the U.S. homeland, to understand that the threats to our country are real and that this tradeoff which the administration has sanctioned is a lot closer to hitting home.

Finally, I would point out that the same report—the CIA inspector general's report entitled ''Counterterrorism Detention and Interrogation Activities (September 2001–October 2003)''—that Attorney General Holder claims was his reason for reopening this investigation was the same report that prompted the CIA to self-report to the Department of Justice in the first place.

Long before the IG even started his review, the CIA informed the Department of Justice that they had recommended an IG investigation related to the interrogation program. Once the report was completed, the Department of Justice received it and carefully reviewed the facts and circumstances described within it. Only after doing so did the career attorneys decline to prosecute. Unfortunately, press reports from this past weekend indicate that the Attorney General never even bothered to read the declination memos prepared by these career public servants.

In recent months, the administration has declassified and released to the public this IG report, as well as the legal guidance from the Department of Justice. The record is there for the American people to review for themselves. I have reviewed all of this information, and I am confident that anyone else who does so will reach the same conclusion I have; namely, that reopening an investigation is not merited.

Further, it is worth noting that the IG report found that:

> The Agency's detention and interrogation of terrorists has provided intelligence that has enabled identification and apprehension of other terrorists and warned of terrorist plots planned for the United States and around the world.

Where deviations from the approved procedures and guidance occurred, it was an anomaly and was either prosecuted or administratively punished by the CIA leadership.

The issues at the heart of the Attorney General's decision have been examined thoroughly, and it is time for them to be laid to rest. President Obama and the Attorney General should put an end to their unjustified second-guessing of career prosecutors. I cannot imagine they would be willing to expose their own policy decisions and legal determinations to future politically motivated prosecutions. Yet by doing so with their actions against the CIA employees, they are setting a dangerous precedent which I believe will have a lasting, chilling effect on our intelligence community and our national security.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING THE 2009 SERVICE TO AMERICA MEDAL WINNERS

Mr. KAUFMAN. Mr. President, I rise once again to honor America's great Federal employees.

When I began my great Federal employees initiative in May, I did so by sharing the stories of some outstanding public servants who in past years had won Service to America Medals.

Last night, at its eighth annual awards gala, the Partnership for Public Service announced its 2009 Service to America Medal winners. These nine exemplary Federal employees represent a number of agencies and hail from diverse backgrounds. Together, they form a snapshot of the finest civil service in history.

When I spoke in May about what makes our Federal workforce so excellent, I said there are several qualities our civil servants embody. First and foremost, they demonstrate great citizenship by choosing careers in the public sector. Second, they are industrious and hardworking in the face of often difficult and challenging tasks.

Our Federal employees take risks both to their safety and to their careers. They persevere even when faced with setbacks or with the knowledge that the effects of their work may not be felt for years to come. Our public servants exhibit great intellect and bring to their jobs many advanced skills and specialized knowledge. I am glad—very glad—there are awards such as the Service to America Medals to recognize the unsung heroes who keep America moving ever forward. This is what I have tried to do each week by speaking about our great public servants.

This year's Service to America medalists can well be described by the five attributes I just listed.

Dr. Janet Kemp, who won this year's Federal Employee of the Year Medal, exemplified the value of outstanding citizenship when she organized a national suicide prevention hotline for veterans. As national director for the VA's Suicide Prevention Program, Janet oversaw the creation of the hotline to help combat veteran suicide, which has increased significantly in recent years. Since 2005, when she was asked to spearhead this program, Janet's initiative has rescued over 3,000 veterans and has assisted them in finding help.

An important aspect of citizenship is a commitment to protecting one's community from harm. Ben Fisherow was awarded the 2009 Justice and Law Enforcement Medal for his work to prevent air pollution. As an experienced litigator with the Department of Justice's Environment and Natural Resources Division, Ben has spent over 20 years enforcing key provisions of the Clean Air Act and taking legal action against utilities that violate anti-pollution mandates. In one case alone, Ben secured a settlement that prevented the release of over 800,000 tons of air pollutants annually.

Our federal employees are hard working, and this year's Citizens Services Medal winner proves it. Michael German, of the Department of Housing and Urban Development, has been working tirelessly to combat homelessness in America. The Interagency Council on Homelessness, which he leads, coordinates with over 850 State and local officials nationwide on efforts to help the homeless obtain medical care and permanent housing. Their work has led to a 30-percent reduction in the chronically homeless between 2005 and 2007.

Another example of our civil servants' industriousness can be found in Allan Comp. Allan won the 2009 Environment Medal for his work at the Department of the Interior's Office of Surface Mining. He created the Appalachian Coal Country Watershed Team, a partnership between his office and VISTA volunteers who help local citizens and community groups organize clean-up projects and monitor water quality. His program was so successful that it was recently expanded to the American West. Today, joint Office of Surface-Mining and VISTA teams are at work protecting and empowering local communities in Colorado, New Mexico, and Montana.

Clare Rowley is an economic analyst for the FDIC. She won the Call to Service Medal for helping to implement the FDIC's mortgage modification program, which helped thousands of families stay in their homes after the collapse of subprime mortgages. In February, Clare, who is only 25 years old, found herself sitting in a high-level meeting with regulators, bankers, and Obama administration officials on the foreclosure crisis. Despite feeling somewhat intimidated because of her age and junior position, Clare spoke up and offered important ideas that eventually made their way into the Treasury Department's mortgage crisis recovery plan. Now, Clare is one of those instrumental in carrying out the plan.

A risk-taker, who won this year's National Security and International Affairs Medal, serves as the director of the USAID's Office of Economic Growth in Pakistan. In July, I spoke about a USAID employee who was gunned down by extremists while posted in the Sudan. For Amy Meyer, who performs similar work in Pakistan, the danger is very real. Nonetheless, she arrived in the country in 2006 and began working with local women to create dairy cooperatives. Starting with just a staff of two and little funding, Amy now oversees a $200 million budget and several successful economic empowerment programs. She even teaches yoga on Pakistani television and has spent much of her personal time dispensing advice to local women in their homes.

The winner of the 2009 Career Achievement Medal knows the meaning of perseverance. Dr. Thomas Waldmann has been a medical researcher at the National Institutes of Health for over 50 years. Currently, Tom is chief of the NIH National Cancer Institute's Metabolism Branch, and the focus of his career has been researching disorders in which the body attacks its own cells. His work has led to treatments to once-fatal varieties of lymphoma, leukemia, and multiple sclerosis. Tom also co-discovered a type of molecule that may lead to advances in the fight against AIDS and cancer. But his successes did not happen overnight. His achievements were the work of a lifetime, and the full impact of Tom's discoveries will not be known for years.

Similarly, Dr. Patricia Guerry has demonstrated great resolve while researching an elusive vaccine. Now serving as chief of the Naval Medical Research Center's Molecular Biology and Biochemistry Branch, she has spent nearly 30 years studying a microbe that causes food poisoning. Researchers discovered that the most common microbe involved in food-borne illnesses is Campylobacter. In the mid-1980s, after several years of unsuccessfully attempting to find a vaccine, many microbiologists turned their attention elsewhere. Patricia, however, never gave up. Today, she and her team of researchers are nearing their goal, and their vaccine is now in the testing phase. She persevered, and our troops stationed abroad as well as tens of millions in the developing world will likely soon benefit from a vaccine.

This year's Homeland Security Medal was shared by a pair of CIA employees who showed great intellect in solving a critical problem. In 2005, the Office of the Director of National Intelligence gave Sean Dennehy and Don Burke the task of improving information-sharing across the intelligence community. Lack of communication between the intelligence agencies had been a serious impediment to preventing the September 11 attacks. To fix this, Sean and Don created an online system called ''Intellipedia,'' modeled after the popular Wikipedia Web site. Intellipedia enables analysts from different agencies to contribute information to subject pages and open cases. Today, Intellipedia has grown to nearly a million pages, and it has helped prevent threats to the Beijing Olympics, analyze IED patterns in Iraq, and study the 2008 Mumbai terror attacks.

All of these outstanding public servants display great humility. Even with such accomplishments, modesty is their common response.

I want to congratulate the Partnership for Public Service on their work to award the Service to America Medals. The winners were selected by a blue ribbon panel of leaders from both

the public and private sectors, of which our colleague from Mississippi, Senator THAD COCHRAN, is a member.

I hope the rest of my colleagues will join me in congratulating all of this year's Service to America winners on receiving their medals. We thank them, and all Federal employees, for their service to our Nation.

Mr. President, I yield the floor.

FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, I wish to make a series of adjustments to the allocation of budget authority and outlays to the Senate Appropriations Committee and the section 401(b) Senate discretionary spending limits. I am making these adjustments for the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010, and for the Department of Defense Appropriations Act, 2010.

First, section 401(c)(2)(A) of the 2010 Budget Resolution permits the chairman to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal year 2010 that both appropriates $273 million and provides an additional appropriation of up to $485 million to the Social Security Administration for continuing disability reviews and Supplemental Security Income redeterminations.

Second, section 401(c)(2)(C) of the 2010 Budget Resolution permits the chairman to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal year 2010 that appropriates up to $311 million to the Health Care Fraud and Abuse Control Program at the Department of Health and Human Services.

Third, section 401(c)(2)(D) of the 2010 Budget Resolution permits the chairman to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal year 2010 that both appropriates $10 million and provides an additional appropriation of up to $50 million for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

Fourth, section 401(c)(3) of S. Con. Res. 13, the 2010 Budget Resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal year 2010 that appropriates $3.2 billion in funding for the Low-Income Home Energy Assistance Program and provides an additional appropriation of up to $1.9 billion for that program.

On August 4, 2009, the Senate Appropriations Committee reported H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010, with an amendment in the nature of a substitute. The reported bill contains $2.746 billion in funding that satisfies the conditions of sections 401(c)(2)(A), 401(c)(2(C), 401(c)(2)(D), and 401(c)(3). The Congressional Budget Office estimates that the $2.746 billion in budget authority will result in $2.197 billion in new outlays in 2010. As a result, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays by those amounts in 2010.

Finally, section 401(c)(4) of S. Con. Res. 13, the 2010 Budget Resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is $90.745 billion, and for 2010, it is $130 billion.

On September 10, 2009, the Senate Appropriations Committee reported H.R. 3326, the Department of Defense Appropriations Act, 2010, with an amendment in the nature of a substitute. The reported bill contains $128.221 billion in funding that has been designated for overseas deployments and other activities pursuant to section 401(c)(4). The Congressional Budget Office estimates that the $128.221 billion in budget authority will result in $66.653 billion in new outlays in 2010. As a result, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays by those amounts in 2010. When combined with previous adjustments made pursuant to section 401(c)(4), $128.6 billion has been designated so far for overseas deployments and other activities for 2010.

When combining the effects of the adjustments made for both bills, I am revising today both the discretionary spending limits and the allocation to the Senate Committee on Appropriations by a total of $130,967 million for budget authority and $68,850 million for outlays.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTIONS 401(c)(2), 401(c)(3), AND 401(c)(4) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

[In millions of dollars]

	Current allocation/limit	Adjustment	Revised allocation/limit
FY 2009 Discretionary Budget Authority	1,482,201	0	1,482,201
FY 2009 Discretionary Outlays	1,247,872	0	1,247,872
FY 2010 Discretionary Budget Authority	1,087,285	130,967	1,218,252
FY 2010 Discretionary Outlays	1,307,200	68,850	1,376,050

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. JOHNSON. Mr. President, today I wish to recognize September as National Prostate Cancer Awareness Month. Prostate cancer is the most diagnosed nonskin cancer in the United States and the most commonly diagnosed cancer in men. It is estimated that 200,000 men will be diagnosed with prostate cancer and 30,000 men will die from the disease this year. Our commitment to making awareness and early detection of this disease a national priority must continue.

A simple blood test, the prostate-specific antigen, or PSA, can detect the risk of prostate cancer. Health experts recommend that doctors offer men yearly screening beginning at age 50. However, men with high-risk factors should consider starting yearly testing earlier. We must remember that through screening and early detection, we truly can save lives.

I am proud to add my voice to those who are working to fight prostate cancer, and I take this opportunity to recognize the families, professionals, and advocates who work day after day to be a powerful voice for prostate cancer patients. I commend them on their tireless efforts to raise awareness of the risks, to promote early detection and treatment, and to further our efforts to understand and eliminate this disease. We must all join these efforts to pursue increased funding for biomedical research and public health awareness

campaigns, as well as expanded diagnosis and treatment options.

I urge all citizens to support the search for the early detection and cure of prostate cancer and support those individuals and families who face this devastating disease.

RECOGNIZING CHARACTER COUNTS! WEEK

Mr. JOHNSON. Mr. President, today I wish to pay tribute to the national week of CHARACTER COUNTS!, the most widely used character building framework in the United States.

In 1993, after a conference in Aspen, Colorado, CHARACTER COUNTS! was formed to educate students about universal ethical standards. With six vital pillars—trustworthiness, respect, responsibility, fairness, caring, and citizenship—CHARACTER COUNTS! teaches students essential values for developing into productive citizens. This important program supplements a regular school's curriculum to educate our future generations about important decisionmaking skills. The program has been credited for increased school attendance, as well as a reduction in misbehavior.

Character education is vital to our youth, and it teaches important lessons we would all do well to embrace. I commend the CHARACTER COUNTS! organization, its instructors, and its participants for being a part of this admirable initiative.

HONORING OUR ARMED FORCES

SPECIALIST JUSTIN PELLERIN

Mr. GREGG. Mr. President, I rise today to pay tribute to a special person, U.S. Army SPC Justin Pellerin of Concord, NH, for his service and supreme sacrifice for our Nation.

Tragically, on August 20, 2009, this courageous young soldier, only 21 years of age, gave his last full measure of devotion when an explosive device detonated near his vehicle in Wardak Province, Afghanistan. At the time of the incident, Specialist Pellerin was serving as an infantryman assigned to the 2nd Battalion, 87th Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division based at Fort Drum, NY.

Justin joined the U.S. Army in June 2007 after graduating from Concord High School and deployed in January in support of Operation Enduring Freedom. This decorated patriot is the recipient of the National Defense Service Medal, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, NATO Service Medal, and most recently, the Purple Heart and Bronze Star.

Heroes from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Afghanistan. Undoubtedly, Justin has advanced that fine tradition. Daniel Webster said: ''God grants liberty only to those who love it, and are always ready to guard and defend it.'' Justin chose to serve our Nation, guard our precious liberties, and answer the call of freedom. Our debt of gratitude will never be fully repaid to Justin or his loved ones.

The sudden death of a young person is especially difficult for family and friends. In November 1864, President Abraham Lincoln was informed by the War Department of a mother who had lost five sons in the Civil War. He wrote the mother: ''I feel how weak and fruitless must be any word of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save.''

My heartfelt sympathy, condolences, and prayers go out to Justin's wife Chelsey; his parents Dale and Melissa, and family and friends. The death of Justin, on a battlefield far from New Hampshire, is a true loss for our State and Nation, and a grievous pain for those who knew him best and loved him most. Although he will be sorely missed by all, it is my hope that his family and friends may find some comfort in knowing that Justin's devotion, sense of duty, and selfless dedication have made the safety and liberty of each and every American more secure. May God bless SPC Justin Pellerin.

ADDITIONAL STATEMENTS

TRIBUTE TO OUTSTANDING HAWAII EDUCATORS

• Mr. AKAKA. Mr. President, I wish to congratulate two outstanding educators from my State, elementary school teachers Liane Tanigawa of Pearl Ridge Elementary School and Seanyelle Yagi of Kanewai Elementary School, for receiving the Presidential Award for Excellence in Mathematics and Science Teaching, PAEMST.

The PAEMST, administered by the National Science Foundation on behalf of the White House Office of Science and Technology Policy, is the highest recognition that a mathematics or science teacher may receive. Since the program's inception in 1983, more than 3,900 educators nationwide have been recognized for their contribution to mathematics and science education. As a former educator and principal, I know firsthand of the countless hours that go into creating curricula, and it makes me proud to see outstanding teachers receive recognition for their hard work.

The dedication of Liane and Seanyelle to their field and to the children of Hawaii is undeniable. I congratulate them both for receiving this outstanding recognition, and I wish them the very best in their future endeavors.•

TRIBUTE TO STEWART AND MARLENE GREENEBAUM

• Mr. CARDIN. Mr. President, today I wish to pay special tribute to the outstanding achievements of Stewart and Marlene Greenebaum. Stewart and Marlene are lifelong residents of Baltimore and good friends of mine who have shown a deep personal commitment to Baltimore, to Maryland, and to improving our community and Nation through their commitment of time and resources.

The Greenebaums have helped to establish our community as a leader in health care. Through their efforts, they established one of our Nation's premier cancer centers. The Marlene and Stewart Greenebaum Cancer Center is known for translating its innovative research into better treatments. Stewart is a past chairman of the board of the University of Maryland Medical System, home to the Marlene and Stewart Greenebaum Cancer Center. The Greenebaums also founded the Children's House at Johns Hopkins Hospital, a facility dedicated to helping the families of children who are fighting life-threatening illness.

The Greenebaums' commitment to improving health care outcomes is known nationwide. Stewart serves as the founding chair for the American Cancer Society's Cancer Resource Network, a program that provides resource navigators to major cancer centers. He is chairman emeritus and member of the Board of Advisors for the Baltimore-based Institute of Human Virology, which focuses on HIV/AIDS research, care, and treatment, and he serves on the board of Profectus Biosciences Inc. and Welldoc, a company whose products help in the management of diabetes. Stewart also is one of the five U.S. directors of the Hadassah Hospital in Jerusalem.

Marlene Greenebaum is known in our community for her commitment to Judaism. She has served as president of Temple Oheb Shalom Sisterhood and is past president of Miriam Lodge, K.S.B. She was vice president of fundraising for Hadassah Hospital in Jerusalem and is currently on the Greenebaum Cancer Center board.

Marlene and Stewart are also committed to education. Stewart helped to found and fund a program that sends African-American students to Israel. He is the founding president of Shoshana S. Cardin Jewish High School. On October 21, the Shoshana S. Cardin School will honor Marlene and Stewart Greenebaum for all they have contributed. I ask my colleagues to join me in applauding the many accomplishments of Stewart and Marlene Greenebaum and for their undying commitment and dedication to helping others.•

TRIBUTE TO BRAYDIN AND TORIN SONES

• Mr. CARPER. Mr. President, I wish today to recognize the noble efforts of

both the Sones family and the Dover Air Force Base community for their support of Karina Sones in her battle against cancer. Karina was diagnosed with acute lymphocytic leukemia when she was 4 years old. Although the doctors thought they had beaten the cancer after a round of chemotherapy in 2004, she unfortunately relapsed in 2006. I wish to commemorate the sterling efforts of her two younger brothers, her parents, and the men and women of Dover Air Force Base for encouraging and supporting Karina through this difficult time. Thankfully, she is now on the path to recovery.

When Karina relapsed, her parents were informed that a bone marrow transplant was her only option. Despite there being approximately 20 million bone marrow donations on record, there were no matches on the National Marrow Donor database for Karina. Her parents, however, remained optimistic that a solution would be found. In what can only be described as good fortune, Karina was lucky enough to be the recipient of an anonymous donation of umbilical cord stem cells that allowed her to have a second chance at life. Karina bravely endured radiation and 50 days of isolation before she could receive the transplant. Afterwards, the whole family had to work together to prevent her from getting sick. Although, Karina still suffers from graft-vs-host disease which has caused her skin to be inflamed, she remains brave and upbeat. She insists that she would like to go to Disneyland with her mother and be Cinderella.

Her two younger brothers, Braydin, age 10, and Torin, age 7, admirably refuse to be helpless as their sister battles leukemia. Karina's struggle inspired them to want to help other kids with cancer and to further support research, so they began collecting golf balls that had landed in their backyard and selling them on to golfers. Their goal was to collect $500, and they have already exceeded that amount. They will donate all the money to the Alfred I. duPont Hospital for Children where Karina still receives treatment.

This story is a true example of the Air Force, the Dover community, and the Sones family all coming together to unite against a common adversary. The city of Dover and the Dover Air Force Base are known for their tight-knit relationship which is certainly demonstrated by the Dover community having won the Abeliene trophy twice—the trophy designated for the base with the most supportive community—and this story only provides further evidence for that statement.

I believe that it is a mark of Karina's character and impressive bravery that she has persevered through all of her medical setbacks. To this day, Karina refuses to rest and is working on spreading awareness about becoming a bone marrow donor because she wants other children to have the same chance at life that she had. Most children, after spending so much time in hospitals, would wish to stay away from them, but Karina is not most children. She wants to become a cardiologist when she grows up.

Karina's brave story is one that we do not hear often. I wish to honor not just her courage but also the bravery and perseverance of her brothers and her parents and to wish them continued blessings in the future. I also want to emphasize the good work and support that Dover Air Force Base has offered the Sones family during such a trying and difficult time.●

TRIBUTE TO THE WHIFFENPOOFS

● Mr. DODD. Mr. President, 100 years ago this winter, history was made at the old Mory's Bar on Temple Street in New Haven, CT, as Denton Fowler, James Merriam Howard, Carl Lohmann, Meade Minnigerode, and George Pomeroy formed an a cappella singing group known as the Whiffenpoofs of Yale University.

The Whiffenpoofs, as every Yalie knows, are unsurpassed in talent and tradition. They are now the oldest continuously functioning collegiate a cappella singing group in the United States.

Their history is rich and vibrant. During World War II, the brave men of the U.S. Army Air Force's Black Sheep Squadron adopted ''The Whiffenpoof Song'' as their theme song. And over the course of the 20th century, that famous tune has been recorded by such legendary artists as Bing Crosby, Ella Fitzgerald, Louis Armstrong, and Elvis Presley.

The Whiffenpoofs have inspired a cappella singing groups at colleges and secondary schools across America—in fact, there are now more than 1,200 such groups entertaining audiences.

But their influence is not limited by our borders. Each year, the Whiffenpoofs embark on an international tour, visiting foreign capitals and tiny villages, great palaces and humble churches, and U.S. Embassies around the world, spreading song and good will on behalf of Yale University and America's college students.

Next month, Whiffenpoofs alumni from around the world will descend upon Yale to convene with the current group in celebration of the Whiffenpoofs' centennial. It is sure to be an occasion filled with good cheer, great music, and tremendous fellowship—the trademarks of this beloved Connecticut institution.

Mr. President, I congratulate the Whiffenpoofs of Yale University on their centennial, I thank them for their many contributions to our Nation, and I look forward to another century of song and friendship.●

TRIBUTE TO STEVE AND SHELLEY BRUNE

● Mr. JOHANNS. Mr. President, Steve and Shelley Brune are extraordinary Nebraskans who made a commitment to open their hearts and home to a foster child, which led to a remarkable story of love and compassion.

In September 1999, they welcomed Jonathon into their home as a foster child. In February 2001, Jonathon's biological brother, James, was also removed from the home. The Brune family recognized the importance of keeping siblings together and agreed to unite the brothers by welcoming James into their home as a second foster child.

The Brunes worked closely with the Nebraska Department of Health and Human Services, HHS, in efforts to reunite Jonathon and James with their biological parents. When HHS determined that reunification was not in the boys' best interest, Steve and Shelley made a permanent commitment to the boys by adopting them; Jonathon on July 19, 2001 and James on January 17, 2002.

In October 2007, the biological sister of James and Jonathon, Mary Ann, was removed from the home. HHS contacted the Brune family to discuss the possibility of once again becoming foster parents. The Brunes recognized that this child needed a loving home and would benefit from being with her brothers. For a third time, they admirably opened their hearts and home, welcoming Mary Ann on July 15, 2008.

In April 2009, another sibling, Madeline Grace, was born and was also removed from the home. The Brune family showed tremendous compassion and devotion to the children of this family by agreeing to welcome Madeline Grace into their family. Steve and Shelley are currently in the process of adopting both Mary Ann and Madeline Grace.

It is with heartfelt admiration that I nominate Steve and Shelley Brune as Adoption Angels. Their capacity to love and care for these four children is an inspiration and worthy example for others to follow. My hope is that their story inspires others to consider opening their hearts and homes to the many children awaiting adoption, in need of loving families.

May God bless Shelley, Steve, Jonathan, James, Mary Ann, Madeline Grace, and all adoptive parents who give children the gift of a loving family.●

RECOGNIZING THE 100TH ANNIVERSARY OF THE BRICKLAYERS AND ALLIED CRAFT WORKERS

● Mr. JOHNSON. Mr. President, I wish to recognize the 100th anniversary of the Bricklayers and Allied Craft Workers of the South Dakota Administrative District Council Local 03 of Aberdeen, SD. October 2009 marks the month and year of this landmark anniversary. BAC is highly respected as one of the oldest highly skilled trade unions in the United States and Canada.

For the past 100 years, Local 03 has played a major role in shaping the

workforce in Aberdeen. Working with their signatory contractors, Local 03 negotiated fair wages, safe working conditions, a respectable retirement, and solidarity among the membership. Although Local 03 has never had a large membership, they have always believed that working together will accomplish more than working alone. Today, 16 members keep the hopes and dreams of their founding members alive and well. Special recognition is given to Howard Jones as he receives his 50-year gold card and Don Feiock as he receives his 25-year membership pin.

I commend Local 03 Bricklayers and Allied Craft members for continuing the proud tradition of craft excellence and union solidarity started by their founders a century ago.●

RECOGNIZING HARBOR TECHNOLOGIES

● Ms. SNOWE. Mr. President, as we emerge from this lengthy recession, companies small and large are seeking to grow their businesses and become increasingly more innovative. Many are seeking to be leaders in some of the world's foremost emerging technologies. I wish to recognize a small firm in my home State of Maine that has been at the cutting edge of the composites industry since its founding 6 years ago, positioning itself well for continued future success.

Harbor Technologies, located in Brunswick, was founded during the summer of 2003 to fill the demand for environmentally friendly composite building products used for marine infrastructure. In particular, Harbor Technologies' composites are utilized in the manufacturing of docks, piers, marinas, sea walls, pilings, and other similar structures. Additionally, Harbor Technologies is using its composites to build bridge beams as an alternative to heavy steel. As we seek to improve and upgrade our Nation's roads and bridges, Harbor Technologies' distinctive fiberglass bridge beams should be at the forefront.

What makes composites so unique is its durability. While steel rusts and wood is subject to rotting, composites last longer and are easily maintained, leading to huge cost savings for both the supplier and the purchaser. Composites are also lightweight and compact; a large composite beam weighs 4,000 pounds, while similar concrete beams weigh 63,000 pounds. This allows Harbor Technologies to save on shipping costs, and reduce its carbon footprint in the process.

Just last year, Harbor Technologies tripled the size of its manufacturing space to 30,000 square feet, and added state-of-the-art pultrusion machinery to produce pilings of any length. This has allowed the company to take on considerable new work and hire additional employees, even during these difficult economic times.

Significantly, Harbor Technologies has played a critical role in developing an advanced composites cluster in the Maine midcoast region. Additionally, Harbor Technologies' president Martin Grimnes, is the founder of the Maine Composites Alliance, an organization that seeks to promote the State's leadership in several composites industries, including marine, aerospace, and automotive. Clusters, which are geographic concentrations of companies and organizations that collaborate to create specific products, represent proven tools in our Nation's innovation agenda, and Mr. Grimnes is to be commended for his steadfast determination to advance their effectiveness and utilization throughout Maine.

As a national leader in the composites industry, Harbor Technologies has made a name for itself as a reliable and trustworthy company that produces innovative, cost-effective, and environmentally sound products. And it is small businesses like Harbor Technologies that represent the brightest lights for our economy's future. I congratulate president Martin Grimnes and everyone at Harbor Technologies on their outstanding work and wish them continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1677. An act to reauthorize the Defense Production Act of 1950, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 10:25 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, 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. 324. An act to establish the Santa Cruz Valley National Heritage Area, and for other purposes.

H.R. 2131. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 2215. An act to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office Building''.

H.R. 3593. An act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

H.R. 3617. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res 74. Concurrent resolution supporting the goals and ideals of a decade of action for road safety with a global target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020.

H. Con. Res. 178. Concurrent resolution expressing the sense of Congress that we reaffirm the historic ties between the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, and agrees to conference the conference asked by the Senate on disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House: Ms. WASSERMAN SCHULTZ, Mr. HONDA, Ms. MCCOLLUM, Mr. RYAN of Ohio, Mr. RUPPERSBERGER, Mr. RODRIGUEZ, Mr. OBEY, Mr. ADERHOLT, Mr. LATOURETTE, Mr. COLE, and Mr. LEWIS of California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 324. An act to establish the Santa Cruz Valley National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2131. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on Foreign Relations.

H.R. 2215. An act to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3593. An act to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 74. Concurrent resolution supporting the goals and ideals of a decade of action for road safety with a global target to reduce by 50 percent the predicted increase

in global road deaths between 2010 and 2020; to the Committee on Foreign Relations.

H. Con. Res. 136. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of Citizenship Day; to the Committee on Rules and Administration.

H. Con. Res. 178. Expressing the sense of Congress that we reaffirm the historic ties between the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 24, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1677. An act to reauthorize the Defense Production Act of 1950, 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–3129. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Israel for the manufacture of various F–16 components for end use by the governments of Bahrain, Belgium, Chile, Denmark, Egypt, Greece, Israel, Italy, Jordan, Morocco, The Netherlands, Norway, Oman, Pakistan, Poland, Portugal, the Republic of Korea, Singapore, Taiwan, Thailand, Turkey, the United Arab Emirates, and the United States in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3130. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of technical data, defense services, and defense articles to Italy for the manufacture of T700/T6A aircraft engine parts and assembly of these engines for the Italian EH–101 helicopter program in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3131. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of technical data, defense services, and defense articles for the manufacture of Inertial Systems derived from the H–4223 Ring Laser Gyro based Inertial Navigation System for end-use by the Ministry of Defense of Japan; to the Committee on Foreign Relations.

EC–3132. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of an application for a license for the export of defense articles or services relative to the launch of all commercial and foreign non-commercial satellites from the Pacific Ocean utilizing a modified oil platform to Russia, Denmark, Ukraine, and Norway in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3133. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services Biloxi, Mississippi'' [MB Docket No. 09–125) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3134. A communication from the Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 2 and 25 of the Commission's Rules to Allocate Spectrum and Adopt Service Rules and Procedures to Govern the Use of Vehicle-Mounted Earth Stations in Certain Frequency Bands Allocated to the Fixed-Satellite Service'' (IB Docket No. 07–101) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3135. A communication from the Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Excess Risk Estimate for Highway-Rail Grade Crossings Along the Florida East Coast Railway Line'' (RIN2130–AB88) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3136. 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 No. 3337'' ((RIN2120–AA65)(9–14/9–14/30684/3337)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3137. 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 No. 3336'' ((RIN2120–AA65)(9–14/9–14/30683/3336)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3138. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120–AA64)(9–17/9–22/0136/NM–171)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3139. 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)(9–14/9–14/0817/CE–046)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3140. 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 A300, A310, and A300—600 Series Airplanes'' ((RIN2120–AA64)(9–17/9–22/0292/NM–011)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3141. 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; Sarasota, Florida'' ((RIN2120–AA66)(9–14/9–14/0652/ASO–21)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3142. 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; Saluda, South Carolina'' ((RIN2120–AA66)(9–14/9–14/0603/ASO–16)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3143. 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; Clayton, Georgia'' ((RIN2120–AA66)(9–14/9–14/0605/ASO–19)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3144. 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; Hertford, North Carolina'' ((RIN2120–AA66)(9–14/9–14/0705/ASO–25)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3145. 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; Tompkinsville, Kentucky'' ((RIN2120–AA66)(9–14/9–14/0604/ASO–18)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3146. 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; Lewisport, Kentucky'' ((RIN2120–AA66)(9–14/9–14/0706/ASO–26)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3147. 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 D and Class E Airspace, Establishment of Class E Airspace; Binghamton, New York'' ((RIN2120–AA66)(9–14/9–14/0202/AEA–11)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3148. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Restricted Areas R–5103A, R–5103B, and R–5103C; McGregor, New Mexico'' ((RIN2120–AA66)(9–17/9–17/0770/ASW–20)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3149. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Designations; Incorporation by Reference'' ((Docket No. 29334)(Amendment No. 71–41)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3150. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: USCG Barque Eagle Transits of Rockland Harbor, ME, Portland Harbor, ME and Portsmouh Harbor, NH'' (Docket No. USG–2009–0777) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3151. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Swim Events in Lake Champlain, NY and VT; Casco Bay, Rockland Harbor, Linekin Bay, ME'' (Docket No. USG–2009–0523) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3152. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: MS Harborfest Tugboat Races in Casco Bay, ME'' ((RIN1625–AA00)(Docket No. USG–2009–0524)) received in the Office of the President of the Senate on September 21, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2010' (Rept. No. 111–78).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 251. A bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities (Rept. No. 111–79).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1670. A bill to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Ralph J. Jodice II, to be Lieutenant General.

Air Force nomination of Maj. Gen. William J. Rew, to be Lieutenant General.

Air Force nomination of Maj. Gen. Christopher D. Miller, to be Lieutenant General.

Army nomination of Brig. Gen. Joseph B. DiBartolomeo, to be Major General.

Army nomination of Lt. Gen. Benjamin C. Freakley, to be Lieutenant General.

Army nomination of Lt. Gen. John D. Gardner, to be Lieutenant General.

Army nomination of Lt. Gen. Frank G. Helmick, to be Lieutenant General.

Army nomination of Maj. Gen. Mark P. Hertling, to be Lieutenant General.

Army nominations beginning with Colonel Robin B. Akin and ending with Colonel Peter B. Zwack, which nominations were received by the Senate and appeared in the Congressional Record on September 9, 2009. (minus 1 nominee: Colonel Kelly J. Thomas)

Army nomination of Col. David J. Conboy, to be Brigadier General.

Army nomination of Col. James V. Young, Jr., to be Brigadier General.

Army nomination of Col. Ivan N. Black, to be Brigadier General.

Navy nominations beginning with Rear Adm. (lh) Michael H. Mittelman and ending with Rear Adm. (lh) Matthew L. Nathan, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2009.

Navy nomination of Adm. Michael G. Mullen, to be Admiral.

Navy nomination of Capt. Charles A. Rainey, to be Rear Admiral (lower half).

Navy nomination of Capt. Jonathan W. White, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (lh) David W. Titley, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Gregory J. Smith, to be Rear Admiral.

Navy nomination of Vice Adm. Bruce W. Clingan, to be Vice Admiral.

Marine Corps nomination of Gen. James N. Mattis, to be General.

Marine Corps nomination of Maj. Gen. Frank A. Panter, Jr., to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Thomas D. Waldhauser, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. John F. Kelly, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Lance L. Annicelli and ending with David A. Welge, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2009.

Air Force nomination of Thomas M. Anderson, to be Lieutenant Colonel.

Air Force nomination of Ricky B. Reaves, to be Major.

Air Force nomination of Jose R. Pereztorres, to be Major.

Air Force nominations beginning with Loyd A. Graham and ending with Christine E. Stahl, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2009.

Army nomination of Robert J. Schultz, to be Major.

Army nomination of Andrea J. Fuller, to be Major.

Army nominations beginning with Peter H. Guevara and ending with Jean R. Elysee, which nominations were received by the Senate and appeared in the Congressional Record on July 28, 2009.

Army nominations beginning with James Bane and ending with Benoit D. Tano, which nominations were received by the Senate and appeared in the Congressional Record on July 28, 2009.

Army nominations beginning with John A. Blankenbaker and ending with Virginia R. Zoller, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Army nominations beginning with William L. Abernathy, Jr. and ending with Francisco Zuniga, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Army nominations beginning with Gregory T. Adams and ending with Scott L. Zonis, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Army nomination of Cameron D. Wright, to be Colonel.

Army nomination of Andre L. Brown, to be Major.

Army nominations beginning with Kathleen E. Coffey and ending with Brian R. Trenda, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Army nomination of Sonnie D. Deyampert, to be Lieutenant Colonel.

Army nomination of Douglas Lougee, to be Colonel.

Army nomination of James Peak, to be Major.

Army nominations beginning with Joyvetta Lewis and ending with William A. Wyman, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2009.

Army nomination of Derek D. Brown, to be Major.

Army nominations beginning with Stephanie Latimer and ending with Oanh K. Tran, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

Army nominations beginning with Michelle H. Martin and ending with Margaret A. Mosley, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

Army nominations beginning with Robert E. Powers and ending with Mysore S. Shilpa, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

Navy nomination of Erik J. Modlo, to be Lieutenant Commander.

Navy nominations beginning with Josh A. Cassada and ending with Larry R. Smith, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Matthew J. Acanfora and ending with David W. York, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Ron J. Arellano and ending with Joel A. Yates, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Benjamin I. Abney and ending with Mckinnya J. Williamsrobinson, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Christopher D. Addington and ending with Kurt A. Young, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Kelly W. Bowman, Jr. and ending with Michael Windom, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Hasan Abdulmutakallim and ending with Kenya D. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Denise G. Barham and ending with Herlinda K. Sweeney, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Guillermo R. Amezaga and ending with Mike E. Svatek, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Christopher W. Anderson and ending with Colin D. Xander, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Matthew L. Abbot and ending with Stuart R. Zurn, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2009.

Navy nominations beginning with Paul C. Kerr and ending with Bruce A. Waterman, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Scott A. Anderson and ending with Gwendolyn Willis, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Keith R. Barkey and ending with Jason D. Zeda, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Paul S. Anderson and ending with Michael D. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Robin M. Allen and ending with Scott Y. Yamamoto, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with James D. Abbott and ending with Robert W. Zurschmit, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Jason T. Baltimore and ending with Ian S. Wexler, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Joel R. Bealer and ending with Richard G. Zeber, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Martin J. Anerino and ending with Walter H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Roger S. Akins and ending with Tingwei Yang, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Navy nominations beginning with Brian J. Ellis and ending with Matthew L. Tucker, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2009.

Navy nominations beginning with Anthony T. Cowden and ending with Jared E. Scott, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2009.

Navy nominations beginning with Neri B. Barnea and ending with William O. Voelker, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

Navy nominations beginning with Anita Aminoshariae and ending with Denny Martin, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

Navy nominations beginning with Tracy D. Emerson and ending with David K. Shellington, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2009.

By Mr. LEAHY for the Committee on the Judiciary.

Paul Joseph Fishman, of New Jersey, to be United States Attorney for the District of New Jersey for the term of four years.

Jenny A. Durkan, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Florence T. Nakakuni, of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years.

Deborah K. R. Gilg, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

Ignacia S. Moreno, of New York, to be an Assistant Attorney General .

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. DORGAN (for himself, Mr. TESTER, Mr. INOUYE, Mr. AKAKA, Mr. BAUCUS, Mr. UDALL of New Mexico, Mr. BINGAMAN, and Mr. FRANKEN):

S. 1703. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Indian Affairs.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, and Mr. CARDIN):

S. 1704. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary.

By Mr. BARRASSO:

S. 1705. A bill to suspend temporarily the duty on certain acrylic fiber tow containing a minimum of 92 percent acrylonitrile; to the Committee on Finance.

By Mr. BARRASSO:

S. 1706. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1707. A bill to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes; considered and passed.

By Ms. KLOBUCHAR (for herself and Mrs. HAGAN):

S. 1708. A bill to establish a grant program to prevent truancy, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. THUNE, Mr. JOHNSON, Mr. COCHRAN, Mr. JOHANNS, Mr. GRASSLEY, Mr. BARRASSO, Mr. ISAKSON, Mr. CHAMBLISS, Ms. KLOBUCHAR, Mr. TESTER, Mr. BAUCUS, Mr. HARKIN, Mr. SANDERS, Mrs. GILLIBRAND, Mr. CRAPO, Mr. BENNET, Mr. LEAHY, Mr. BROWNBACK, and Mr. NELSON of Nebraska):

S. 1709. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VITTER (for himself and Mr. SHELBY):

S. 1710. A bill to prohibit recipients of TARP assistance from funding ACORN, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1711. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for making homes more water-efficient, for building new water-efficient homes, for public water conservation, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself, Mrs. BOXER, and Mr. CARDIN):

S. 1712. A bill to promote water efficiency, conservation, and adaptation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID (for himself, Mr. BAUCUS, Mr. HATCH, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 1713. A bill to establish loan guarantee programs to develop biochar technology using excess plant biomass, to establish biochar demonstration projects on public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 1714. A bill to authorize grants for the creation, update, or adaption of open textbooks, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mrs. GILLIBRAND, Mr. CARPER, Ms. MIKULSKI, Mr. LIEBERMAN, Ms. COLLINS, Mr. REID, Mr. LEVIN, Mr. BENNETT, Ms. SNOWE, Ms. LANDRIEU, Mr. HATCH, Mr. BAYH, and Mr. VOINOVICH):

S. Res. 285. A resolution supporting the goals and ideals of national cybersecurity awareness month and raising awareness and enhancing the State of cybersecurity in the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. Res. 286. A resolution expressing condolences to the families of the individuals killed during unusual storms and floods in the State of Georgia between September 18 and September 21, 2009, and expressing gratitude to all of the emergency personnel who continue to work with unyielding determination to meet the needs of Georgia's residents; considered and agreed to.

By Mr. BROWN:

S. Res. 287. Honoring the 25th anniversary of the enactment of the Drug Price Competition and Patent Term Restoration Act of 1984 (the Hatch-Waxman Act); to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 327, 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.

S. 624

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 628

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 628, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 723

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 723, a bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 839

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 839, a bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1337

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1337, a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. BURRIS) 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. 1547

At the request of Mr. REED, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of 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.

S. 1584

At the request of Mr. MERKLEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1584, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

S. 1624

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1624, a bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes.

S. 1661

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1661, a bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.

S. 1666

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1666, a bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes.

S. 1668

At the request of Mr. BENNET, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post—9/11 Educational Assistance Program, and for other purposes.

S. 1678

At the request of Mr. CARDIN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1678, a bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes.

S. 1685

At the request of Mr. SANDERS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1685, a bill to provide an emergency benefit of $250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a cost-of-living adjustment for such year, and for other purposes.

S. 1699

At the request of Mr. REED, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1699, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

S. CON. RES. 37

At the request of Mr. JOHANNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution supporting the goals and ideals of senior caregiving and affordability.

AMENDMENT NO. 2441

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2441 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2477

At the request of Mr. HARKIN, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 2477 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2491

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of

amendment No. 2491 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2498

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 2498 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2501

At the request of Mr. CRAPO, his name was added as a cosponsor of amendment No. 2501 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2530

At the request of Ms. MURKOWSKI, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Nebraska (Mr. JOHANNS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 2530 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2534

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 2534 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2535

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 2535 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2543

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 2543 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. TESTER, Mr. INOUYE, Mr. AKAKA, Mr. BAUCUS, Mr. UDALL of New Mexico, Mr. BINGAMAN, and Mr. FRANKEN):

S. 1703. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I rise today to introduce a technical amendment to the Act of June 18, 1934.

On February 24, 2009, the Supreme Court issued its decision in the Carcieri v. Salazar case. In that decision the Supreme Court held that the Secretary of the Interior exceeded his authority in taking land into trust for a tribe that was not under Federal jurisdiction, or recognized, at the time the Indian Reorganization Act was enacted in 1934.

The legislation I am introducing today is necessary to reaffirm the Secretary's authority to take lands into trust for Indian tribes, regardless of when they were recognized by the Federal government. The amendment ratifies the prior trust acquisitions of the Secretary, who for the past 75 years has been exercising his authority to take lands into trust, as intended by the Indian Reorganization Act.

On May 21, 2009, the Senate Committee on Indian Affairs held a hearing to examine the executive branch's authority to take land into trust for Indian tribes. At that hearing, it became clear that Congress needs to act to resolve the uncertainty created by the Supreme Court's decision. Therefore, this legislation was developed in consultation with interested parties to clarify the Secretary's authority.

Inaction by Congress could significantly impact planned development projects on Indian trust lands, including the building of homes and community centers; result in a loss of jobs in an already challenging economic environment; and create costly and unnecessary litigation.

Further, if the decision stands, it would have the effect of creating two classes of Indian tribes—those who were recognized as of 1934, for whom land may be taken into trust, and those recognized after 1934 that would be unable to have land taken into trust status. Creating two classes of tribes is unacceptable and is contrary to prior Acts of this Congress. In 1994, Congress passed the Federally Recognized Indian Tribe List Act to ensure that all tribes are treated equally, regardless of their date of recognition.

I want to thank Senators TESTER, INOUYE, AKAKA, BAUCUS, UDALL, BINGAMAN, and FRANKEN for their support on this legislation. My cosponsors are well aware of the resulting impact this decision could have on our Native American communities. Affected tribes deserve our timely consideration of this bill. I urge my colleagues to join me in supporting the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1703

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

SECTION 1. MODIFICATION OF DEFINITION.

(a) IN GENERAL.—Section 19 of the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 479), is amended—

(1) in the first sentence—

(A) by striking ''The term'' and inserting ''Effective beginning on June 18, 1934, the term''; and

(B) by striking ''any recognized Indian tribe now under Federal jurisdiction'' and inserting ''any federally recognized Indian tribe''; and

(2) by striking the third sentence and inserting the following: ''In this section, the term 'Indian tribe' means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 479), on the date of enactment of that Act.

By Mr. NELSON, of Florida (for himself, Ms. SNOWE, and Mr. CARDIN):

S. 1704. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the World War II War Crimes Accountability Act of 2009. The bill seeks to hold the surviving Nazi war criminals accountable for their crimes by encouraging foreign governments to prosecute and extradite wanted criminals. I would like to thank my colleagues, Senators SNOWE and CARDIN, for supporting this important legislation.

The atrocities committed by the Nazis and their allies during the Second World War were vast and have helped shape the modern concept of crimes against humanity. After the war, some of the perpetrators of these heinous crimes escaped justice and have been living out their days as free men.

In an effort to bring these fugitives to justice, the Simon Wiesenthal Center and the Targum Shlishi Foundation of Miami, Florida launched ''Operation: Last Chance'' to help identify and facilitate the prosecution of the remaining unprosecuted Nazi war criminals and to assist governments in bringing Nazi war criminals to justice.

Among the Center's many open cases there is Alois Brunner, a key operative of Adolf Eichmann, who was responsible for the deportation of 47,000 Jews from Austria, 44,000 Jews from Greece, 23,500 Jews from France, and 14,000 Jews from Slovakia to Nazi death camps. He lived in Syria for decades and the Syrian government refused to

cooperate with international prosecution efforts. He was convicted in absentia for his crimes by France. He was born in 1912 and last seen in 2001. While is it doubtful that he is still alive, there is no conclusive evidence of his death.

Another case is that of Milivoj Asner, who served as the police chief of the city of Slavonska Pozega. During 1941 and 1942, Mr. Asner orchestrated the robbery, persecution and destruction of the local Serb, Jewish, and Gypsy communities, which culminated in the deportation of hundreds of civilians to Ustasha concentration camps, where most of the deportees were murdered. After his exposure in Operation: Last Chance, the former police chief later escaped once again to Klagenfurt, Austria where he currently resides.

Within our own government, the Office of Special Investigations at the Justice Department is tasked with identifying, investigating and denying refuge in the United States to the Nazi persecutors. As a result, the U.S. is the only country in the world to have won an ''A'' rating from the Simon Wiesenthal Center for effectiveness in pursuing justice for Holocaust crimes.

Yet despite the best efforts of the U.S. Government and tireless work of organizations like the Wiesenthal Center, some countries continue to harbor wanted Nazis and refuse to accept the extradition of Nazi criminals from other countries, including the U.S. This inaction is shameful.

It is incumbent upon us as Americans to honor the memory of those killed in the Holocaust and to pay tribute to the sacrifices of the men and women who fought and died in World War II. The last surviving Nazi war criminals are dying off. We must do everything in our power, including equipping our own government with important tools, to bring these war criminals to justice before it is too late.

The World War II War Crimes Accountability Act seeks to strengthen U.S. efforts by directing the Attorney General to assess a country's cooperation in prosecuting and extraditing war criminals when considering prospective countries for admission into the Visa Waiver Program. It also requires the President to issue an annual report describing such cooperation for countries seeking entry into or renewal of the Visa Waiver Program.

I believe that giving the administration this added review process will help encourage foreign governments to prosecute and extradite wanted criminals. I hope that others will join me in cosponsoring this legislation and voting it into law.

Time is of the essence. Surviving Nazi war criminals are becoming increasingly rare. We must do all that we can before it is too late.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1711. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for making homes more water-efficient, for building new water-efficient homes, for public water conservation, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I rise today to introduce three pieces of legislation: the Water Efficiency and Conservation Investment Act, S. 1711, the Water Efficiency, Conservation and Adaptation Act, S. 1712, and the Water Efficiency via Carbon Harvesting and Restoration Act, S. 1713.

Water is our world's most precious and important limited natural resource—access to water is vital for every person and life form on this planet. Albert Szent-Gyorgyi, a Hungarian Nobel Prize winning doctor, once said that ''water is life's mater and matrix, mother and medium. There is no life without water.''

While Nevada is blessed with beautiful desert landscapes and tremendous clean energy resources, we are not blessed with abundant water supplies. That is why I am introducing legislation together with my friend Senator ENSIGN and others that will: encourage Americans to use water more efficiently; ensure that future generations have access to adequate supplies of clean water; and convert water stealing invasive weeds to sequestered carbon and clean-burning fuels.

A lengthy drought is taking its toll on the Colorado River Basin states, especially Nevada, Arizona, and California. More than 30 million people rely on water from the Colorado River, which supplies Southern Nevada with 90 percent of its water. Water levels at Lake Mead, where water used by 1.9 million Nevadans is stored, have dropped by roughly 100 feet. If the drought in the Southwest continues the lake could dry up in the next 12 years, according to a study by the Scripps Institution of Oceanography.

Growing population, rising water demand, climate change induced disruptions to the water cycle, aging infrastructure, and water disputes all necessitate early action so the water resources we rely on today can be enjoyed by the next generation.

Even without considering the effects of climate change, the U.S. Global Change Research Program has identified many serious water supply conflicts in the Colorado River Basin states by 2025. Factoring in the USGCRP's projection that precipitation runoff will decrease in the Southwest by up to 40 percent in some areas over the next half century as a result of a changing climate, it is clear that immediate and constant attention is and will be necessary to address these water supply problems.

Legislation is urgently needed to promote greater water efficiency and create better financing options for improving our infrastructure to save, recycle and reuse water. Strong tax incentives to make our homes and yards more water efficient and to increase investments in extending the life of our existing water supplies will help secure water scarce regions against the economic and health catastrophes that would occur if their water supplies were to run dry.

We need to invest meaningfully in planning for, adapting to and mitigating the effects of climate change on water supplies and water infrastructure with which Nevadans are becoming all too familiar. It is important that we start planning right away for a more secure water supply future.

Investing in water efficiency and adapting our water systems to a changing climate not only prepares us for the future, it also can save consumers hundreds of dollars on their water bills. Additionally, adequate funding for the legislation I am introducing today could create tens of thousands of jobs. A $1 million direct investment in water efficiency is estimated to create between 15 and 22 jobs—more than double the jobs created by coal or oil investments.

Together, the Water Efficiency and Conservation Investment Act and the Water Efficiency, Conservation and Adaptation Act provide the right balance of tax incentives, financing and grant programs to begin formulating a national strategy to address these pressing needs and ensure that current and future Nevadans will have greater and more sustainable economic growth opportunities.

The Water Efficiency via Carbon Harvesting and Restoration Act also helps protect our water resources, and does much more. Invasive weeds and dangerous fuels buildup in Western landscapes have become recipes for disaster on a seemingly annual basis. The Bureau of Land Management has estimated that a single acre of salt cedar robs our watersheds of nearly a million gallons of water each year. The National Park Service has found that the infestation at Lake Mead National Recreation Area alone covers almost 7,000 acres. Removing the salt cedar from this one area would restore enough water to satisfy the needs of 72,000 Las Vegas residents.

At the same time, expansion of pinyon and juniper now covers up to 9 million acres of the public lands in the Great Basin, forming dense thickets impenetrable to most wildlife, and creating enormous wildland fire hazards.

Using biochar production technology, we can restore these impacted landscapes, while producing valuable products that can help address climate change through long term carbon sequestration, benefit agriculture and the environment by reducing the need for chemical fertilizers, and produce cleaner-burning fuels to help meet our Nation's energy needs. All of this can be achieved while saving billions of gallons of water, reducing the risks of hotter and more difficult to extinguish wildfires, and creating rural economic development opportunities.

Let me offer a brief description of how biochar technology works: the

woody material in invasive plants is heated in the absence of oxygen to produce biochar, as well as bio-oil and syngas which can then be used to power the production process. Biochar is nearly pure carbon, and when applied to landscapes and agricultural fields it has long-lasting benefits. It significantly improves soil quality, decreases fertilizer runoff, and increases plant health and crop yields. Studies have found that biochar is stable for hundreds if not thousands of years, keeping this carbon from being released into the atmosphere where it would contribute to climate change.

These bills will do much to extend the life of our water resources in the face of growing water demand and climate disruptions, while improving the health of ecosystems. Under these bills, Nevadans would have new options to save money on their water bills and new ways to make money by eliminating water-hungry invasive species. And, the low-cost financing options that will help communities adapt to drought and water scarcity due to global climate change will ensure sustainable economic growth and stimulate more green job creation.

As these bills move through the legislative process, I look forward to working with my colleagues to ensure that adequate attention is paid to the tremendous work our Nation must do so that future generations may enjoy a more secure and predictable clean water future.

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. 1711

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 ''Water Efficiency and Conservation Investment Act of 2009''.

SEC. 2. RESIDENTIAL WATER EFFICIENCY CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code is amended by inserting after section 30D the following new section:

''SEC. 30E. RESIDENTIAL WATER EFFICIENCY CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the qualified water efficiency property expenditures paid or incurred during such taxable year.

''(b) LIMITATION.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed $750.

''(c) QUALIFIED WATER EFFICIENCY PROPERTY EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified water efficiency property expenditures' means expenditures for qualified water efficiency property which is—

''(A) installed on or in connection with a dwelling unit located in the United States that is owned by the taxpayer (without regard to whether any other person occupies such dwelling unit as a residence), and

''(B) originally placed in service by the taxpayer.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of such property.

''(2) QUALIFIED WATER EFFICIENCY PROPERTY.—The term 'qualified water efficiency property' means—

''(A) property which meets the national efficiency standards and specifications for residential water-using fixtures, appliances, and devices under the WaterSense program of the Environmental Protection Agency that are in effect on the date of purchase of such property, but only if such property improves water efficiency by no less than 20 percent over standard models of similar water-using fixtures and appliances as determined by the Administrator of such Agency, and

''(B) water efficient landscaping which is installed by a landscape irrigation professional certified by such WaterSense program and which reduces water use by no less than 50 percent, as certified by such professional.

''(3) STATE WATER EFFICIENCY STANDARDS.—In the case of a State that has mandatory water efficiency standards for any property that are more stringent than the standards and specifications described in paragraph (2), property installed on or in connection with a dwelling unit that is located in such State must meet such water efficiency standards of such State in order to be treated as qualified water efficiency property for purposes of this section.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) JOINT OWNERSHIP OF WATER EFFICIENCY ITEMS.—

''(A) IN GENERAL.—An expenditure shall not fail to be treated as a qualified water efficiency property expenditure merely because such expenditure was made with respect to 2 or more dwelling units.

''(B) ALLOCATION OF EXPENDITURES.—In the case of an expenditure made with respect to 2 or more dwelling units, for purposes of determining the credit allowable under this section, such expenditure shall be allocated among such dwelling units in proportion to the amount of the expenditure made for each dwelling unit.

''(2) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of this section shall not be taken into account as income and shall not be taken into account as resources, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(3) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under subsection (a) for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(4) DENIAL OF DOUBLE BENEFIT.—

''(A) IN GENERAL.—No deduction or credit under any other provision of this chapter shall be allowed with respect to the amount of any qualified water efficiency property expenditure taken into account under this section.

''(B) REBATE PROGRAMS.—The amount of any qualified water efficiency property expenditure for which an individual is reimbursed under any Federal government program shall not be taken into account for purposes of determining the credit under subsection (a) with respect such individual.

''(e) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT.—

''(A) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(B) DISALLOWANCE OF DEPRECIATION.—In the case of an expenditure for property described in subparagraph (A) with respect to which a credit is allowed under section 38(b) by reason of such subparagraph, the depreciation allowance for such property in all taxable years shall be zero and no deduction shall be available under section 167 with respect to such property.

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)), plus

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, 30, 30B, and 30D) and section 27 for the taxable year.

''(f) TERMINATION.—This section shall not apply with respect to any property placed in service after December 31, 2014.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and 30D'' and inserting '', 30D, and 30E''.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''30E,'' after ''30D,''.

(3) Section 25B(g)(2) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(4) Section 904(i) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(5) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30E(d)(3).''.

(6) Section 1400C(d)(2) of such Code is amended by striking ''and 30D'' and inserting ''30D, and 30E''.

(c) CREDIT TO BE PART OF BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting '', plus'', and by adding at the end the following new paragraph:

''(36) the portion of the residential water efficiency credit to which section 30E(e)(1) applies.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 30D the following new item:

''Sec. 30E. Residential water efficiency credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 3. NEW WATER EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 45R. NEW WATER EFFICIENT HOME CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, in the case of an eligible contractor, the new water efficient home credit for the taxable year is an amount equal to $1,500 for each qualified new water efficient home which is—

''(1) constructed by such eligible contractor, and

''(2) acquired by a person from such eligible contractor during the taxable year.

''(b) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means a person who is certified as a builder partner under the WaterSense program of the Environmental Protection Agency and who is—

''(A) the person who constructed the qualified new water efficient home, or

''(B) in the case of a qualified new energy efficient home which is a manufactured home, the manufactured home producer of such home.

''(2) QUALIFIED NEW WATER EFFICIENT HOME.—The term 'qualified new water efficient home' means a dwelling unit—

''(A) located in the United States,

''(B) the construction of which is substantially completed after the date of the enactment of this section, and

''(C) which is certified by the Environmental Protection Agency as complying with the Final Water-Efficient Single-Family New Home Specification issued by such Agency.

''(3) CONSTRUCTION.—The term 'construction' includes substantial reconstruction and rehabilitation.

''(4) ACQUIRE.—The term 'acquire' includes purchase.

''(c) CERTIFICATION.—

''(1) METHOD OF CERTIFICATION.—A certification described in subsection (b)(2)(C) shall be made in accordance with guidance prescribed by the Secretary, after consultation with the Administrator of the Environmental Protection Agency. Such guidance shall specify procedures and methods for calculating water and cost savings.

''(2) FORM.—Any certification described in subsection (b)(2)(C) shall be made in writing in a manner which specifies in readily verifiable fashion the water efficient components (including toilets, faucets, other plumbing fixtures and appliances, hot water delivery, landscape design, and irrigation systems) installed and their respective rated water efficiency performance.

''(d) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section in connection with any expenditure for any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so determined.

''(e) COORDINATION WITH OTHER CREDITS.—Expenditures taken into account under section 45L, 47, or 48(a) shall not be taken into account under this section.

''(f) REBATE PROGRAMS.—The amount of the credit allowed under subsection (a) to an eligible contractor with respect to any qualified new water efficient home shall be reduced, but not below zero, by the amount of any reimbursement which such contractor receives under any Federal government program for the construction of such home or for expenditures relating to such construction.

''(g) TERMINATION.—This section shall not apply to any qualified new water efficient home acquired after December 31, 2014.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following new paragraph:

''(37) the new water efficient home credit determined under section 45R.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 45R. New water efficient home credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2009.

SEC. 4. WATER CONSERVATION BONDS.

(a) IN GENERAL.—Section 54D of the Internal Revenue Code of 1986 is amended—

(1) by striking ''energy conservation bond'' each place it appears in subsections (a), (b), and (d), and inserting ''energy and water conservation bond'',

(2) by inserting ''**AND WATER**'' after ''**QUALIFIED ENERGY**'' in the heading,

(3) by striking ''State or local government'' in subsection (a)(2) and inserting ''State, local government, or water district'',

(4) by striking ''$3,200,000,000'' in subsection (d) and inserting ''$4,000,000,000, of which not less than 20 percent shall be used for qualified conservation purposes described in subsection (f)(1)(F)'', and

(5) by adding at the end of subsection (f)(1) the following new subparagraph:

''(F) Expenditures incurred for purposes of—

''(i) reducing water consumption by a public building or facility by not less than 30 percent,

''(ii) advanced water metering infrastructure, including the purchase, installation, and commissioning of advanced water meters and related software and infrastructure,

''(iii) investigation, design, or construction of a qualified groundwater remediation, desalination, or recycled water facility or system,

''(iv) increasing energy efficiency or the generation and use of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater,

''(v) reducing water loss in a water distribution system, including training water system personnel, annual testing and calibration of meters, detecting and repairing leaks, and purchase and installation of related equipment, or

''(vi) establishing or improving a system for volumetric billing to enable utilities to base retail residential customer bills in whole or in part on the volume of metered water deliveries.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. ARBITRAGE RULES NOT TO APPLY TO PREPAYMENTS FOR ELECTRICITY.

(a) IN GENERAL.—Subsection (b) of section 148 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) SAFE HARBOR FOR PREPAID ELECTRICITY SUPPLY CONTRACTS.—

''(A) IN GENERAL.—The term 'investment-type property' does not include a prepayment under a qualified electricity supply contract.

''(B) QUALIFIED ELECTRICITY SUPPLY CONTRACT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'qualified electricity supply contract' means—

''(I) any contract entered into by a water or sewer utility to acquire electricity for the use of such utility in providing water or sewer services to its customers, if such contract provides that the provider of such electricity under the contract will use not less than 75 percent of the prepayment described in subparagraph (A) to acquire, construct, or improve a qualified renewable energy facility, and

''(II) any contract to acquire electricity which is not described in subclause (I) which the Secretary determines does not constitute property of the type intended to be described in paragraph (2)(D).

''(ii) WATER OR SEWER UTILITY.—The term 'water or sewer utility' means a utility which is a governmental unit or is owned by a governmental unit and which provides—

''(I) water for residential, commercial, irrigation, or industrial use, or

''(II) sewer services for residential, commercial, or industrial use,

to retail or wholesale customers in the service territory of such utility.

''(iii) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility within the meaning of section 45(d) (without regard to paragraphs (8) and (10) thereof, to the placed in service date of such facility, and to the person who owns such facility) which is located in the United States.

''(iv) USE OF WATER OR SEWER UTILITY.—For purposes of clause (i)(I), a contract shall be treated as providing electricity for the use of a water or sewer utility if the sum of—

''(I) the total number of kilowatt hours of electricity purchased under such contract and any other contracts for the purchase of electricity by such utility in effect on the date of the execution of such contract, plus

''(II) the amount of electricity expected to be generated by any generating facilities owned and used by such utility,

does not exceed by more than 10 percent the total kilowatt hours of electricity expected to be used by such utility during the term of such contract for the purpose of providing water or sewer services to its customers or for resale to other water or sewer utilities for their use (and not for resale to any entity that is not a water or sewer utility).

''(C) OTHER RULES.—Rules similar to the rules of subparagraphs (D)(ii), (G), and (I) of paragraph (4) shall apply for purposes of this paragraph.''.

(b) PRIVATE LOAN FINANCING TEST NOT TO APPLY TO PREPAYMENTS FOR ELECTRICITY.—Paragraph (2) of section 141(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or'' at the end of subparagraph (B),

(2) by striking the period at the end of subparagraph (C) and inserting '', or'', and

(3) by adding at the end the following new subparagraph:

''(D) is a qualified electricity supply contract (as defined in section 148(b)(5)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. REID (for himself, Mrs. BOXER, and Mr. CARDIN):

S. 1712. A bill to promote water efficiency, conservation, and adaptation, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. 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. 1712

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 ''Water Efficiency, Conservation, and Adaptation Act of 2009''.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) human-induced climate change is affecting the natural water cycle, decreasing precipitation levels in the West, especially the Southwest, and making droughts and floods more frequent and more intense;

(B) declining precipitation levels will severely impact water supplies in Southwestern States; and

(C) a sharp increase in the number of days with very heavy precipitation throughout the Northeast and the Midwest will stress aging water infrastructure;

(2) changes in the water cycle caused by climate disruptions will adversely affect water infrastructure, energy production and use, human health, transportation, agriculture, and ecosystems, while also aggravating water disputes across the United States;

(3)(A) the Colorado River, which supplies water for over 30,000,000 people, is experiencing the worst drought in over 100 years of recordkeeping; and

(B) the primary reservoirs of the Colorado River Basin and Lakes Mead and Powell have lost nearly half of the storage waters of the reservoirs and Lakes, and clean hydropower generated from Hoover Dam risks reduction if the extended drought persists;

(4) States and local governments and water utilities can begin to address the challenges described in this section by providing incentives for water efficiency and conservation, while also planning and investing in infrastructure to adapt to the impacts of climate change, particularly those impacts already affecting the United States;

(5) residential water demand can be reduced by 25 to 40 percent using existing, cost-effective technologies that also can reduce the water bills of consumers by hundreds of dollars per year; and

(6) water and energy use are inseparable activities, and supplying and treating water consumes around 4 percent of the electricity of the United States, and electricity makes up 75 percent of the cost of processing and delivering municipal water.

SEC. 3. DEFINITION OF ADMINISTRATOR.

In this Act, the term ''Administrator'' means the Administrator of the Environmental Protection Agency.

SEC. 4. WATERSENSE.

(a) IN GENERAL.—There is established within the Environmental Protection Agency a WaterSense program to identify and promote water efficient products, buildings, landscapes, facilities, processes, and services so as—

(1) to reduce water use;

(2) to reduce the strain on water, wastewater, and stormwater infrastructure;

(3) to conserve energy used to pump, heat, transport, and treat water; and

(4) to preserve water resources for future generations, through voluntary labeling of, or other forms of communications about, products, buildings, landscapes, facilities, processes, and services that meet the highest water efficiency and performance criteria.

(b) DUTIES.—The Administrator shall—

(1) establish—

(A) a WaterSense label to be used for certain items; and

(B) the procedure by which an item may be certified to display the WaterSense label;

(2) promote WaterSense-labeled products, buildings, landscapes, facilities, processes, and services in the market place as the preferred technologies and services for—

(A) reducing water use; and

(B) ensuring product and service performance;

(3) work to enhance public awareness of the WaterSense label through public outreach, education, and other means;

(4) preserve the integrity of the WaterSense label by—

(A) establishing and maintaining performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

(B) overseeing WaterSense certifications made by third parties;

(C) conducting reviews of the use of the WaterSense label in the marketplace and taking corrective action in any case in which misuse of the label is identified; and

(D) carrying out such other measures as the Administrator determines to be appropriate;

(5) regularly review and, if appropriate, update WaterSense criteria for categories of products, buildings, landscapes, facilities, processes, and services, at least once every 4 years;

(6) to the maximum extent practicable, regularly estimate and make available to the public the production and relative market shares of, and the savings of water, energy, and capital costs of water, wastewater, and stormwater infrastructure attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services, at least annually;

(7) solicit comments from interested parties and the public prior to establishing or revising a WaterSense category, specification, installation criterion, or other criterion (or prior to effective dates for any such category, specification, installation criterion, or other criterion);

(8) provide reasonable notice to interested parties and the public of any changes (including effective dates), on the adoption of a new or revised category, specification, installation criterion, or other criterion, along with—

(A) an explanation of the changes; and

(B) as appropriate, responses to comments submitted by interested parties and the public;

(9) provide appropriate lead time (as determined by the Administrator) prior to the applicable effective date for a new or significant revision to a category, specification, installation criterion, or other criterion, taking into account the timing requirements of the manufacturing, marketing, training, and distribution process for the specific product, building and landscape, or service category addressed;

(10) identify and, if appropriate, implement other voluntary approaches in commercial, institutional, residential, industrial, and municipal sectors to encourage recycling and reuse technologies to improve water efficiency or lower water use; and

(11) if appropriate, apply the WaterSense label to water-using products that are labeled by the Energy Star program implemented by the Administrator and the Secretary of Energy.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $7,500,000 for fiscal year 2010;

(2) $10,000,000 for fiscal year 2011;

(3) $20,000,000 for fiscal year 2012;

(4) $50,000,000 for fiscal year 2013; and

(5) for each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

SEC. 5. STATE RESIDENTIAL WATER EFFICIENCY AND CONSERVATION INCENTIVES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State government, local or county government, tribal government, wastewater or sewerage utility, municipal water authority, energy utility, water utility, or nonprofit organization that meets the requirements of subsection (b).

(2) INCENTIVE PROGRAM.—The term ''incentive program'' means a program for administering financial incentives for consumer purchase and installation of water-efficient products, buildings (including new water-efficient homes), landscapes, processes, or services described in subsection (b)(1).

(3) RESIDENTIAL WATER-EFFICIENT PRODUCT, BUILDING, LANDSCAPE, PROCESS, OR SERVICE.—

(A) IN GENERAL.—The term ''residential water-efficient product, building, landscape, process, or service'' means a product, building, landscape, process, or service for a residence or its landscape that is rated for water efficiency and performance—

(i) by the WaterSense program; or

(ii) if a WaterSense specification does not exist, by the Energy Star program or an incentive program approved by the Administrator.

(B) INCLUSIONS.—The term ''residential water-efficient product, building, landscape, process, or service'' includes—

(i) faucets;

(ii) irrigation technologies and services;

(iii) point-of-use water treatment devices;

(iv) reuse and recycling technologies;

(v) toilets;

(vi) clothes washers;

(vii) dishwashers;

(viii) showerheads;

(ix) xeriscaping and other landscape conversions that replace irrigated turf; and

(x) new water efficient homes certified under the WaterSense program.

(4) WATERSENSE PROGRAM.—The term ''WaterSense program'' means the program established by section 4.

(b) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an allocation under subsection (c) if the entity—

(1) establishes (or has established) an incentive program to provide financial incentives to residential consumers for the purchase of residential water-efficient products, buildings, landscapes, processes, or services;

(2) submits an application for the allocation at such time, in such form, and containing such information as the Administrator may require; and

(3) provides assurances satisfactory to the Administrator that the entity will use the allocation to supplement, but not supplant, funds made available to carry out the incentive program.

(c) AMOUNT OF ALLOCATIONS.—For each fiscal year, the Administrator shall determine the amount to allocate to each eligible entity to carry out subsection (d), taking into consideration—

(1) the population served by the eligible entity during the most recent calendar year for which data are available;

(2) the targeted population of the incentive program of the eligible entity, such as general households, low-income households, or first-time homeowners, and the probable effectiveness of the incentive program for that population;

(3) for existing programs, the effectiveness of the program in encouraging the adoption of water-efficient products, buildings, landscapes, facilities, processes, and services;

(4) any allocation to the eligible entity for a preceding fiscal year that remains unused and

(5) the per capita water demand of the population served by the eligible entity during the most recent calendar year for which data are available and the accessibility of water supplies to the eligible entity.

(d) USE OF ALLOCATED FUNDS.—Funds allocated to an eligible entity under subsection (c) may be used to pay up to 50 percent of the cost of establishing and carrying out an incentive program.

(e) FIXTURE RECYCLING.—Eligible entities are encouraged to promote or implement fixture recycling programs to manage the disposal of older fixtures replaced due to the incentive program under this section.

(f) ISSUANCE OF INCENTIVES.—

(1) IN GENERAL.—Financial incentives may be provided to residential consumers that meet the requirements of the applicable incentive program.

(2) MANNER OF ISSUANCE.—An eligible entity may—

(A) issue all financial incentives directly to residential consumers; or

(B) with approval of the Administrator, delegate all or part of financial incentive administration to other organizations, including local governments, municipal water authorities, water utilities, and nonprofit organizations.

(3) AMOUNT.—The amount of a financial incentive shall be determined by the eligible entity, taking into consideration—

(A) the amount of any Federal or State tax incentive available for the purchase of the residential water-efficient product or service;

(B) the amount necessary to change consumer behavior to purchase water-efficient products and services; and

(C) the consumer expenditures for onsite preparation, assembly, and original installation of the product.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) $100,000,000 for fiscal year 2010;

(2) $150,000,000 for fiscal year 2011;

(3) $200,000,000 for fiscal year 2012;

(4) $150,000,000 for fiscal year 2013;

(5) $100,000,000 for fiscal year 2014; and

(6) for each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

SEC. 6. BLUE BANK FOR WATER SYSTEM MITIGATION AND ADAPTATION.

(a) DEFINITIONS.—In this section:

(1) ABRUPT CLIMATE CHANGE.—The term ''abrupt climate change'' means a large-scale change in the climate system that—

(A) takes place over a few decades or less;

(B) persists (or is anticipated to persist) for at least a few decades; and

(C) causes substantial disruptions in human and natural systems.

(2) OWNER OR OPERATOR.—

(A) IN GENERAL.—The term ''owner or operator'' means a person (including a regional, State, local, municipal, or private entity) that owns or operates a water system.

(B) INCLUSION.—The term ''owner or operator'' includes a non-Federal entity that has operational responsibilities for a federally owned water system.

(3) WATER SYSTEM.—The term ''water system'' means—

(A) a community water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f));

(B) a publicly owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a municipal separate storm sewer system;

(C) a decentralized wastewater treatment system for domestic sewage;

(D) a groundwater storage and replenishment system; or

(E) a system for transport and delivery of water for irrigation or conservation.

(b) GRANTS.—Beginning in fiscal year 2010, the Administrator shall make grants to owners or operators of water systems to address any ongoing or forecasted (based on the best available research and data) climate-related impact on the water quality or quantity of a region of the United States, for the purposes of mitigating or adapting to the impacts of climate change.

(c) ELIGIBLE USES.—In carrying out this section, the Administrator shall make grants to assist in the planning, design, construction, implementation, or maintenance of any program or project to increase the resilience of a water system to climate change by—

(1) conserving water or enhancing water use efficiency, including through the use of water metering to measure the effectiveness of a water efficiency program;

(2) modifying or relocating existing water system infrastructure made or projected to be made inoperable by climate change impacts;

(3) preserving or improving water quality, including through measures to manage, reduce, treat, or reuse municipal stormwater, wastewater, or drinking water;

(4) investigating, designing, or constructing groundwater remediation, recycled water, or desalination facilities or systems;

(5) enhancing water management by increasing watershed preservation and protection, such as through the use of natural or engineered green infrastructure in the management, conveyance, or treatment of water, wastewater, or stormwater;

(6) enhancing energy efficiency or the use and generation of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater;

(7) supporting the adoption and use of advanced water treatment, water supply management (such as reservoir reoperation), or water demand management technologies, projects, or processes (such as water reuse and recycling or adaptive conservation pricing) that maintain or increase water supply or improve water quality;

(8) modifying or replacing existing systems or constructing new systems for existing communities or land currently in agricultural production to improve water availability, storage, or conveyance in a manner that—

(A) promotes more efficient use of available water supplies; and

(B) does not further exacerbate stresses on ecosystems;

(9) supporting practices and projects, such as improved irrigation systems, water banking and other forms of water transactions, groundwater recharge, stormwater capture, and reuse or recycling of drainage water, to improve water quality or promote more efficient water use, including on land currently in agricultural production;

(10) conducting and completing studies or assessments to project how climate change may impact the future operations and sustainability of water systems; or

(11) developing and implementing mitigation measures to rapidly address impacts on water systems most susceptible to abrupt climate change, including those in the Colorado River Basin and coastal regions at risk from rising sea levels.

(d) APPLICATION.—To be eligible to receive a grant from the Administrator under subsection (b), the owner or operator of a water system shall submit to the Administrator an application that—

(1) includes a proposal of the program, strategy, or infrastructure improvement to be planned, designed, constructed, implemented, or maintained by the water system;

(2) cites the best available research or data that demonstrates—

(A) the risk to the water resources or infrastructure of the water system as a result of ongoing or forecasted changes to the hydrological system brought about by factors arising from climate change, including rising sea levels and changes in precipitation levels; and

(B) how the proposed program, strategy, or infrastructure improvement would perform under the anticipated climate conditions;

(3) explains how the proposed program, strategy, or infrastructure improvement is expected to enhance the resiliency of the water system, including source water protection for community water systems, to these risks or reduce the direct or indirect greenhouse gas emissions of the water system; and

(4) demonstrates that the program, strategy, or infrastructure improvement is—

(A) consistent with any approved State and tribal climate adaptation plan; and

(B) not inconsistent with any approved natural resources plan.

(e) COMPETITIVE PROCESS.—

(1) IN GENERAL.—Each calendar year, the Administrator shall conduct a competitive process to select and fund applications under this section.

(2) PRIORITY REQUIREMENTS AND WEIGHTING.—In carrying out the process, the Administrator shall—

(A) prioritize funding of applications that are submitted by the owners or operators of water systems that are, based on the best available research and data, at the greatest and most immediate risk of facing significant climate-related negative impacts on water quality or quantity;

(B) in selecting among the priority applications determined under subparagraph (A), ensure that the final list of applications funded for each year includes a substantial number that, to the maximum extent practicable, includes each eligible use described in subsection (c);

(C) solicit applications from water systems that are—

(i) located in all regions of the United States; and

(ii) facing varying risks as a result of climate change; and

(D) provide for solicitation and consideration of public input in the development of criteria used in evaluating applications.

(f) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any program, strategy, or infrastructure improvement that is the subject of a grant awarded by the Administrator to a water system under subsection (b) shall not exceed 50 percent of the cost of the program, strategy, and infrastructure improvement.

(2) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of a program, strategy, or infrastructure improvement proposed by a water system through an application submitted by the

water system under subsection (d), the Administrator shall—

(A) include the value of any in-kind services that are integral to the completion of the program, strategy, or infrastructure improvement, as determined by the Administrator; and

(B) not include any other amount that the water system receives from a Federal agency.

(g) LABOR STANDARDS.—

(1) IN GENERAL.—All laborers and mechanics employed on infrastructure improvements funded directly by or assisted in whole or in part by this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code.

(2) AUTHORITY AND FUNCTIONS.—With respect to the labor standards in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(h) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate final regulations to carry out this section.

(2) SPECIAL RULE FOR THE CONSTRUCTION OF TREATMENT WORKS.—In carrying out this subsection, the Administrator shall incorporate all relevant and appropriate requirements of title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) applicable to the construction of treatment works that are carried out under this section.

(i) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall submit to the Congress a report on progress in implementing this section, including information on project applications received and funded annually.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

By Mr. REID (for himself, Mr. BAUCUS, Mr. HATCH, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 1713. A bill to establish loan guarantee programs to develop biochar technology using excess plant biomass, to establish biochar demonstration projects on public land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. 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. 1713

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 ''Water Efficiency via Carbon Harvesting and Restoration (WECHAR) Act of 2009''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) numerous expert reports have brought attention to the negative impacts caused by invasive weed species, including the consumption of water in areas with diminishing supplies;

(2) salt cedar, or Tamarix species, a noxious and invasive plant commonly found on public land can consume 200 gallons of water per plant each day;

(3) salt cedar now covers as much as 1,000,000 acres of floodplains, riparian acres, wetland, and lake margins in the Western United States;

(4) minimizing the impact of and eradicating invasive species that wrest water from delicate watersheds is in the best interest of the United States;

(5) as drought conditions worsen and legal requirements relating to water supply accelerate water shortages, innovative approaches are needed to address the increasing demand for water;

(6) pine bark beetle has killed thousands of acres of standing forests in the Western United States, creating a hazardous buildup of dead tree biomass that is a serious fire threat to those and surrounding areas;

(7) biochar technology would result in a more cost-effective, environmentally beneficial, and successful approach to combating invasive weeds and removing excess biomass and plant waste from public land;

(8) invasive weeds and excess biomass on public land can serve as feedstock for biochar and alternative fuel production;

(9) it is in the best interest of the United States to conduct a comprehensive and thorough research, development, and demonstration program on biochar and related bioenergy so as to better understand how to use excess biomass available on public land; and

(10) biochar production and use systems have been shown to have many ancillary beneficial environmental impacts.

(b) PURPOSES.—The purposes of this Act are—

(1) to restore the natural hydrology of Western landscapes by removing water-intensive invasive plant species;

(2) to reduce dangerous forest and rangeland fuel loads;

(3) to develop technologies to convert undesirable invasive plant species to useful materials;

(4) to develop markets for those materials; and

(5) to provide technologies to land managers to continue those processes into the future.

SEC. 3. DEFINITIONS.

In this Act:

(1) BIOCHAR.—The term ''biochar'' means charcoal or black carbon derived from organic matter through pyrolysis.

(2) BIOENERGY.—The term ''bioenergy'' means hydrocarbons derived from organic matter through pyrolysis, including bio-oil, syngas, or thermal energy.

(3) EXCESS BIOMASS.—

(A) IN GENERAL.—The term ''excess biomass'' means any plant matter targeted for removal from public land to promote ecosystem health.

(B) INCLUSIONS.—The term ''excess biomass'' includes—

(i) trees or tree waste on public land;

(ii) wood and wood wastes and residues; and

(iii) weedy plants and grasses (including aquatic, noxious, or invasive plants).

(4) FEEDSTOCK.—The term ''feedstock'' means excess biomass in the form of plant matter or materials that serves as the raw material for the production of biochar and bioenergy.

(5) INVASIVE PLANT SPECIES.—The term ''invasive plant species'' means a species—

(A) that is nonnative to a specified ecosystem; and

(B) the introduction to an ecosystem of which causes, or may cause, harm to—

(i) the economy;

(ii) the environment;

(iii) water resources; or

(iv) human, animal, or plant health.

(6) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

SEC. 4. RESOURCE ASSESSMENT.

(a) IN GENERAL.—The Director of the United States Geological Survey shall conduct resources assessments that collect and synthesize interagency and State data to quantify—

(1) invasive plant species and excess biomass in the form of dangerous fuel loads on public land that can be used for feedstock;

(2) estimated carbon content in that feedstock;

(3) estimated potential biochar and bioenergy producible from that feedstock; and

(4) potential water savings resulting from removal of invasive plant species and excess biomass on public land, by watershed.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act and biennially thereafter, the Director of United States Geological Survey shall submit to Congress a report that describes the results of each resource assessment conducted under subsection (a).

SEC. 5. TECHNOLOGY RESEARCH.

(a) DEVELOPMENT OF MOBILE BIOCHAR PRODUCTION UNITS.—Not later than 1 year after the date of enactment of this Act and in accordance with subsection (c), the Secretary of the Interior shall establish a program to provide guarantees of loans by private institutions—

(1) to develop and optimize commercially and technologically viable biochar production units that—

(A) are designed to use woody invasive plant species and excess biomass feedstock such as tamarisk, pinyon pine, and juniper;

(B) produce net negative carbon emissions relative to natural decomposition;

(C) are self-contained on a portable platform suitable for deployment to remote locations and on unpaved roads; and

(D) can capture biochar and bioenergy produced for immediate energy needs or transport to market; and

(2) to produce, not later than 2 years after the date of securing a guaranteed loan under this section for the purposes described in section 7(a)(2), 4 biochar production units for deployment to remote landscapes, of which—

(A) 2 shall be dedicated primarily to contract work with the Bureau of Land Management; and

(B) 2 shall be dedicated primarily to contract work with the National Park Service.

(b) DEVELOPMENT OF FIXED BIOCHAR PRODUCTION UNITS.—Not later than 1 year after the date of enactment of this Act and in accordance with subsection (c), the Secretary of Agriculture shall establish a program to provide guarantees of loans by private institutions—

(1) to develop and optimize commercially and technologically viable biochar production units that—

(A) while not necessarily self contained, can be disassembled, moved, and reassembled to be operational on a new site within 30 days, so as to support fuels reduction work;

(B) are designed to use excess biomass feedstock, such as trees killed by bark beetle infestations;

(C) produce net negative carbon emissions relative to natural decomposition;

(D) can capture biochar and bioenergy produced for immediate energy needs or transport to market; and

(2) to produce, not later than 2 years after the date of securing a guaranteed loan under

this section for the purposes described in section 7(a)(3), 2 biochar production units for deployment to remote landscapes.

(c) GUARANTEED LOAN PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may provide loan guarantees under this section to an applicant if the biochar production units produced by the applicant will be dedicated primarily to contract restoration work with the Bureau of Land Management, National Park Service, or Forest Service, using—

(A) pinyon pine and juniper feedstock in the Great Basin;

(B) tamarisk feedstock in the Mojave Desert; or

(C) excess biomass feedstock, such as trees killed by bark beetle infestations in the Intermountain West.

(2) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary concerned shall give preference to proposals that, as determined by the Secretary concerned—

(A) meet all applicable Federal and State permitting requirements;

(B) are most likely to be successful; and

(C) are located in local markets that have the greatest need for the biochar production units due to—

(i) identified high-priority landscape restoration needs;

(ii) availability of sufficient quantities of feedstocks described in subsection (b); or

(iii) a high level of demand for biochar or other commercial byproducts of the biochar production units.

(3) MATURITY.—A loan guaranteed under this section shall have a maturity of not more than 20 years.

(4) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under this section shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(5) GUARANTEE FEE.—The recipient of a loan guarantee under this section shall pay to the Secretary concerned a guarantee fee in an amount determined by the Secretary concerned to be sufficient to cover the administrative costs of the Secretary concerned relating to the loan guarantee.

(6) FULL FAITH AND CREDIT.—

(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made by the Secretary concerned under this section.

(B) EVIDENCE.—Any guarantee made by the Secretary concerned under this section shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

(C) VALIDITY.—The validity of any guarantee made by the Secretary concerned under this section shall be incontestable in the hands of a holder of the guaranteed loan.

(7) ANNUAL REPORTS.—Until the date on which each guaranteed loan under this section has been repaid in full, each year the Secretary concerned shall submit to Congress a report on the activities of the Secretary concerned under this section during the preceding year.

SEC. 6. EXISTING TECHNOLOGY.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall each establish a program to provide guarantees of loans by private institutions for the construction or acquisition of facilities for the production of biochar.

(b) REQUIREMENT.—The Secretary concerned may provide a loan guarantee under this section to an applicant if facilities constructed or acquired by the applicant will be dedicated primarily to contract restoration work with the Bureau of Land Management, National Park Service, or Forest Service, using—

(1) pinyon pine and juniper feedstock in the Great Basin;

(2) tamarisk feedstock in the Mojave Desert; or

(3) excess biomass feedstock, such as trees killed by bark beetle infestations in the Intermountain West.

(c) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary concerned shall give preference to proposals that, as determined by the Secretary concerned—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility due to—

(A) identified high-priority landscape restoration needs;

(B) availability of sufficient quantities of feedstocks described in subsection (b); or

(C) a high level of demand for biochar or other commercial byproducts of the facility.

(d) MATURITY.—A loan guaranteed under this section shall have a maturity of not more than 20 years.

(e) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under this section shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary concerned.

(f) GUARANTEE FEE.—The recipient of a loan guarantee under this section shall pay the Secretary concerned a guarantee fee in an amount determined by the Secretary concerned to be sufficient to cover the administrative costs of the Secretary concerned relating to the loan guarantee.

(g) FULL FAITH AND CREDIT.—

(1) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made by the Secretary concerned under this section.

(2) EVIDENCE.—Any guarantee made by the Secretary concerned under this section shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest.

(3) VALIDITY.—The validity of any guarantee made by the Secretary concerned under this section shall be incontestable in the hands of a holder of the guaranteed loan.

(h) ANNUAL REPORTS.—Until the date on which each guaranteed loan under this section has been repaid in full, each year the Secretary concerned shall submit to Congress a report on the activities of the Secretary concerned under this section during the preceding year.

SEC. 7. DEPLOYMENT.

(a) NEW TECHNOLOGY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall initiate 3-year programs to employ the biochar production units provided under section 5 in pilot applications in various climates and ecosystems of the United States.

(2) MOBILE UNITS.—In the case of biochar production units developed or optimized under section 5(a)—

(A) the Director of the National Park Service shall carry out initial programs using invasive tamarisk in the Mojave Desert as feedstock; and

(B) the Director of the Bureau of Land Management shall carry out initial programs using excess pinyon pine and juniper biomass in the Great Basin as feedstock.

(3) FIXED UNITS.—In the case of biochar production units developed or optimized under section 5(b), the Chief of the Forest Service shall carry out the initial program using bark beetle-killed trees in the Intermountain West.

(b) EXISTING TECHNOLOGY.—

(1) IN GENERAL.—Not later than 180 days after enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall prepare plans for carrying out 3-year landscape restoration programs in various climates and ecosystems of the United States to employ facilities constructed or acquired under section 6.

(2) REQUIREMENTS.—In carrying out the landscape restoration programs described in paragraph (1), the Secretary of the Interior and the Secretary of Agriculture shall carry out programs using invasive tamarisk in the Mojave Desert, excess pinyon pine and juniper biomass in the Great Basin, and bark beetle-killed trees in the Intermountain West.

SEC. 8. APPLICATION AND MARKET RESEARCH.

(a) ATTRIBUTES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall provide competitive grants to conduct research and analysis that identifies—

(1) attributes and composition profiles of biochar produced from different feedstocks for use as soil amendments; and

(2) attributes and composition profiles of bioenergy produced from different feedstocks for use as fuel for transportation, heating, or other uses identified in subsection (b)(1).

(b) MARKET DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, acting through the Director of the National Institute of Food and Agriculture, the Administrator of the Agricultural Research Service, and the Administrator of the Agricultural Marketing Service shall provide competitive grants to conduct research and analysis that—

(1) identifies potential uses and markets for biochar and bioenergy; and

(2) in the case of economic and life-cycle issues, analyzes—

(A) the full production costs versus the economic benefits of biochar production systems;

(B) the impact of the production and use of biochar, including the performance of biochar in carbon sequestration programs; and

(C) the availability of feedstocks and the efficiency of using those feedstock for biochar production as compared to other biofuel-production systems.

(c) ENVIRONMENTAL REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall provide competitive grants to conduct research and analysis relating to—

(1) the environmental benefits of biochar production and use, including—

(A) the water savings resulting from reducing populations of invasive or noxious plant species;

(B) the potential of biochar production systems—

(i) to reduce fertilizer use, nutrient leaching, and run-off; and

(ii) to reduce water pollution from feedlot runoff by capturing ammonia; and

(C) the reduction in greenhouse gas emissions resulting from the production and use of related bioenergy;

(2) the potential environmental impacts of biochar and bioenergy use, including—

(A) the potential toxicity and other adverse ecosystem effects resulting from biochar production or use of different biochars, as identified under subsection (a)(1);

(B) the characterization of combustion products of bioenergy, as identified under subsection (a)(2), and the effects of those combustion products on air and water quality; and

(C) impacts on human health and safety.

(d) DEVELOPMENT OF BIOCHAR IN LANDSCAPE RESTORATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture, acting through the Director of the National Institute of Food and Agriculture and the Administrator of the Agricultural Research Service, shall provide competitive grants to research and analyze—

(1) the potential uses of biochar in landscape restoration in different ecosystems and soil types;

(2) the relative benefits and potential adverse effects of use of different biochars, as identified under subsection (a)(1) in different western ecosystems and soil types; and

(3) the safety and efficacy of different methods of application.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out sections 4 through 8, including for the cost of grants and loan guarantees under those sections, such sums as are necessary for each of fiscal years 2010 through 2016.

By Mr. DURBIN:

S. 1714. A bill to authorize grants for the creation, update, or adaption of open textbooks, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, technology has transformed the way we work, the way we entertain ourselves, and the way we understand the world around us. But one area of our lives that has been more resistant to technological change has been the way we educate our children. And yet I see tremendous potential in technology to improve access to education and decrease its often high costs. One example of this is open educational resources. Today, I am introducing a bill that will provide a short-term federal investment in the development of one type of open educational resource—college textbooks. I believe this investment will improve learning in our college classrooms and help bring down the cost of college for students.

The growth of the Internet has enabled the creation and sharing of open content. A teacher or professor in Illinois can create a lecture, a lesson, a book, or an entire curriculum and share it online. A teacher across the country or even across the world can access that educational material, adapt it, and use it in his or her classroom. More and more often educators are utilizing technology in this way to improve student learning.

The President recognizes the potential of this new technology. He has proposed a significant new Federal investment in the creation of online open-source courses for community colleges. These courses will be made freely available online and widely distributed so that all colleges can make use of them. I believe this initiative will help make higher education more accessible for students, especially non-traditional students or students living in rural areas far away from brick-and-mortar institutions. Because the courses will be available for free, the initiative will also help bring down the high cost of a college education for students struggling to pay.

I think we can go even further. The high cost of textbooks continues to be a barrier for many students struggling to pay for college. The College Board reported that for the 2007 to 2008 school year, students spent an estimated $805 to $1,229 on books and supplies. A little over a year ago, the Higher Education Opportunity Act was signed into law. That law includes provisions that I authored to increase transparency in college textbook pricing for professors and students. I hope that new law will help decrease the high cost of textbooks when these provisions are enacted next year, but there is more that the Federal Government can do to provide cheap alternatives to professors and students.

The bill I am introducing today, the Open College Textbook Act, will create a grant program for the creation of freely-available, online open college textbooks. Making high-quality open textbooks freely available to the general public would significantly lower college textbook costs. Under my bill, the Secretary of Education would award grants to colleges, professors, nonprofit organizations or for-profit companies to create introductory-level college textbooks. Once produced, these books would be posted on an easily-accessible website and made available to students, professors, and the public for free. The result would be a set of high-quality college textbooks that could be adopted in any introductory course at any college in the country. This would be a limited investment of Federal grant funding over just a few years, not a permanent federal funding stream. The choice would ultimately still be the professor's. Each professor could choose whether to assign the open textbook to his class, but I hope that he would seriously consider this high-quality, free online option that would save his students $150 or $200 each at the college bookstore.

Along with the clear cost benefits, open textbooks can also improve teaching and learning. The content of an open textbook can be adapted, supplemented, and personalized by professors for their course. Instead of framing a course around a textbook, a professor can modify an open textbook to fit the needs of a particular course or group of students. When professors take advantage of the flexibility and adaptability of open textbooks, student learning improves.

The use of Federal funding for textbooks and curricula is not new. For years, the National Science Foundation has been awarding grants to professors for research into the improvement of learning in the classroom. Sometimes these grants have resulted in the creation of textbooks, which the author can then license for profit to a commercial publisher. I believe textbooks created with Federal funding should be made available for free so that all students and professors can benefit from our investment. This bill would also require that all future Federal grants that lead to the creation of a textbook or curriculum for use in the classroom be licensed openly and made freely available to all educators for their use.

Over the past decade, I have watched textbook publishers use technology to drive up the cost of textbooks through unnecessary online supplements and CD–ROMs. It is time that we use the potential of technology to improve college access, learning, and affordability for all students. I believe the Open College Textbook Act that I am introducing today will accomplish that goal.

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. 1714

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 ''Open College Textbook Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The growth of the Internet has enabled the creation and sharing of open content, including open educational resources.

(2) The President has proposed a new, significant Federal investment in the creation of online open-source courses for community colleges that will make learning more accessible, adaptable, and affordable for students.

(3) The President has challenged the United States with a goal of having the highest college graduation rate in the world by 2020.

(4) More than 80 percent of the 23,000,000 jobs that will be created in the next 10 years will require postsecondary education, but only 36 percent of all 18- to 24-year olds are currently enrolled in postsecondary education.

(5) The high cost of college textbooks continues to be a barrier for many students in achieving higher education, and according to the Advisory Committee on Student Financial Assistance, 200,000 qualified students fail to enroll in college each year due to cost.

(6) The College Board reported that for the 2007–2008 academic year an average student spent an estimated $805 to $1,229 on college books and supplies.

(7) Making high quality open textbooks freely available to the general public could significantly lower college textbook costs and increase accessibility to such education materials.

(8) Open textbooks can improve learning and teaching by creating course materials that are more flexible, adaptable, and accessible through the use of technology.

SEC. 3. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) OPEN LICENSE.—The term ''open license'' means an irrevocable intellectual property license that grants the public the right to access, customize, and distribute a copyrighted material.

(4) OPEN TEXTBOOK.—The term ''open textbook'' means a textbook or set of course materials in electronic format designed for use

in a college course at an institution of higher education that is licensed under an open license.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 4. GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—From the amounts appropriated under subsection (i), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to carry out the activities described in this section, including creating, updating, or adapting open textbooks. The Secretary shall award grants in a manner that will result in the creation of a comprehensive slate of high quality course materials for introductory courses in a variety of subject areas.

(b) ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means—

(1) an institution of higher education;

(2) a professor or group of professors at an institution of higher education; or

(3) a nonprofit or for-profit organization that produces open textbooks.

(c) DURATION.—Grants awarded under this section shall be 1 year in duration.

(d) APPLICATIONS.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of the project to be completed with grant funds and—

(A) a plan for quality review and review of accuracy of content;

(B) a plan for access to ensure the widest possible availability of the digital version of the open textbook;

(C) a plan for distribution and adoption of the open textbook to ensure the widest possible adoption of the open textbook in postsecondary courses, including, where applicable, a marketing plan or a plan to partner with for-profit or nonprofit organizations to assist in marketing and distribution; and

(D) a plan for tracking and reporting formal adoptions of the open textbook within postsecondary institutions, including an estimate of the number of students impacted by the adoptions.

(e) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the greatest potential to produce—

(1) the highest quality and most marketable open textbooks;

(2) open textbooks that correspond to the highest enrollment courses at institutions of higher education;

(3) open textbooks that are easily utilized by faculty members at institutions of higher education; and

(4) open textbooks created in partnership with for-profit or nonprofit organizations to assist in marketing and distribution.

(f) USES OF GRANTS.—

(1) OPEN TEXTBOOKS.—An eligible entity that receives a grant under this section shall—

(A) create a new open textbook for use in postsecondary coursework;

(B) update an open textbook for use in postsecondary coursework; or

(C) adapt a textbook into an open format for use in postsecondary coursework.

(2) LICENSE.—An open textbook created, updated, or adapted under paragraph (1) shall be licensed through an open license.

(3) ACCESSIBILITY.—The full and complete digital content of each open textbook created, updated, or adapted under paragraph (1) shall be—

(A) posted on an easily accessible and interoperable website, which site shall be identified to the Secretary by the eligible entity; and

(B) made available free of charge to, and may be downloaded, redistributed, changed, revised, or otherwise altered by, any member of the general public.

(g) REVIEW PROCESS.—The Secretary shall develop a peer review and evaluation process in consultation with the Director to ensure that open textbooks created, updated, or adapted under this section are of the highest quality, accurate in content, and meet or exceed market quality and accessibility standards.

(h) REPORT.—Upon an eligible entity's completion of a project supported under this section, the eligible entity shall prepare and submit a report to the Secretary regarding all project costs, including the value of any volunteer labor and institutional capital used for the project.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 to carry out this section for fiscal year 2010 and such sums as are necessary for each of the 5 succeeding fiscal years.

SEC. 5. LICENSING MATERIALS WITH A FEDERAL CONNECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, educational materials such as curricula and textbooks created through grants distributed by Federal agencies, including the National Science Foundation, for use in elementary, secondary, or postsecondary courses shall be licensed under an open license.

(b) ACCESSIBILITY.—The full and complete digital content of each of the materials created as described in subsection (a) shall be—

(1) posted on an easily accessible and interoperable website, which site shall be identified to the Secretary by the grant recipient; and

(2) made available free of charge to, and may be downloaded, redistributed, changed, revised, or otherwise altered by, any member of the general public.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that institutions of higher education should encourage the consideration of open textbooks by professors within the generally accepted principles of academic freedom that established the right and responsibility of faculty members, individually and collectively, to select course materials that are pedagogically most appropriate for their classes.

SEC. 7. REPORT TO CONGRESS.

Not later than September 30, 2015, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives detailing—

(1) the open textbooks created, updated, or adapted under this Act;

(2) the adoption of such open textbooks; and

(3) the savings generated for students, States, and the Federal Government though the use of open textbooks.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 285—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBERSECURITY AWARENESS MONTH AND RAISING AWARENESS AND ENHANCING THE STATE OF CYBERSECURITY IN THE UNITED STATES

Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mrs. GILLIBRAND, Mr. CARPER, Ms. MIKULSKI, Mr. LIEBERMAN, Ms. COLLINS, Mr. REID, Mr. LEVIN, Mr. BENNETT, Ms. SNOWE, Ms. LANDRIEU, Mr. HATCH, Mr. BAYH, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 285

Whereas the use of the Internet in the United States, to communicate, conduct business, or generate commerce that benefits the overall United States economy, is ubiquitous;

Whereas many people use the Internet in the United States to communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas United States small businesses, which employ a significant fraction of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance the management of their supply chain;

Whereas nearly all public schools in the United States have Internet access to enhance children's education, with a significant percentage of instructional rooms connected to the Internet to enhance children's education by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas the number of children who connect to the Internet continues to rise, and teaching children of all ages to become good cyber-citizens through safe, secure, and ethical online behaviors and practices is essential to protect their computer systems and potentially their physical safety;

Whereas the growth and popularity of social networking websites has attracted millions of teenagers, providing access to a range of valuable services, making it all the more important to teach young users how to avoid potential threats like cyber bullies, predators, and identity thieves they may come across while using such services;

Whereas cybersecurity is a critical part of the United States national security and economic security;

Whereas the United States critical infrastructures and economy rely on the secure and reliable operation of information networks to support the United States military, civilian government, energy, telecommunications, financial services, transportation, health care, and emergency response systems;

Whereas Internet users and information infrastructure owners and operators face an increasing threat of malicious crime and fraud attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and may disable entire systems;

Whereas millions of records containing personally identifiable information have

been lost, stolen, or breached, threatening the security and financial well-being of United States citizens;

Whereas consumers face significant financial and personal privacy losses due to personally identifiable information being more exposed to theft and fraud than ever before;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of cybersecurity and the need for enhanced cybersecurity in the United States;

Whereas coordination between the numerous Federal agencies involved in cybersecurity efforts is essential to securing the cyber infrastructure of the United States;

Whereas the National Strategy to Secure Cyberspace, published in February 2003, recommends a comprehensive national awareness program to empower all people in the United States, including businesses, the general workforce, and the general population, to secure their own parts of cyberspace;

Whereas the White House's Cyberspace Policy Review, published in May 2009, recommends that the government initiate a national public awareness and education campaign to promote cybersecurity; and

Whereas the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States have designated October 2009 as the sixth annual National Cybersecurity Awareness Month which serves to educate the people of the United States about the importance of cybersecurity: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Cybersecurity Awareness Month, as designated by the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States;

(2) continues to work with Federal agencies, businesses, educational institutions, and other organizations to enhance the state of cybersecurity in the United States; and

(3) congratulates the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States on the sixth anniversary of the National Cybersecurity Month during October 2009.

Mrs. FEINSTEIN. Mr. President, today I rise to submit, along with Senators ROCKEFELLER, GILLIBRAND, CARPER, MIKULSKI, LIEBERMAN, COLLINS, REID, LEVIN, BENNETT, SNOWE, LANDRIEU, HATCH, BAYH, and VOINOVICH, a resolution supporting National Cyber Security Awareness Month, which will be held next month.

We in the Congress are trying to make cybersecurity a priority issue, but much work remains to be done. A critical first step is to raise awareness and public understanding of the cyber threat and steps that can be taken to improve cybersecurity. This is true across Government and private industry, but the Government should play a leadership role.

Each year for the last 5 years, the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the U.S. have designated October as National Cyber Security Awareness Month.

Today, I am submitting a resolution to officially designate National Cyber Security Awareness Month again this October.

The goal is to educate and empower Internet users to take simple steps to safeguard themselves from the latest online threats and respond to cyber crime and to bring Federal agencies, businesses, educational institutions, and other organizations together to encourage development and implementation of cybersecurity best practices.

Cybersecurity is a serious national security and economic security challenge of great complexity, deserving of increased attention from the Congress. As the Senate prepares to consider important cybersecurity legislation to provide new authorities and clarify privacy and legal issues, a few cyber-related observations and concerns can be mentioned now.

First, I am troubled by the lack of situational awareness on the opportunities, activities, and identities of cyber thieves or potential attackers on U.S. information networks. This is a serious weakness and a source of frustration for those responsible for oversight and strategic decision-making. Unfortunately, it will not be easy to remedy this because there are disincentives to report cyber intrusions and vulnerabilities in the U.S. Government and private sector. This must change. It must change quickly so that cybersecurity leaders can make well-informed decisions and respond to problems in real time.

Next, it is clear that cybersecurity activities must be conducted with strong congressional oversight that will demand thorough Executive branch planning before billions of dollars are authorized and appropriated. In addition, there must be a rigorous analysis of the government's use of legal authorities for national cybersecurity missions that preserve the reasonable privacy expectations of Americans. The government's role must be well-defined as its activities involving the Internet evolve. I appreciate the White House's effort to be transparent and open with Congress on this issue this year, and have high expectations for continued healthy cooperation.

We need to have those entities with cybersecurity responsibilities collaborating across the Government. That means homeland security, intelligence, military, foreign policy, law enforcement, and other components involved in cybersecurity must be working together. The President has begun, through his cybersecurity review earlier this year, to provide a clear vision, strategic direction, and effective integration of the wide range of cybersecurity activities. However, more progress in this area is needed.

I was pleased when President Obama made a major address on cybersecurity at the end of May, but that strong first step has been followed by a four-month delay in appointing a White House cybersecurity coordinator. Until this position is filled, it will be difficult to have effective leadership and coordination on governmental cybersecurity efforts.

The Federal Government's communication strategy concerning cybersecurity must be improved as well. There should be a new plan on the best way to communicate the national cybersecurity policy to the public. Though some elements must be classified, it is important that the American people understand the Government's basic role in helping to secure information networks. The general rules and expectations for Government involvement, and how these may affect privacy, must be clearly explained.

In addition, the Government must consider that effective cybersecurity inside the U.S. will require stronger diplomatic efforts and an international agreement on what will and will not be tolerated in cyberspace. An international framework on cyber warfare, much like international conventions on traditional warfare, is needed to govern this rapidly growing field.

I also believe there should be a significant emphasis on long-term issues such as cyber research and development, recruiting cyber experts into government, and cyber education and training. In particular, recent studies sponsored by the Senate Select Committee on Intelligence have concluded that the Intelligence Community must dramatically increase funding for research and development in order for our cyber defenses to be effective in the future.

The online world is moving quickly, with cutting-edge technology expertise spread across the globe, and the U.S. cannot presume a clear-cut technology advantage as it has in other areas of national security. I recommend a balanced portfolio approach that includes a nationally coordinated program of long-term, high-risk research aimed at revolutionary breakthroughs, sustained even when faced with near-term budget pressures. I strongly support a rebalancing of the Federal Government's Comprehensive National Cybersecurity Initiative budget to address these concerns.

Finally, as a step beyond the Comprehensive National Cybersecurity Initiative's focus on securing Federal Government information networks, I am highly concerned about protecting the U.S. critical infrastructure. For example, the country's electric power grid, communications systems, and financial infrastructure are all critical to our way of life yet unacceptably vulnerable to cyber attack. The Government and the private sector must work together to share more effectively cyber threat and vulnerability information, and the administration and

the Congress must work together to determine the best mix of mandates, incentives, and other tools to improve critical infrastructure security.

Fortunately, there is an increasing level of interest and debate on cybersecurity issues in Congress and around the country. The Senate Intelligence Committee, which I have the privilege of chairing, has invested significant time assessing the cyber threat to our country and potential Government responses through the following initiatives: scores of personal meetings and staff briefings with government, private sector, academic, and nonprofit thought-leaders; six cyber hearings in the last 2 years; four 6-month studies by the Committee's Technical Advisory Group; a new, balanced oversight system for federal government cybersecurity programs, as proposed in the fiscal year 2010 intelligence authorization bill; and regular outreach to other congressional committees.

I want to thank my distinguished colleagues, Senators ROCKEFELLER, GILLIBRAND, CARPER, MIKULSKI, LIEBERMAN, COLLINS, REID, LEVIN, BENNETT, SNOWE, LANDRIEU, HATCH, VOINOVICH, and BAYH, for cosponsoring this resolution and for their leadership on this issue. I look forward to working with them and other members of Congress to improve our cybersecurity in the future.

SENATE RESOLUTION 286—EXPRESSING CONDOLENCES TO THE FAMILIES OF THE INDIVIDUALS KILLED DURING UNUSUAL STORMS AND FLOODS IN THE STATE OF GEORGIA BETWEEN SEPTEMBER 18 AND SEPTEMBER 21, 2009, AND EXPRESSING GRATITUDE TO ALL OF THE EMERGENCY PERSONNEL WHO CONTINUE TO WORK WITH UNYIELDING DETERMINATION TO MEET THE NEEDS OF GEORGIA'S RESIDENTS

Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 286

Whereas beginning on September 18, 2009, the State of Georgia was hit by days of unusually strong storms that resulted in downpours and flooding;

Whereas numerous Georgia rivers and creeks, including the Chattooga and Chattahoochee Rivers and the Chickamauga Creek, swollen by days of rain, overtopped their banks, creating a dangerous and deadly situation for nearby residents;

Whereas the storms and floods took human lives;

Whereas the floodwater destroyed homes, flooded roadways, including major highways, compromised drinking water, severely damaged plumbing systems, and caused significant damage to homes and businesses;

Whereas on September 21, 2009, Georgia Governor Sonny Perdue declared a state of emergency in 17 counties, including Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Crawford, DeKalb, Douglas, Forsyth, Fulton, Gwinnett, Newton, Paulding, Rockdale, Stephens, and Walker Counties;

Whereas the National Weather Service estimated that between 15 and 22 inches of rain fell in the metropolitan Atlanta counties of Gwinnett, Douglas, and Paulding between September 18 and September 21, 2009;

Whereas the rains broke a 130-year-old record at Hartsfield-Jackson International Airport;

Whereas hundreds of Georgians were evacuated from their homes, and more than 300 people sought refuge in shelters;

Whereas Governor Perdue estimated that more than 1,000 residences were seriously flooded;

Whereas the weather closed schools in several counties;

Whereas as many as tens of thousands of people were without power in metropolitan Atlanta;

Whereas search and rescue operations functioned in several counties where the water continued to rise;

Whereas the Georgia Emergency Management Agency coordinated with local emergency personnel and worked tirelessly to protect human lives and rescue those threatened by the floods;

Whereas the Georgia Emergency Management Agency facilitated requests for assistance from people and first responders all across the State of Georgia;

Whereas the Georgia Emergency Management Agency and other first responders acted valiantly in life-safety response operations, including delivering sandbags and rescuing people trapped in their cars and homes from the floodwater;

Whereas the Federal Emergency Management Agency activated its national and regional response coordination centers and worked closely with the State of Georgia to monitor the response efforts and identify and respond to any immediate emergency needs for the people and communities of the State that were impacted by the devastating floods; and

Whereas volunteers gave their time to help ensure that evacuees were sheltered, clothed, fed, and comforted through this traumatic event: Now, therefore, be it

Resolved, That the Senate—

(1) offers its deepest sympathy and condolences to the families of those who lost their lives in the flooding in the State of Georgia;

(2) expresses its condolences to the families who lost their homes and other property in the floods;

(3) expresses gratitude and appreciation to the people of the State of Georgia and the surrounding States, who worked to protect people from the rising floodwaters;

(4) expresses its support as the Federal Emergency Management Agency responds to the needs of the people and communities affected by the flooding; and

(5) honors the emergency responders, within and beyond metropolitan Atlanta and the State of Georgia, for their bravery and sacrifice during this tragedy.

SENATE RESOLUTION 287—HONORING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984 (THE HATCH-WAXMAN ACT)

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 287

Whereas on September 24, 1984, the Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417; 98 Stat. 1585), commonly known as the Hatch-Waxman Act, was signed into law by President Ronald Reagan, at which time President Reagan indicated that generic drugs might save American consumers $1,000,000,000 over the next 10 years;

Whereas this landmark law created the regulatory mechanism under which the Food and Drug Administration approves safe and affordable generic drugs;

Whereas each year for the past quarter century, the generic pharmaceutical industry has delivered billions of dollars in savings on the purchase of prescription drugs, far exceeding the original estimate;

Whereas a May 2009 report showed that during the preceding 10-year period, the use of generic drugs has saved the American health care system more than $734,000,000,000, with the most-recent annual average exceeding $121,000,000,000;

Whereas generic drugs accounted for more than 72 percent of all prescription drugs dispensed, yet accounted for only 17 percent of the spending on all prescription drugs, a differential that reflects the dramatically lower prices paid for generic drugs, which not only reduces consumer and taxpayer spending but also increases patient access to needed medicines; and

Whereas while the Hatch-Waxman Act does not have an explicit pathway for approval by the Food and Drug Administration of lower-priced versions of cutting-edge biologic medicines, which account for a rapidly growing portion of prescription medicine spending, the Act does provide a solid framework for such a pathway: Now, therefore, be it

Resolved, That it is the sense of Senate that—

(1) enactment of the Hatch-Waxman Act (Public Law 98–417; 98 Stat. 1585) in 1984 served to create the modern generic pharmaceutical industry, which has provided consumers with access to affordable drugs, yielding significant health and economic benefits for the Nation's health care system;

(2) Senator Orrin Hatch and Representative Henry Waxman deserve the Nation's gratitude for authoring and championing this landmark bipartisan legislation; and

(3) Congress should build on the work of these dedicated policymakers and enact legislation to create a pathway for approval by the Food and Drug Administration of safe and affordable generic versions of biologic medicines.

Mr. BROWN. Mr. President, I rise today to submit a resolution commemorating the 25th Anniversary of the Drug Price Competition and Patent Term Restoration Act, more commonly known as the Hatch-Waxman Act.

This historic legislation—which was signed into law exactly 25 years ago today, on September 24, 1984—marked the culmination of months of lengthy and often contentious debate over how to foster pharmaceutical innovation while at the same time encouraging competition from affordable generic prescription drugs.

Guided by my good friends and colleagues Representative HENRY WAXMAN of California and Senator ORRIN HATCH of Utah, Congress delivered a bill that struck the right balance between innovation and access, and put in place a new regulatory pathway to bring safe and effective generic medicines to market.

I doubt that anyone involved in the passage of Hatch-Waxman could have envisioned a quarter century ago the

magnitude of savings and the significant boost to new drug innovation that this bill has delivered.

According to a May 2009 report of IMS data, the use of FDA-approved generic medicines has saved the U.S. healthcare system approximately $734 billion over the past 10 years.

Moreover, patients around the world can get needed medication that they would not be able to afford except for access to lower-cost generics.

At the same time, price competition from generics has acted to spur a dramatic increase in new drug research and development.

In short, the Hatch-Waxman Act has delivered above and beyond the intended result.

I urge my colleagues to view the success of this landmark legislation as an indicator of what we can accomplish in the field of biologic medicines.

Biologics are the most promising treatments available for diseases such as cancer, multiple sclerosis, and Alzheimer's, but they are expensive, often costing between $20,000 and $100,000 a year.

There is no explicit pathway for Food and Drug Administration approval of generic versions of these medicines under the Hatch-Waxman law; however, there is bipartisan agreement that we need to create one. To do that, we need to focus on our goals and bridge our differences.

The time to do that is now.

Biologic drugs are the fast growing component of prescription drug spending.

These drugs are expected to make up 50 percent of the pharmaceutical marketplace by 2020, but their high prices keep them out of reach for far too many patients and place an increasingly heavy financial burden on consumers, on businesses, and on taxpayers.

In 2007, the top six biologics accounted for more than $7 billion of the nearly $17 billion in direct prescription drug spending by Medicare.

That figure will continue to grow, and the amount taxpayers pay depends on whether Medicare can access lower-priced biogenerics or is forced to pay brand-name prices year after year after year.

Biogenerics hold the promise of making life-saving medicines available to all patients at an affordable cost.

With the explosion in biologics, we have a new generation of lifesaving medicines—and a new opportunity to reprise the historic victory Senator ORRIN HATCH and Representative HENRY WAXMAN achieved 25 years ago today.

With biologic use and prices spiraling upward, we have no: time to lose.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2548. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2440 submitted by Mr. VITTER and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2549. Mr. VITTER (for himself, Mr. GRASSLEY, Mr. BUNNING, Mr. ROBERTS, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra.

SA 2550. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2551. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2530 submitted by Ms. MURKOWSKI (for herself and Mr. THUNE) and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2552. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2553. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2513 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2554. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2511 proposed by Mr. COBURN to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2555. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2548. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2440 submitted by Mr. VITTER and intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

FUNDING LIMITATION

SEC. 4____. None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and lead by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the ''White House Climate Change Czar'').

SA 2549. Mr. VITTER (for himself, Mr. GRASSLEY, Mr. BUNNING, Mr. ROBERTS and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

FUNDING LIMITATION

SEC. ____. None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and lead by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the ''White House Climate Change Czar'').

SA 2550. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies 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 1, line 8, strike ''greenhouse gases'' and all that follows through page 2, line 7, and insert ''carbon dioxide.''.

SA 2551. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2530 submitted to Ms. MURKOWSKI (for herself and Mr. THUNE) and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies 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 1, strike line 6 and all that follows through the end of the amendment and insert the following:

SEC. 201. None of the funds made available under this Act may be used to apply the permit program under part C of title I, or under title V, of the Clean Air Act (42 U.S.C. 7440 et seq., 7661 et seq.) to any stationary source, on the basis of its emissions of greenhouse gases, that—

(1) is a farm, as the term is defined in section 6420(c)(2) of the Internal Revenue Code of 1986; or

(2) is not subject to the requirement to report greenhouse gas emissions under the final Environmental Protection Agency rule entitled ''Mandatory Reporting of Greenhouse Gases'' and numbered 2060–A079.

SA 2552. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2517 submitted by Mrs. FEINSTEIN and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 423. PROHIBITION ON USE OF FUNDS.

None of the funds made available under this Act may be used to apply the permit program under part C of title I, or under title V, of the Clean Air Act (42 U.S.C. 7440 et seq., 7661 et seq.) to any stationary source, on the basis of its emissions of greenhouse gases, if—

(1) the stationary source—

(A) is a farm, as the term is defined in section 6420(c)(2) of the Internal Revenue Code of 1986; or

(B) is not subject to the requirement to report greenhouse gas emissions under the final Environmental Protection Agency rule entitled ''Mandatory Reporting of Greenhouse Gases'' and numbered 2060-A079; or

(2) the applicability of the program would result in an increase in electricity or gasoline prices.

SA 2553. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2513 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 6 of the amendment, strike ''shall use'' and insert ''may use up to''.

SA 2554. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2511 proposed by Mr. COBURN to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PROHIBITION ON USE OF FUNDS FOR NO-BID CONTRACTS AND GRANTS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act and subject to subsection (b), none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by a grant not subject to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient.

(b) LIMITATIONS.—The prohibition under subsection (a), shall not apply to the awarding of contracts or grants with respect to which—

(1) not more than 1 applicant submits a bid for a contract or grant;

(2) Federal law specifically otherwise authorizes a grant or contract to be entered into without regard for the laws, regulations, or requirements described in subsection (a)(1), including formula grants for States; or

(3) Federal laws otherwise authorize grants, contracts, or compacts to federally recognized Indian tribes or tribally owned businesses.

SA 2555. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) HIGH PRIORITY NATIONAL GUARD COUNTERDRUG PROGRAMS.—Of the amount appropriated or otherwise made available by title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'', up to $30,000,000 may be available for the purpose of High Priority National Guard Counterdrug Programs.

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the purpose specified in that subsection is in addition to any other amounts made available by this Act for that purpose.

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 Subcommittee on Public Lands and Forests.

The hearing will be held on Thursday, October 8, 2009, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 522, to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act;

S. 865 and H.R. 1442, to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909;

S. 881, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes;

S. 940, to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes;

S. 1272, to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and for other purposes; and

S. 1689, to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Allison Seyferth at (202) 224–4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Committee on Armed Services be authorized to meet during the session of the Senate on September 24, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 24, 2009, at 9:30 a.m., to conduct a hearing entitled ''Emergency Economic Stabilization Act: One year later.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 24, 2009, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 24 2009, at 10 a.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.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 24, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on September 24, 2009, at 10:30 a.m. to conduct a hearing entitled, ''Getting to Better Government: Focusing on Performance''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Government Affairs's Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on September 24, 2009, at 2:30 p.m. to conduct a hearing entitled ''A Review of U.S. Diplomatic Readiness: Addressing the Staffing and Foreign Language Challenges Facing the Foreign Service.''

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL YEAR 2010 FEDERAL AVIATION ADMINISTRATION EXTENSION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3607; that the bill be read the third time and passed; that the motion to reconsider be laid upon the table, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3607) was ordered to be read a third time, was read the third time, and passed.

RESERVE OFFICERS ASSOCIATION MODERNIZATION ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 158, S. 1599.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1599) to amend title 36, United States Code, to include in the federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that today the Senate will pass the Reserve Officers Association Modernization Act of 2009. I thank Senator CHAMBLISS and Senator PRYOR, cosponsors of this legislation and chairs of the U.S. Reserve Caucus, for their hard work and support of this legislation.

This legislation makes several updates to the charter of the Reserve Officers Association, ROA, to more accurately reflect the organization's current operation. First, it adds the position of ''president elect'' to its constitution and bylaws. Additionally, under the legislation, the national executive committee is expanded to include three representatives from each of the seven branches of the uniformed services. This bill makes the first changes to the ROA charter since 1998 and will enable ROA to continue its good work.

Since its founding in 1922, the ROA has worked on behalf of the National Guard and Reserves and their families. For over 85 years, ROA has remained committed to its original mission, to ''support and promote the development and execution of a military policy for the United States that will provide adequate National security.'' The Reserve Officers Association represents the Reserve components officers for the Army, Air Force, Navy, Marine Corps, Coast Guard, the Air and Army National Guard, Public Health Service, and the officers of the National Oceanic and Atmospheric Administration.

As chair of the Senate National Guard Caucus, I have worked closely with groups like the Reserve Officers Association, ROA, to ensure that the National Guard and Reserves have access to more affordable health care, a greater influence in the military, adequate training facilities and supplies, and shorter troop deployments in Iraq and Afghanistan. The National Guard and Reserves provide an invaluable contribution to our Nation's military, our national security, and disaster relief efforts, and it is vital that we continue to support their needs.

The Reserve Officers Association has provided a voice to the men and women that serve our country in the National Guard and Reserves. I am proud that today the Senate has demonstrated its support for the brave members of the National Guard and Reserves by passing this legislation.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1599) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1599

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 ''Reserve Officers Association Modernization Act of 2009''.

SEC. 2. INCLUSION OF NEW LEADERSHIP POSITIONS IN THE FEDERAL CHARTER OF THE RESERVE OFFICERS ASSOCIATION.

(a) NATIONAL EXECUTIVE COMMITTEE.—Section 190104(b)(2) of title 36, United States Code, is amended—

(1) by inserting ''the president elect,'' after ''the president,'';

(2) by inserting ''a minimum of'' before ''3 national executive committee members,''; and

(3) by striking ''except the executive director,'' and inserting ''except the president elect and the executive director,''.

(b) OFFICERS.—Section 190104(c) of such title is amended—

(1) in paragraph (1)—

(A) by inserting ''a president elect,'' after ''a president,'';

(B) by inserting ''a minimum of'' before ''3 national executive committee members,'';

(C) by striking ''a surgeon, a chaplain, a historian, a public relations officer,''; and

(D) by striking ''as decided at the national convention'' and inserting ''specified in the constitution of the corporation''; and

(2) in paragraph (2)—

(A) by inserting ''and take office'' after ''be elected''; and

(B) by striking ''and the national public relations officer,'' and inserting ''the judge advocate, and any other national officers specified in the constitution of the corporation,''.

(c) VACANCIES.—Section 190104(d)(1) of such title is amended by striking ''president and last past president,'' and inserting ''president, president elect, and last past president,''.

(d) RECORDS AND INSPECTION.—Section 190109(a)(2) of such title is amended by striking ''national council;'' and inserting ''other national entities of the corporation;''.

Mrs. BOXER. Mr. President, tonight the Senate has approved a 3-month extension of the FAA Reauthorization Act.

While I understand the importance of passing a short-term extension of this law, I am disappointed that the full Senate has yet to act on the FAA reauthorization bill that was ordered reported by the Senate Commerce Committee in July. That bill, the FAA Air Transportation Modernization and Safety Improvement Act, includes long overdue legislation known as the Airline Passenger Bill of Rights.

Too often, airline passengers are trapped on airplanes without basic needs such as food, water, medicine, working restrooms or proper cabin ventilation.

Just last month, passengers on a flight from Houston to Minneapolis-St. Paul were diverted to Rochester, MN, and forced to spend the night trapped in a small commuter airplane.

Two weeks later, a flight carrying more than 100 passengers bound for Minneapolis was forced to sit on the tarmac at JFK airport in New York for 6 hours before finally departing. The passengers, including parents traveling with infants, were forced to endure overflowing bathrooms and had no real food or water to speak of.

These are not isolated examples of a few airlines with ineffective policies. USA Today recently reported that since January 2007, 200,000 domestic passengers on 3,000 flights have been stranded in airplanes on the tarmac for 3 hours or more.

This is unacceptable. We must pass the Airline Passenger Bill of Rights this year—before the 3-month extension of the FAA reauthorization bill expires. The Passenger Bill of Rights, which I have introduced with Senator OLYMPIA SNOWE, would require airlines to offer passengers the option of safely leaving a plane they have boarded once that plane has sat on the ground for 3 hours.

Americans deserve a safe and efficient aviation system. We cannot afford to wait another year to pass long overdue legislation that will make our skies safer and protect passengers from excessive tarmac delays. No American should ever be forced to spend the night in a plane on an airport tarmac. We can prevent this and we must.

I know the Senate is working to address many important challenges at this time. But, we cannot lose sight of the aviation challenges facing our country. It is time for Congress to meet its responsibility to the flying public.

GRANTING A FEDERAL CHARTER TO THE MILITARY OFFICERS ASSOCIATION OF AMERICA

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 832, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 832) to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

There being no objection, the Senate proceed to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and if there are statements, I ask that they be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 832) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 832

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

SECTION 1. GRANT OF FEDERAL CHARTER TO MILITARY OFFICERS ASSOCIATION OF AMERICA.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1403 the following new chapter:

"CHAPTER 1404—MILITARY OFFICERS ASSOCIATION OF AMERICA

''Sec.
''140401. Organization.
''140402. Purposes.
''140403. Membership.
''140404. Governing body.
''140405. Powers.
''140406. Restrictions.
''140407. Tax-exempt status required as condition of charter.
''140408. Records and inspection.
''140409. Service of process.
''140410. Liability for acts of officers and agents.
''140411. Annual report.
''140412. Definition.

"§ 140401. Organization

''(a) FEDERAL CHARTER.—Military Officers Association of America (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and is organized under the laws of the Commonwealth of Virginia, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

"§ 140402. Purposes

''(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

''(1) to inculcate and stimulate love of the United States and the flag;

''(2) to defend the honor, integrity, and supremacy of the Constitution of the United States and the United States Government;

''(3) to advocate military forces adequate to the defense of the United States;

''(4) to foster the integrity and prestige of the Armed Forces;

''(5) to foster fraternal relations between all branches of the various Armed Forces from which members are drawn;

''(6) to further the education of children of members of the Armed Forces;

''(7) to aid members of the Armed Forces and their family members and survivors in every proper and legitimate manner;

''(8) to present and support legislative proposals that provide for the fair and equitable treatment of members of the Armed Forces, including the National Guard and Reserves, military retirees, family members, survivors, and veterans; and

''(9) to encourage recruitment and appointment in the Armed Forces.

"§ 140403. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 140404. Governing body

''(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

''(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

"§ 140405. Powers

''The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 140406. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

''(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

''(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

"§ 140407. Tax-exempt status required as condition of charter

''If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

"§ 140408. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

''(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose at any reasonable time.

"§ 140409. Service of process

''The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

"§ 140410. Liability for acts of officers and agents

''The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

"§ 140411. Annual report

''The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

"§ 140412. Definition

''In this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1403 the following new item:

''1404. Military Officers Association of America ..... 140401''.

MEASURES DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of the following bills, all en bloc: H.R. 2913, H.R. 1687, H.R. 2053, H.R. 2498, and H.R. 2121; that the bills be read a third time and passed, en bloc, with the motions to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIDNEY M. ARONOVITZ UNITED STATES COURTHOUSE

The bill (H.R. 2913) was ordered to a third reading, was read the third time, and passed.

RALPH REGULA FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 1687) was ordered to a third reading, was read the third time, and passed.

ALBERT ARMENDARIZ, SR., UNITED STATES COURTHOUSE

The bill (H.R. 2053) was ordered to a third reading, was read the third time, and passed.

WILLIAM O. LIPINSKI FEDERAL BUILDING

The bill (H.R. 2498) was ordered to a third reading, was read the third time, and passed.

CONVEYANCE OF REAL PROPERTY IN GALVESTON, TEXAS

The bill (H.R. 2121) was ordered to a third reading, was read the third time, and passed.

CONDOLENCES TO THE FAMILIES OF THE INDIVIDUALS KILLED DURING UNUSUAL STORMS AND FLOODS IN GEORGIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 286.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 286) expressing condolences to the families of the individuals killed during unusual storms and floods in the State of Georgia between September 18 and September 21, 2009, and expressing gratitude to all of the emergency personnel who continue to work with unyielding determination to meet the needs of Georgia's residents.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAMBLISS. Mr. President, I come to the floor with a heavy heart to express condolences to those in my home State of Georgia as well as others across the southern part of our country who have been affected by the recent devastating floods.

It is hard to imagine that 1 year ago we in Georgia were in the fourth year of extensive drought. Yet today across the metro Atlanta area and throughout north Georgia, we have gone from a water crisis in the last couple of years to rising waters that have transformed neighborhoods into rivers, ballfields into lakes, and basements into dank pools. Rafts and kayaks have taken the place of cars in streets. In many areas, the only dry places are rooftops and treetops.

For 4 days and 4 nights, beginning September 18, water poured from the sky in torrents, and rose from rivers, creeks, and the saturated ground to claim lives and livelihoods, worldly possessions, and treasured memories in flooded basements, attics, driveways, and fields.

The Chattooga and Chattahoochee Rivers and Chickamauga Creek, swollen by days of rain, topped their banks, with deadly results. The Chattahoochee crested at 30 feet, some 15 feet above flood stage.

Nearly 1,000 families have lost their homes to flooding they never expected to see in their lifetimes. Others found their businesses submerged. Because most are not in floodplains, they do not have flood insurance. Many have lost everything they own during already tough economic times.

In addition to homes and businesses, the rising waters destroyed roadways, swept away bridges, tainted drinking water, and damaged sewer systems. It will take months, if not years, to repair the damage.

Even more heart-wrenching is the fact that nine Georgians and one resident of Alabama, just across the State line, have perished in the rushing waters.

When all was said and done, more than 20 inches of rain fell on Georgia, breaking a 130-year-old record at Atlanta's Hartsfield-Jackson International Airport. More than 30,000 people were without power in the metro Atlanta area. The Red Cross sheltered hundreds rendered homeless by the floods.

However, the worst situations often bring out the best in people. Local first responders and emergency personnel worked tirelessly to protect lives and property and to rescue those trapped by the waters. Their bravery and sacrifice is exemplary.

Also, the Georgia Emergency Management Agency worked around the clock to facilitate requests for assistance. The Federal Emergency Management Agency worked closely with the State to anticipate and respond to emergency needs, and countless volunteers gave time and energy to ensure that evacuees were sheltered, clothed, fed, and comforted. They all have Georgians' and my personal deepest, most heartfelt gratitude.

I would like to express my sympathy to the families of those who have lost loved ones, homes, and livelihoods. To that end, Senator ISAKSON and I have submitted this resolution, S. Res. 286, expressing condolences to those affected and appreciation to emergency responders and others who helped them. I urge my colleagues to support the resolution tonight.

On September 21, Gov. Sonny Perdue declared a state of emergency in 17 counties. I understand President Obama called Governor Perdue Tuesday night to discuss the needs of Georgians and assured the Governor that his request for Federal aid would receive prompt attention. To that end, today we received notification that 4 of the 17 affected counties have been declared disaster areas by President Obama, and I am certain the others, when the processing is completed, will likewise be declared disaster areas.

Tomorrow, Vice President BIDEN will accompany Senator ISAKSON and myself to Georgia to take a firsthand look at what is going on.

Mr. President, we are literally underwater. Georgia and other parts of the Southeast need the assistance of the Federal Government in this case, as well as the State government. To that end, we are seeing the response in a very appropriate way.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 286) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 286

Whereas beginning on September 18, 2009, the State of Georgia was hit by days of unusually strong storms that resulted in downpours and flooding;

Whereas numerous Georgia rivers and creeks, including the Chattooga and Chattahoochee Rivers and the Chickamauga Creek, swollen by days of rain, overtopped their banks, creating a dangerous and deadly situation for nearby residents;

Whereas the storms and floods took human lives;

Whereas the floodwater destroyed homes, flooded roadways, including major highways, compromised drinking water, severely damaged plumbing systems, and caused significant damage to homes and businesses;

Whereas on September 21, 2009, Georgia Governor Sonny Perdue declared a state of emergency in 17 counties, including Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Crawford, DeKalb, Douglas, Forsyth, Fulton, Gwinnett, Newton, Paulding, Rockdale, Stephens, and Walker Counties;

Whereas the National Weather Service estimated that between 15 and 22 inches of rain fell in the metropolitan Atlanta counties of Gwinnett, Douglas, and Paulding between September 18 and September 21, 2009;

Whereas the rains broke a 130-year-old record at Hartsfield-Jackson International Airport;

Whereas hundreds of Georgians were evacuated from their homes, and more than 300 people sought refuge in shelters;

Whereas Governor Perdue estimated that more than 1,000 residences were seriously flooded;

Whereas the weather closed schools in several counties;

Whereas as many as tens of thousands of people were without power in metropolitan Atlanta;

Whereas search and rescue operations functioned in several counties where the water continued to rise;

Whereas the Georgia Emergency Management Agency coordinated with local emergency personnel and worked tirelessly to protect human lives and rescue those threatened by the floods;

Whereas the Georgia Emergency Management Agency facilitated requests for assistance from people and first responders all across the State of Georgia;

Whereas the Georgia Emergency Management Agency and other first responders acted valiantly in life-safety response operations, including delivering sandbags and rescuing people trapped in their cars and homes from the floodwater;

Whereas the Federal Emergency Management Agency activated its national and regional response coordination centers and worked closely with the State of Georgia to monitor the response efforts and identify and respond to any immediate emergency needs for the people and communities of the State that were impacted by the devastating floods; and

Whereas volunteers gave their time to help ensure that evacuees were sheltered, clothed, fed, and comforted through this traumatic event: Now, therefore, be it

Resolved, That the Senate—

(1) offers its deepest sympathy and condolences to the families of those who lost their lives in the flooding in the State of Georgia;

(2) expresses its condolences to the families who lost their homes and other property in the floods;

(3) expresses gratitude and appreciation to the people of the State of Georgia and the surrounding States, who worked to protect people from the rising floodwaters;

(4) expresses its support as the Federal Emergency Management Agency responds to the needs of the people and communities affected by the flooding; and

(5) honors the emergency responders, within and beyond metropolitan Atlanta and the State of Georgia, for their bravery and sacrifice during this tragedy.

EXECUTIVE SESSION

NOMINATION OF JONATHAN B. JARVIS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 406, the nomination of Jonathan B. Jarvis to be Director of the National Park Service; that immediately after reporting the nomination, the Senate proceed to vote on confirmation of the nomination.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Jonathan B. Jarvis, of California, to be Director of the National Park Service.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jonathan B. Jarvis, of California, to be Director of the National Park Service?

The nomination was confirmed.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action, and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged of PN704 and that the Senate then proceed to the nomination; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action and the Senate return to legislative session, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

SMALL BUSINESS ADMINISTRATION

Peggy E. Gustafson, of Illinois, to be Inspector General, Small Business Administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

GOLDEN GAVEL AWARD

Mr. REID. Mr. President, earlier today—actually, at 1:43 p.m. today—Senator TOM UDALL, the Senator from New Mexico, joined the 100-hour presiding club of the 111th Congress. He is the third member of the freshman class to achieve this goal. These are individuals who preside over the Senate for 100 hours.

We have a tradition that those Senators who devote so much time to presiding in the Senate are given what we call a golden gavel. It is a very nice presentation, very nice keepsake, and we will make that presentation at our next caucus. I appreciate very much the work of TOM UDALL, devoting his time to making sure the proceedings on the floor are in keeping with the rules of the Senate, and we welcome him to this most prestigious club—a member of the golden gavel society.

I believe the Presiding Officer is a member of the golden gavel society.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask the Presiding Officer, were you the first to get it? In your capacity as a Senator from the State of Alaska, what is the answer?

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, the answer is yes.

Mr. REID. It was a close battle, but you won.

ORDERS FOR FRIDAY, SEPTEMBER 25, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning at 9:30 a.m., Friday, September 25; 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 H.R. 3326, the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As I announced earlier tonight, Mr. President, there will be no rollcall votes during Friday's session of the Senate. On Monday, which is Yom Kippur, the most significant and highest Holy Day of those of the Jewish faith, we will not be in session. Therefore, the next vote will occur around 5:30 p.m., Tuesday, September 29.

As a reminder to all Senators, Paul Kirk will be sworn in as the new Senator from the State of Massachusetts, replacing Senator Kennedy. That will be at 3:30 tomorrow afternoon.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Friday, September 25, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

FREDERICK D. BARTON, OF MAINE, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

BILL DELAHUNT, OF MASSACHUSETTS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ELAINE SCHUSTER, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CHRISTOPHER H. SMITH, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

MARY BURCE WARLICK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

WELLINGTON E. WEBB, OF COLORADO, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JIDE J. ZEITLIN, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

JIDE J. ZEITLIN, OF NEW YORK, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

EXECUTIVE OFFICE OF THE PRESIDENT

ISLAM A. SIDDIQUI, OF VIRGINIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR , OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RICHARD T. CROWDER.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY
STEPHEN DONALD MULL, OF VIRGINIA
DAVID DUANE PEARCE, OF VIRGINIA
MICHAEL E. RANNEBERGER, OF VIRGINIA
MARCIE BERMAN RIES, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

GINA ABERCROMBIE-WINSTANLEY, OF OHIO
LUIS E. ARREAGA-RODAS, OF VIRGINIA
ERGIBE A. BOYD, OF FLORIDA
SAMUEL VINCENT BROCK, OF FLORIDA
DOLORES MARIE BROWN, OF VIRGINIA
SUE KATHERINE BROWN, OF VIRGINIA
LEE A. BRUDVIG, OF CALIFORNIA
DAVID RAYMON BURNETT, OF WASHINGTON
PHILLIP CARTER III, OF VIRGINIA
LINDA CAROL CHEATHAM, OF TEXAS
MAURA CONNELLY, OF NEW JERSEY
J. THOMAS DOUGHERTY, OF WYOMING
GORDON K. DUGUID, OF ILLINOIS
PHILIP HUGHES EGGER, OF TENNESSEE
JAMES F. ENTWISTLE, OF VIRGINIA
KAARA NICOLE ETTESVOLD, OF NEW YORK
KENNETH J. FAIRFAX, OF CALIFORNIA
MICHAEL GFOELLER, OF VIRGINIA
ROBERT GOLDBERG, OF MARYLAND
ALAN ERIC GREENFIELD, OF MAINE
DEAN J. HAAS, OF CALIFORNIA
JOHN ASHWOOD HEFFERN, OF VIRGINIA
MARY E. HICKEY, OF CALIFORNIA
MICHAEL J. HURLEY, OF WASHINGTON
AMY JANE HYATT, OF CALIFORNIA
JASON P. HYLAND, OF VIRGINIA
JAMES J. KENNEY, JR., OF FLORIDA
THOMAS M. LEARY, OF FLORIDA
CHRISTOPHER W. MURRAY, OF THE DISTRICT OF COLUMBIA
JEFFRY R. OLESEN, OF FLORIDA
RICHARD GUSTAVE OLSON, JR., OF NEW MEXICO
ANDREW CHARLES PARKER, OF VIRGINIA
MICHAEL P. PELLETIER, OF MAINE
TERRI LOUISE ROBL, OF MARYLAND
DONNA J. ROGINSKI, OF TEXAS
CHARLES H. ROSENFARB, OF WASHINGTON
WAYNE STEVEN SALISBURY, OF WASHINGTON
DAVID BRUCE SHEAR, OF NEW YORK
MARC J. SIEVERS, OF VIRGINIA
DOUGLAS A. SILLIMAN, OF TEXAS
GENTRY O. SMITH, OF VIRGINIA
JULIA REEVES STANLEY, OF NEW YORK
JAMES C. SWAN, OF CALIFORNIA
W. STUART SYMINGTON IV, OF MISSOURI
SAMUEL B. THIELMAN, OF VIRGINIA

MATTHEW HEYWOOD TUELLER, OF UTAH
KRISHNA R. URS, OF TEXAS
VIVIAN S. WALKER, OF CALIFORNIA
ROBERT SHIAO WANG, OF CALIFORNIA
JAMES L. WILLIAMS, OF FLORIDA
KARL E. WYCOFF, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

KARL PHILIP ALBRECHT, OF VIRGINIA
CAROLYN PATRICIA ALSUP, OF FLORIDA
MARJORIE ANN AMES, OF FLORIDA
THEODORE HOWARD ANDREWS, OF CALIFORNIA
KRISTEN F. BAUER, OF MASSACHUSETTS
LORA BERG, OF THE DISTRICT OF COLUMBIA
JENNIFER L. BRUSH, OF VERMONT
MICHAEL BARRY CHANG, OF CALIFORNIA
TODD CRAWFORD CHAPMAN, OF TEXAS
SANDRA ELIANE CLARK, OF PENNSYLVANIA
SUSAN R. CRYSTAL, OF PENNSYLVANIA
SYLVIA REED CURRAN, OF ALASKA
BRYAN W. DALTON, OF CALIFORNIA
KATHERINE SIMONDS DHANANI, OF THE DISTRICT OF COLUMBIA
KATHLEEN A. DOHERTY, OF NEW YORK
THOMAS J. DOWLING, OF VIRGINIA
JOANNE EDWARDS, OF CALIFORNIA
JAMES R. ELLICKSON-BROWN, OF OREGON
CHRISTOPHER FITZGERALD, OF FLORIDA
MARK A. GOODFRIEND, OF CALIFORNIA
WILLIAM KEVIN GRANT, OF VIRGINIA
PETER DAVID HAAS, OF FLORIDA
ANNE HALL, OF MAINE
MICHAEL A. HAMMER, OF MARYLAND
DENNIS B. HANKINS, OF VIRGINIA
MATTHEW TRACY HARRINGTON, OF CALIFORNIA
JENNIFER CONN HASKELL, OF FLORIDA
DONALD L. HEFLIN, OF VIRGINIA
CHRISTOPHER PAUL HENZEL, OF NEW YORK
LEO J. HESSION, JR., OF CALIFORNIA
CATHERINE M. HILL-HERNDON, OF PENNSYLVANIA
THOMAS MARK HODGES, OF TENNESSEE
JACQUELINE KAY HOLLAND-CRAIG, OF IDAHO
PERRY L. HOLLOWAY, OF SOUTH CAROLINA
JOHN F. HOOVER, OF VIRGINIA
ELIZABETH ANN HOPKINS, OF THE DISTRICT OF COLUMBIA
THOMAS J. HUSHEK, OF THE DISTRICT OF COLUMBIA
DONALD EMIL JACOBSON, OF VIRGINIA
MAKILA JAMES, OF NEW YORK
KATHY A. JOHNSON CASARES, OF TEXAS
KELLY ANN KEIDERLING FRANZ, OF CALIFORNIA
GLEN C. KEISER, OF CALIFORNIA
DONALD WILLIAM KORAN, OF CALIFORNIA
PATRICIA A. LACINA, OF CALIFORNIA
SAMUEL CLARK LAEUCHLI, OF ARIZONA
SUZANNE I. LAWRENCE, OF ARIZONA
THOMAS H. LLOYD, OF VIRGINIA
EDWARD LOO, OF CALIFORNIA
DONALD LU, OF CALIFORNIA
BARBARA J. MARTIN, OF MARYLAND
MICHAEL MCCARTHY, OF VIRGINIA
JENNIFER ALLYN MCINTYRE, OF THE DISTRICT OF COLUMBIA
JUDITH A. MOON, OF VIRGINIA
DONALD LEROY MOORE, OF FLORIDA
JOHN G. MORAN, OF VIRGINIA
SEAN MURPHY, OF VIRGINIA
JEROME JOHN OETGEN, OF PENNSYLVANIA
HILARY S. OLSIN-WINDECKER, OF VIRGINIA
PAUL B. PATIN, OF VIRGINIA
JOSEPH S. PENNINGTON, OF VIRGINIA
CHARISSE MELANIE PHILLIPS, OF FLORIDA
NECIA LEANNE QUAST, OF WASHINGTON
HELEN PATRICIA REED-ROWE, OF MARYLAND
GARACE A. REYNARD, OF TEXAS
SANDRALEE M. ROBINSON, OF IOWA
THOMAS G. ROGAN, OF NEW HAMPSHIRE
DAVID SIEFKIN, OF CALIFORNIA
DARNALL C. STEUART, OF VIRGINIA
ERIC W. STROMAYER, OF VIRGINIA
MARY JANE TEIRLYNCK, OF CALIFORNIA
DAPHNE M. TITUS, OF CALIFORNIA
MICHAEL STEPHEN TULLEY, OF CALIFORNIA
DAVID A. TYLER, OF NEW HAMPSHIRE
RICHARD CHARLES WESTON, OF VIRGINIA
SHARON NANCY WHITE, OF CONNECTICUT
KAREN L. WILLIAMS, OF MISSOURI
PAUL DASHNER WOHLERS, OF WASHINGTON
TIMOTHY P. ZUNIGA-BROWN, OF NEVADA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

STANLEY H. BENNETT, OF MINNESOTA
JEFFREY C. BREED, OF NEW HAMPSHIRE
MARK J. COHEN, OF TEXAS
PETER W. DREW, OF MASSACHUSETTS
JOHN MARTIN EUSTACE, JR., OF VIRGINIA
MARILYN CLAIRE FERDINAND, OF VIRGINIA
CHRISTOPHER F. FLYNN, OF TEXAS
CAROL E. GALLO, OF FLORIDA
MARY A. GRAY, OF FLORIDA
KELII J. GURFIELD, OF WASHINGTON
CHRISTINE L. HUGHES, OF FLORIDA
PAUL C. ISAAC, OF TEXAS
ARDESHIR F. KANGA, OF MARYLAND
FREDRICK J. KETCHEM, OF FLORIDA
JAMES D. LEMARIE, OF VIRGINIA
JEFFREY SCOTT MYERS, OF VIRGINIA
ALMA REBECA PABST, OF CALIFORNIA
CHARLES RALPH SHUSTER, OF PENNSYLVANIA
MARK J. STEAKLEY, OF FLORIDA

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

PEGGY E. GUSTAFSON, OF ILLINOIS, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate; Thursday, September 24, 2009:

DEPARTMENT OF THE INTERIOR

JONATHAN B. JARVIS, OF CALIFORNIA, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SMALL BUSINESS ADMINISTRATION

PEGGY E. GUSTAFSON, OF ILLINOIS, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.

EXTENSIONS OF REMARKS

HONORING THE 50TH ANNIVERSARY OF HOFFMAN ESTATES, ILLINOIS

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. ROSKAM. Madam Speaker, I rise today to commemorate the 50th Anniversary of the incorporation of Hoffman Estates, Illinois, in the heart of my Congressional District.

The Village was founded by Sam and Jack Hoffman who purchased the land from a local farmer to establish a housing subdivision. The homeowners of the subdivision voted to incorporate the Village in 1959. From its early origins, Hoffman Estates has become a model for other cities and towns to follow through its continued dedication to building a strong and vibrant community to live, work in, and raise a family.

On the occasion of this 50th Anniversary, we join together to celebrate Hoffman Estate's legacy of growth and prosperity and to look ahead to the opportunities facing our state and our nation. Today both marks 50 years of working together to build a brighter future, and reminds us that our work continues.

Madam Speaker and Distinguished Colleagues, please join me in recognizing Hoffman Estates Mayor Bill McLeod, the Hoffman Estates Village Board of Trustees and the citizens of Hoffman Estates and in wishing them every happiness on this special occasion.

HONORING IRVING KRISTOL

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. PENCE. Madam Speaker, I rise today to commemorate the life of Irving Kristol, an extraordinary modern intellectual leader who sadly passed away recently.

Irving Kristol will be remembered as "perhaps the most consequential public intellectual of the latter half of the 20th century" as The Daily Telegraph recently memorialized him.

Born to Jewish immigrants in New York City in 1920, Irving grew up during the Great Depression, and his experience during those dark times undoubtedly shaped his worldview.

Kristol was a Trotskyist in his youth who embraced socialism long before he ever advocated for free markets and tax cuts; however, he broke from liberalism and will be remembered most for his conservative thoughts and writings that had a profound impact on generations of Americans.

He worked as the managing editor of Commentary magazine, executive vice president of Basic Books, and in the Mid-1960's, Kristol cofounded The Public Interest, a domestic policy journal that cast wide influence among policymakers.

Kristol also served as a fellow of the American Academy of Arts and Sciences, senior fellow emeritus of the American Enterprise Institute, and a member of the board of contributors for the Wall Street Journal in addition to the many books he authored. To honor this distinguished career, President George W. Bush awarded him with the Presidential Medal of Freedom in 2002.

Irving Kristol was a thought leader and his forward-thinking ideas shaped policies and helped cement the Republican Party's position as the "party of ideas."

A soldier during World War II, Kristol once wrote that "my army experience permitted me to make an important political discovery . . . The idea of building socialism with the common man who actually existed—as distinct from his idealized version—was sheer fantasy, and therefore the prospects for 'democratic socialism' were nil."

These beliefs helped shape the policies of President Ronald Reagan's administration in defeating communism.

Our former colleague, Speaker Newt Gingrich recently said that it was Irving Kristol's insights that helped create the solutions-oriented Republicanism that led to the Contract with America.

Irving Kristol was a cheerful conservative, rejuvenating and shaping American politics, often with a smile.

The list of those who will mourn his loss is long and distinguished as he touched many lives, but I take comfort in knowing that both the Kristol name and legacy will live on.

I offer my most sincere condolences to his wife Gertrude, and children, Elizabeth and Bill.

RECOGNIZING HOWARD UNIVERSITY SCHOOL OF LAW

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 684, recognizing and honoring Howard University School of Law's 140-year legacy of social justice and its continued commitment to the training of capable and compassionate legal practitioners and scholars. The United States Congress chartered Howard University here in Washington, D.C. back in 1867, this bill honors not only their hard work, but the prescience of our forefathers.

Howard University School of Law first opened its doors in 1869 during a time of dramatic change in the United States, after the civil war. At the time, there was a great need to train lawyers who had a strong commitment to helping black Americans secure and protect their newly established rights. Today Howard University's Law School carries on that tradition, educating its students to fight for those whose voice may not otherwise be heard.

My home of Houston has a special relationship with the Howard University School of Law. Specifically, my city of Houston shares its name with a pillar of the Howard University School of Law community, its late dean, the legendary Charles Hamilton Houston. Educated at Amherst College and Harvard Law School, Houston was the first African American to serve as an editor of the Harvard Law Review. This feat by Houston paved the way for a young Harvard Law student who stood in Houston's shoes some 70 years later as the Harvard Law Journal's first Editor-in-Chief, President Barack Obama.

Armed with his ivy league training, Houston returned to Washington where he was admitted to the District of Columbia bar in 1929. Beginning in the 1930s, Houston served as the first special counsel to the National Association for the Advancement of Colored People, beginning a two decade career as a civil rights litigator. Houston later joined Howard Law School's faculty and ultimately became Dean, establishing a long-standing relationship between Howard and Harvard law schools. While at Howard, he was a mentor to Thurgood Marshall, who argued Brown v. Board of Education and was later appointed to the Supreme Court.

Houston used his post at Howard to recruit talented students into the NAACP's legal efforts, among them Marshall and Oliver Hill, the first- and second-ranked students in the class of 1933, both of whom were drafted into organization's legal battles by Houston. By the mid-1930s, two separate anti-lynching bills backed by the NAACP had failed to gain passage, and the organization had won a landmark victory against restrictive housing covenants that excluded blacks from particular neighborhoods only to see the achievement undermined by subsequent legal precedents.

Houston struck upon the idea that unequal education was the Achilles heel of Jim Crow. By demonstrating the failure of states to even try to live up to the 1896 rule of "separate but equal," Houston hoped to finally overturn the Plessy v. Ferguson ruling that had given birth to that phrase.

His target was broad, but the evidence was numerous. Southern states collectively spent less than half of what was allotted for white students on education for blacks; there were even greater disparities in individual school districts. Black schools were equipped with castoff supplies from white ones and built with inferior materials. Black facilities appeared to be part of a crude segregationist satire—a design to make black education a contradiction in terms.

Houston designed a strategy of attacking segregation in law schools—forcing states to either create costly parallel law schools or integrate the existing ones. The strategy had hidden benefits: since law students were predominantly male, Houston sought to neutralize the age-old argument that allowing blacks to attend white institutions would lead to miscegenation, or "race-mixing". He also reasoned that judges deciding the cases might be

more sympathetic to plaintiffs who were pursuing careers in law. Finally, by challenging segregation in graduate schools, the NAACP lawyers would bypass the inflammatory issue of miscegenation among young children.

The successful ruling handed down in the Brown decision was testament to the master strategy formulated by Houston. This strategy is often referred to as the Houstonian philosophy of social engineering, based upon his legendary saying ''A lawyer's either a social engineer or he's a parasite on society.'' . . . A social engineer was a highly skilled, perceptive, sensitive lawyer who understood the Constitution of the United States and knew how to explore its uses in the solving of ''problems of . . . local communities'' and in ''bettering conditions of the underprivileged citizens.''

Houston's philosophy has left a lasting mark on Howard University School of Law as evidenced by the quantity and quality of its graduates, producing more Black lawyers than any other institution. Further, as outlined in the text of this resolution, Howard trained lawyers have excelled and climbed to some of the highest leadership positions in the world.

The first African-American to serve as a Member of Congress, John Mercer Langston, was also a member of the Howard University School of Law community. Today's Congress also includes a Member of the Howard University School of Law, namely Mr. MEEK of New York. U.S. Senator ROLAND BURRIS of Illinois, the only African-American in the other Chamber, is a 1963 graduate of Howard Law.

Howard University School of Law alumni also serve in a variety of staff posts throughout both houses of Congress. In my tenure, I've hired numerous Howard law alumni. Currently, both my Chief of Staff and Chief Counsel are both outstanding alumni of Howard University School of Law.

In my District, Howard University School of Law alumni have a distinguished legacy, particularly in the judiciary. Two Houston jurists exemplify the Howard University School of Law legacy. The Honorable Gabrielle Kirk McDonald graduated first in her class at Howard University Law School in 1966. Upon returning home to Houston, Judge McDonald practiced as a private lawyer until her appointment as a United States District Judge for the U.S. District Court for the Southern District of Texas. At the age of 37, Judge McDonald made history by becoming the first African-American to be appointed to the federal judiciary of Texas. She was only the third African-American woman to be ever selected for the federal judiciary.

In 1993, Judge McDonald presided over the three-judge panel that heard the first criminal trial of that international court, sitting in a courtroom of the new Tribunal building in The Hague, Netherlands. By this service, Judge McDonald became one of the first United States judges to be involved in international courts, apart from the International Court of Justice and the International Military Tribunal at Nuremberg. Before hearing the first case of the International Criminal Tribunal in Yugoslovia, Judge McDonald and her colleagues had to develop procedural rules for the Tribunal. She consulted with colleagues at Texas Southern University where she was a member of the adjunct faculty at that university's Thurgood Marshall School of Law. Those consultations resulted in the preparation and adoption of the first procedural rules for the Tribunal.

Judge McDonald, so well regarded by her colleagues, was sent by the United Nations to Tanzania, in Africa, in the spring of 1997 to assist in the organizing efforts of the International Criminal Tribunal for Rwanda, established by the U.N. to hear cases involving genocide in that country.

In November 1997 she was elected President of both criminal tribunals, a position she held until her resignation from that position in 1999.

She now serves as one of three American judge/arbitrators on the Iran-U.S. Claims Tribunal in The Hague, hearing claims by Iranian and U.S. citizens, and the respective governments of the two countries, that resulted from the take-over of the U.S. Embassy in Tehran in November 1979 by Iranian militants and the holding of U.S. Embassy personnel as hostages.

The Honorable Hazel B. Jones of the 338th Texas District Court is a 1996 alumnae of Howard University School of Law. Born and reared in Houston, Texas, Judge Jones developed a sense of commitment to the Houston community by witnessing the examples of her parents, the late Mr. and Mrs. Robert and Larnita Jones, who served as educators and administrators in North Forest ISD and Houston ISD, respectively, for more than thirty years.

Judge Jones attended Mary Brantly Smiley High School in North Forest Independent School District, where she was voted ''Miss Smiley'' and graduated Magna Cum Laude. Thereafter, Judge Jones received a Bachelor of Arts degree in biology from the University of Texas at Austin, where she was a Texas Achievement Award Scholar and became a lifelong member of Delta Sigma Theta Public Service Sorority, Inc.

After graduation, Judge Jones worked as a research assistant in the Hematology/Leukemia division of the University of Texas, M.D. Anderson Cancer Center. She prepared drug study experiments with cancer cells; she performed DNA extraction for amplification in polymerase chain reactions and isolation in gel electrophoresis. While Judge Jones found her work in cancer research extremely rewarding, she heeded a personal calling to pursue a career in law.

While attending Howard University Law School, in Washington, DC, Judge Jones worked at the Howard Law Criminal Justice Clinic, defending citizens charged with misdemeanors and representing prisoners in disciplinary hearings. During her summers as a law student, Judge Jones honed her legal skills by interning in the 151st Civil District Court, Harris County, TX and as intern for the Honorable Judge Vanessa Gilmore in the United States District Court for the Southern District of Texas.

Since graduating from law school, Judge Jones Hazel Jones has been an active member of Houston's legal community. She served the Harris County District Attorney's Office as an Assistant District Attorney from 1996–2003 obtaining extensive trial experience handling misdemeanor and felony cases in addition to handling juvenile and family violence cases. From 2003–2005, Judge Jones worked as a Special Assistant United States Attorney for the United States Attorney's Office, Southern District of Texas; her primary focus was to pursue the federal government initiative of ''Project Safe Neighborhoods'' which focused on the prosecution of armed felons and felons carrying firearms during drug trafficking crimes. In January of this year, Judge Jones was sworn in as a member of the local judiciary and we expect that her career will be no less stellar as that of her fellow alumna, Judge McDonald.

Mr. Speaker, I salute Howard University School of Law for its service to my District, to America, and to the world. For this reason, I strongly urge passage of this important Resolution.

SUPPORTING H.R. 2749, THE FOOD SAFETY ENHANCEMENT ACT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to express my support for reforming our food safety system. As a tireless advocate for consumers' rights, I have continually supported protecting our Nation's food supply. Over the last several years, our country has experienced food-borne illnesses stemming from E. coli in bagged spinach and a salmonella outbreak in peanut products. As the number of outbreaks rise, it's essential that we dramatically improve our food safety laws.

H.R. 2749, the Food Safety Enhancement Act, will take important and necessary steps to remove tainted food products from our food supply and improve accountability for large processing facilities. I strongly support provisions in this bill that grant the Food and Drug Administration, FDA, new authority to hold more frequent inspections of food processing facilities and the requirement that all food facilities register with the FDA annually. To better combat food-borne illnesses, H.R. 2749 will also enable the FDA to establish a food traceback system that will help public health officials identify the origin and path of food products when an outbreak occurs. Additionally, ensuring that imported foods are safe and that there are strong, flexible enforcement tools will restore Americans' confidence in the foods they purchase.

However, despite these bold and necessary improvements, I continue to believe that we need to do more to respect the unique needs of small and organic farmers in this legislation. This is why I ultimately voted against H.R. 2749.

Currently, organic farmers are required to adhere to strict traceability standards through the USDA's National Organic Program. The absence of specific guidance requiring FDA to harmonize new traceability standards with the National Organic Program will create potentially duplicative regulations and standards for organic farmers. The FDA's authority grew this year after Congress passed H.R. 1256, legislation I voted for, which enables the FDA to regulate tobacco products. After passing H.R. 2749, the FDA will also have expanded food safety authority. Without specific requirements included in this legislation, the FDA will not have the incentive or manpower to go above and beyond what is mandated in the law. We cannot overlook the requirements our organic farmers already follow as the FDA issues its traceability standards.

Additionally, I worry that the growth of the organics market could be constrained by fee

provisions in this bill. An increasing number of organic farmers sell to wholesalers as well as directly to consumers. This bill exempts farmers who sell their products directly to consumers from the annual fee, but not farmers who sell the majority of their products to wholesalers. By incentivizing organic producers to sell fewer than 51 percent of their products to wholesalers, we could be deterring organic farmers from branching out to new markets. This is not the time to be hindering the growth of organic farming by discouraging organic farmers from diversifying the markets where their products are sold.

This legislation also must take into account the relationship between the co-management of conservation and food safety. The use of animals for pest control is a crucial component of organic farming, and this bill would restrict farmers from maintaining their organic practices. Instead of regulating all animals, this legislation could investigate other alternatives, including focusing on animals that are at a high risk for passing on diseases, to take into account the needs of organic farmers. More should be done to encourage biodiversity and natural farming techniques that farmers have used to reduce their dependence on pesticides and herbicides.

Madam Speaker, food safety legislation must protect the health of consumers and respect the needs of family farms and sustainable producers. It is my hope that we can strengthen the provisions in H.R. 2749 affecting the unique needs of small and organic farmers when this bill is taken up in conference. I am encouraged by the work done to enhance the safety of our Nation's food supply, and look forward to continuing to improve this important legislation and our food delivery system.

A PROCLAMATION HONORING KASEY GERBER FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. SPACE. Madam Speaker,

Whereas, Kasey Gerber showed hard work and dedication to the sport of softball; and

Whereas, Kasey Gerber was a supportive team player; and

Whereas, Kasey Gerber always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the l8th Congressional District, I congratulate Kasey Gerber on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

HONORING THE LIFE AND ACCOMPLISHMENTS OF JUDGE ALDEN EDWARD DANNER UPON HIS RETIREMENT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor the life and accomplishments of a distinguished member of my community, the Honorable Alden Edward Danner, upon his retirement after more than 20 years of public service to the State of California and the people of Santa Clara County.

Throughout his career, Judge Danner has demonstrated public service values, adhering to the highest ethical standards, respecting the dignity and integrity of all people, and sought solutions while fostering open communication and mutual support for court clients, staff, members of the judicial branch, and justice system partners.

Judge Danner applied his expertise in the law and his commitment to the administration of justice and the independent, consistent, and impartial interpretation of the law through his participation as a member of the Judicial Council of California's Task Force on Probate and Mental Health, 1997–1998; Court Technology Advisory Committee, 1999–2005; Trial Court Presiding Judges Advisory Committee, 2003–2004, and its Executive Committee, 2005–2006; and the Task Force on Judicial Campaign Finance, 2009; and as faculty for the Center for Judicial Education and Research's Probate and Mental Health Institute, 1997–1998; and Computer Training for Judges, 1993–1998.

The California judicial branch is fortunate to have benefited from Judge Danner's distinguished service as a jurist since his appointment to the Superior Court by Governor George Deukmejian in 1989 and his subsequent election by citizens of Santa Clara County.

Prior to his appointment to the bench, Judge Danner served our justice system with distinction, contributing to the resolution of legal issues for the people of Santa Clara County as an associate and partner in private law practice from 1966–1989. Judge Danner earned a Juris Doctorate from Stanford Law School in 1965, after service in the U.S. Army from 1958–1962.

It is with great pleasure that I join in celebrating Judge Danner's life and many accomplishments. I thank him for his contributions to our region in California and to our Nation. On behalf of our community, I congratulate Judge Danner and wish him and his family well in his retirement and his future plans.

TRIBUTE TO THE FAIRFIELD INTERFAITH FOOD PANTRY

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. MICHAUD. Madam Speaker, I rise today to recognize a vital program to the Greater Fairfield area, the Fairfield Interfaith Food Pantry at the Immaculate Heart of Mary Church. The Food Pantry has assisted innumerable members of this community, and I would like to take the opportunity of their celebration of sixteen years of service to congratulate them on their lasting impact.

At the celebration on October 3, 2009, the Fairfield Community will recognize and honor Nancy Marcoux, the Interfaith Food Pantry Director, and Richard "Dick" Tompkins, the Co-Director since the beginning. The work that Nancy and Richard have done is truly amazing. The volunteer staff and the clients appreciate and respect both of these hardworking individuals. They are known to everyone in the Greater Fairfield area, and when someone is in need of assistance, they do not hesitate to call Nancy or Dick and know that their doors will open.

The Fairfield Interfaith Food Pantry works with the Maine Department of Agriculture, Food and Rural Resources which oversees The Emergency Food Assistance Program, a federal initiative that provides commodities to about 260 voluntary feeding programs in Maine. The Fairfield Interfaith Food pantry also receives assistance from the Kennebec County Sheriff s Department, says community services officer John Matthews. Under the Sheriff's Department program, incarcerated inmates harvest potatoes and mixed vegetables on 8 acres of fields in Augusta and Benton. The program was started by Sheriff Randy Liberty and yields fresh produce for the Fairfield Interfaith Food Pantry and other food banks in Maine.

Today is an opportunity to thank Nancy Marcoux and Dick Tompkins for their dedication to this program. In Nancy's words, "you got to do what you got to do to exist."

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Tuesday, September 22, 2009.

Had I been present, I would have voted "Aye" on rollcall vote No. 720, on motion to suspend the rules and agree to H. Res. 441; "Aye" on rollcall vote No. 721, on motion to suspend the rules and agree to H.R. 2971; "No" on rollcall vote No. 722, on motion to suspend the rules and agree to H.R. 3548.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote Nos. 710–719 and rollcall vote 730. Had I been present, I would have voted "aye" on rollcall votes 713–716, 718, and 719. I would have voted "nay" on rollcall votes 710–712, 717, and 730.

REMEMBERING LENETTE FREEMAN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. PENCE. Madam Speaker, I rise today to mourn the loss of a dear friend to the community of Muncie, Indiana.

Lenette Freeman, known to all as a giving and determined woman, passed away following a five year battle with cancer. Though the pain of her passing is deeply felt, we will continue to be inspired by the life she led.

Lenette Freeman was born on October 29, 1958, in Evanston, Illinois to Leonard and Dolores Hartowicz. A graduate of Taft High School in Chicago, Lenette went on to receive her bachelor's degree and a teaching certificate from Northern Illinois University.

In 1987, Lenette moved to Muncie, where she would become an active leader and vital asset in this eastern Indiana Community. She was a member of the Lutheran Church of the Cross, the Rotary Club, the Muncie Endurathon, and co-founder of the youth Academy for Community Leadership. For 4 years, Lenette served as the executive director of the Muncie Children's Museum, a children's educational learning facility in the community.

When the City of Muncie authorized the creation of a Mayor's Youth Council in 2002, Lenette volunteered countless hours as a mentor to the young students on the founding Council and remained active in the years to follow. Her impact on the members of the Mayor's Youth Council, as well as the effect the Council had in the community, will be felt far into the future.

In 2004, Lenette was named director of the Cardinal Greenway. The Cardinal Greenway is a series of recreational trails spanning 27 miles throughout my district. Lenette was keenly aware of the benefits of these trails and advocated for its continued development. Her passion and dedication to the preservation and extension of the trails will forever be remembered by a grateful community.

Just one month after becoming Director of the Cardinal Greenway, Lenette was diagnosed with cancer. Rather than succumbing to feelings of self-pity and defeat, Lenette said her diagnosis was a "blessing in disguise" that resulted in a greater appreciation of people and deeper relationships with them. Despite her illness, Lenette was a determined fighter and continued her work with the Greenway, holding meetings in her home and working via teleconference when necessary.

Lenette's determination was evident not only in her work, but in her personal life. She was the proud mother of three boys, and she encouraged each of them to pursue their own individual talents and goals. Fondly referred to as her "cowboys," her boys were undoubtedly a major source of strength and inspiration in Lenette's fight against cancer.

Lenette will be sorely missed by her sons, her mother and three siblings, those fortunate enough to know her, as well as the entire Muncie Community.

We have lost an important figure in the Muncie community, but I know that Lenette's legacy will not soon be forgotten. Let us keep Lenette's three boys, family, and cherished friends in our prayers during this difficult time.

"NATIONAL JOB CORPS DAY"

SPEECH OF

HON. GREGORIO KILILI CAMACHO SABLAN

OF COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. SABLAN. Mr. Speaker, I rise today in support of H. Con. Res. 163, which designates September 23, 2009, as "National Job Corps Day." Across the nation, thousands of youth are participating in programs that bring positive change to their communities, to their peers, and to themselves. Job Corps volunteers earn money to support themselves and their families, work towards high school diplomas, improve their own literacy, learn valuable new job skills, and secure employment or military commissions.

But volunteers like the young people in Job Corps can affect members of their community in ways that can last a lifetime. When I was growing up in the Northern Mariana Islands, I strengthened my English skills by talking with and learning from Peace Corps volunteers. One of those Corps members gave me my first book of English Literature. These dedicated young volunteers, like the young people in Job Corps, make an enormous difference in the lives of so many. Even in places like the Northern Marianas, eight thousand miles away from Washington, their help is needed, and where they have been, their presence is still remembered and deeply appreciated.

I congratulate the Job Corps program on its 45th anniversary, and wish it many more to come. I urge my colleagues to support this resolution.

TOWN OF INDIAN SHORES, FLORIDA CELEBRATES ITS 60TH ANNIVERSARY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. YOUNG of Florida. Madam Speaker, the Town of Indian Shores, Florida, which I not only have the privilege to represent but also call my home, this week celebrates the 60th anniversary of the signing of its town charter.

Although I was not be able to be there today as the House is in session, my friends and neighbors gathered at The Pub Restaurant to celebrate their 60 years of progress, development and success.

Indian Shores, first known as Indian Rocks Beach South Shore, is a small but beautiful island on the Gulf Coast of Florida. Its sandy white beaches and crystal clear water made it a favorite summer retreat dating back to the late 1800s. It was on September 16, 1949 that 42 registered voters and freeholders met at the Beach Park Restaurant, where The Pub is now located, to incorporate the Town of Indian Rocks Beach South Shore.

At that meeting, the residents of the newly established town elected their first town leaders: Edward Fitch Taylor as Mayor, Bernice Pitt as Town Clerk, Emory Boyd as Town Marshall, and as Aldermen: Mrs. E. Boyd, Harry Gooding, Russel West, H. Tinman, James Roesler, Hubert Tipton, Estelle Harper, Pearl Cook, and Arthur Goble.

The town held a special referendum in July 1973 and voted to rename itself the Town of Indian Shores, as it is known today.

From the early leadership that established this beautiful beach haven, new leadership has led Indian Shores into this new century and into a thriving community. Mayor Jim Lawrence, Vice Mayor Joan Herndon, Councilor Steve Sutch, Councilor Bill Smith, and Councilor Carole Irelan are the town's elected leaders. They oversee a staff headed by Town Administrator Chief E. D. Williams, Town Clerk Marcia Grantham, Deputy Clerk Elaine Jackson, Building Official Larry Nayman, Administrative Assistant Joyce Ciccarello, Director of Finance Mary Karayianes, Public Service Supervisor Jim Jeeter, and Assistant to the Town Manager Bonnie Dhonau.

They govern a town of 1,800 permanent residents and 2,600 homes that swells to a town of 6,000 during the peak winter months. Although only 2.6 miles long, this town remains one of Florida's most beautiful beach communities. From its early history when legend has it that an elderly Indian Chief was brought to its shores to be healed by its special water, to its time as an Indian campsite, Indian Shores has grown and prospered yet retained its small town charm.

Madam Speaker, the Town's motto says it all—"Indian Shores—A Great Place to Live." I am proud to call Indian Shores my home and I join in celebrating its rich history and its bright and sunny future along Florida's most beautiful beaches.

NATIONAL DAY OF REMEMBRANCE FOR HOMICIDE VICTIMS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. POE of Texas. Madam Speaker, September 25th is the National Day of Remembrance for Homicide Victims. On this day, it is important for all of us to reflect on the terrible toll that violence takes on our communities, and for us to reflect on ways to reduce this violence. One type of homicide that is particularly disturbing is when the perpetrator is a partner of the victim. According to the Centers for Disease Control, on average, three women a day are murdered by their current or former husbands. That is three women a day who are killed by the very same man who took an oath to honor and protect them.

This number should be disturbing to all of us. We are not doing enough to keep women safe in their own homes, the very place where we should all find safety and comfort. Too many American women are finding danger, violence, and even death in their own homes.

One-third—yes, that's right—one-third, of all murdered females are killed by somebody they were in a relationship with. That is a staggering statistic. These women are not being killed by a stranger in a dark alley, they are being killed by people they trust, often in their own homes.

To bring attention to this issue, Congresswoman Edwards and I have introduced H. Res. 757, to support the goals and ideals of the National Day of Remembrance for Homicide Victims. It is my hope that this resolution

can help raise awareness about this epidemic of violence, and encourage all of us to realize just how prevalent this is in our communities. The time has come for us all to work together to end this violence.

HONORING THE VOLUNTEER WORK OF EMMA VALENTEEN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor a Phoenixville, Pennsylvania woman who has dedicated her life to making a difference in her community and lending a helping hand to neighbors in need.

Emma Valenteen moved to Phoenixville as a teenager in 1948 and has called the Borough home ever since. Her tremendous work ethic allowed her to juggle the demands of raising five children while working for 44 years at Container Corp. of America. Somehow, Emma still found plenty of energy to work even harder in her community. After losing her youngest daughter, Marianne, to leukemia, Emma joined the Valley Forge Chapter of the support group Compassionate Friends. By 1991, she started a Phoenixville chapter and has spent 18 years as chairwoman of the group.

For more than a quarter century, Emma has been the Recording Secretary of the Social Concerns Committee of the Phoenixville Interfaith Council. Her commitment to the community and dedicated volunteerism earned Emma numerous awards through the years. However, it has been the organizations and the entire community who have been the true winners thanks to Emma's extraordinary efforts.

Friends, family and community members will express their gratitude for Emma's service and recognize all of her accomplishments during a dinner on September 30, 2009 at Robert Ryan's Columbia Station.

Madam Speaker, I ask that my colleagues join me today in honoring Emma Valenteen for her selfless service and tireless work to make Phoenixville a great place to live, work and raise a family.

H.R. 3548, THE UNEMPLOYMENT COMPENSATION EXTENSION ACT

SPEECH OF

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Ms. SUTTON. Mr. Speaker, I rise in strong support of H.R. 3548, the Unemployment Compensation Extension Act. And, I want to commend my colleague Representative MCDERMOTT for his leadership on this issue.

The financial and economic collapse last year put this country in the worst economic recession since the 1930s.

And while we have seen signs that the economy is stabilizing, millions of Americans and their families continue to struggle.

Struggle to pay their monthly rent or mortgage.

Struggle to pay for their prescriptions.

Struggle to pay for food and other of life's basic necessities. . . .

H.R. 3548 will assist workers who have lost their jobs through no fault of their own and who continue to look for work in states with high unemployment.

Ohio is one of those states . . . the current jobless rate in Ohio is 10.8 percent.

It is estimated that 11,642 Ohioans will run out of unemployment compensation by the end of the month and 64,545 will exhaust their benefits by the end of the year. H.R. 3548 will extend benefits for these workers whose safety net is running out.

There are 5 million Americans who have been searching for work for longer than 6 months.

And unfortunately, when it comes to getting back to work, prospects are dim. There are 6 unemployed workers for every available job in the U.S.

These figures and the severity of the economic recession make it critical for Congress to extend unemployment benefits.

We must help our workers, families, neighbors and communities weather these tough economic times.

We must continue to provide the financial assistance needed to help cushion the impact of the recession.

I urge a ''yes'' vote on H.R. 3548.

RECOGNIZING ACCOMPLISHMENTS OF MR. PEDRO DEVORA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. CUELLAR. Madam Speaker, I rise today to recognize the accomplishments of Mr. Pedro Devora, whose barbershop business recently celebrated 50 years of operations in downtown Floresville, Texas.

Pedro Devora was born on May 22, 1926 and raised in Tordio, Texas where he attended school until the third grade. Mr. Devora worked in the area until he joined the U.S. Navy on October 1, 1944 to serve his country. While in the Navy, he served during the invasion of Okinawa that began on April 1, 1945. During that mission, his ship was hit in battle. Mr. Devora would survive a night in the water until he was rescued the following morning. During his time in the Navy, his hard work ethic gained him several promotions from his superiors. In fact, in less than a week he went from working in the laundry section to becoming an assistant supervisor, and later supervisor. In 1946, Mr. Devora returned to the United States and received an honorable discharge.

Following his time in the Navy, he returned home to Tordio and within a year he decided to attend Barber School. While in attendance, Mr. Devora married his sweetheart, Maria Flores on November 3, 1947. In 1948, Mr. Devora received his Barber's License and began work in Floresville, Texas.

Since returning from the Navy, he has been active in several political races, such as those of Lyndon Baines Johnson, Harry Truman, Gus Garcia, Carlos Cadena, Judge Mike Machado, Congressman Chick Kazen, Albert Pena, Judge Esquivel, Pete Tijerina, and almost every Democratic President since 1946.

On August 12th, 1959, he opened a barbershop with his longtime friend Raymond Lucio. Mr. Devora and Mr. Lucio spent over 49 years as coworkers until Mr. Lucio's passing. The business remains in operation to this day and remains a pillar of the Floresville community.

Madam Speaker, I am honored to have had the time to recognize the many accomplishments and service of Mr. Pedro Devora, and I thank you for this time.

2009 SECRETARY OF DEFENSE EMPLOYER SUPPORT FREEDOM AWARD

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to congratulate my local police department, the Santa Ana Police Department, on receiving the 2009 Secretary of Defense Employer Support Freedom Award.

Each year, the United States gives this distinguished award to large businesses, small businesses, and public service employers who provide outstanding support to employees who serve in the National Guard and Reserve.

Last week, Chief Paul Walters of the Santa Ana Police Department had the pleasure of being congratulated by President Obama and Secretary Gates at the White House after a reception and ceremony hosted by Dr. Jill Biden.

The Orange County community is incredibly proud of the Santa Ana Police Department. They have worked hard to create a positive work environment for our National Guard and Reserve members, and we are so grateful that they protect us each and every day.

I want to personally thank the Chief and the police department for their efforts and congratulate them once again for receiving the 2009 Freedom Award.

PERSONAL EXPLANATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Ms. BALDWIN. Madam Speaker, I regret that I missed four votes under suspension of the Rules on September 9, 2009.

Had I been present, I would have voted in support of the following four bills: H. Res. 447, H.R. 2097, H.R. 2498, and H. Res. 722.

NATIONAL JOB CORPS DAY

SPEECH OF

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Ms. SUTTON. Mr. Speaker, I rise today in support of H. Con. Res. 163, to support the designation of September 23, 2009, as National Job Corps Day.

Since 1964, Job Corps has trained young adults for meaningful careers, improving their

lives through vocational and academic training.

Each year, Job Corps serves over 60,000 young people and nearly three million Americans have benefited from this service over the past 45 years.

Job Corps is considered the Nation's largest and most successful high school dropout recovery and youth empowerment program.

To celebrate Job Corps' 45th anniversary, I am hosting Sean Barnett in my office on September 23rd.

Sean was one of 60 students selected nationwide to shadow Members of Congress for the day.

Sean is currently an Advanced Career Training (ACT) student at the Cleveland Job Corps Academy. He is majoring in business and hopes to become an investment banker.

Sean has held several important student leader positions including Floor Leader in his dorm, Sergeant at Arms of the Student Government Association, Proctor, and Treasurer of the Student Government.

It is an honor to host a current Job Corps student and to designate the day that Sean Barnett interned in my office as National Job Corps Day. I wish Sean the best of luck and congratulate him for his involvement with Job Corps.

IN RECOGNITION OF MELVIN J. LARSON'S 54 YEARS OF SERVICE TO UNITED CERBERAL PALSY OF WILL COUNTY

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mrs. HALVORSON. Madam Speaker, I rise today to recognize Melvin J. Larson for his fifty-four years of service as a board member and founder of United Cerebral Palsy of Will County, now known as United Cerebral Palsy of Illinois Prairieland.

Melvin Larson's life has been one of service to others. He has said, "To make life a little easier for someone, I hope I can make some contribution to that end." That is exactly what he did. He moved to Joliet, Illinois in 1954 where he became the head of Joliet Junior College's (JJC) Department of Physical Science. Upon retirement in 1975 from a successful career at JJC, he began a quest to help others.

Melvin Larson formed the first Will County chapter of the United Cerebral Palsy organization, with a vision to provide an education to children with disabilities. The organization began with just six families, but quickly grew to 35. It was not long before they outgrew their single room in the former Rehn School and began utilizing an entire grade school building. Thousands of children have benefited from the school throughout the years, and today more than 60 children are currently enrolled.

The dedication, service, and commitment exhibited by Melvin Larson throughout his life merit recognition and should be showcased as an example for selflessness unto others. That is why today we must honor Mel's vision to provide an education to children with disabilities.

HONORING THE NEW HAVEN ALUMNAE CHAPTER OF DELTA SIGMA THETA SORORITY ON THEIR 50TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Ms. DELAURO. Madam Speaker, I am pleased to rise today to extend my sincere congratulations to the New Haven Alumnae Chapter of Delta Sigma Theta Sorority as they celebrate their 50th Anniversary. The Delta Sigma Theta Sorority is a non-profit organization dedicated to enriching our community through community service.

In its fifty year history, the New Haven Alumnae Chapter has focused its attention on the changing and diverse needs of our community. Their mission has been to actively engage the community—particularly young people—in public service. Their goals are rooted in the understanding that our communities thrive when every member contribute to its success. Since its inception, this outstanding organization has awarded over $250,000 in college scholarships; has developed and implemented multiple programs benefiting our youth including Delta Academy and the GEMS mentoring program; Project S.E.E. (Science and Everyday Experiences) workshops; as well as their signature "18 and Registered" voter registration campaign. With each of the programs offered, the New Haven Alumnae Chapter is opening the doors of opportunity to our community's young people.

The membership of the New Haven Alumnae Chapter includes some of our community's most prominent community advocates—many of whom dedicate both their professional and personal lives to public service. These women stand as role models for every member of our community, but particularly for our young people. They inspire us with their deep commitment to community and compassion for others. Our communities would not be the same without organizations such as the New Haven Alumnae Chapter of Delta Sigma Theta Sorority. Their efforts make it a better place to live, learn, and grow.

It is with great pleasure that I stand today to recognize the invaluable contributions the New Haven Alumnae Chapter of Delta Sigma Theta Sorority have made to our community and to extend my heartfelt congratulations on their 50th Anniversary. They have made a real difference in our community and I wish them all the best for many more years of success.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. ORTIZ. Madam Speaker, on September 23, 2009, I was absent for rollcall vote 730 because of important committee business. If I had been present, I would have voted "nay."

IN RECOGNITION OF CHIEF BEARD'S 30 YEARS OF BRAVE AND SELFLESS SERVICE TO THE COMMUNITIES OF KANKAKEE AND BOURBONNAIS

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September, 24, 2009

Mrs. HALVORSON. Madam Speaker, this month marks Chief Joe Beard's 30 years of brave and selfless service to citizens of Kankakee and Bourbonnais, Illinois. Today, I join these communities in thanking Joe for his dedication and outstanding commitment.

Joe did not grow up dreaming about being a police officer. But in the midst of studying to become a history teacher, Joe felt the calling to enter law enforcement. After receiving a law enforcement administration degree from Western Illinois University, he was hired by the Kankakee County Sheriff's Department, where he served for several years before briefly pursuing a real estate career. But soon Joe was back fighting to protect Illinoisans. And in 1979, at the age of 27, Joe was named Police Chief of Bourbonnais, Illinois.

Whether it was responding to a massive train wreck on a spring night ten years ago that left eleven dead, 122 injured, and a pile-up of twisted steel and train cars in its wake across the Illinois prairie, or responding to a routine traffic stop, Chief Beard has exhibited tremendous courage and selflessness. During Joe's tenure as Chief, the police department has doubled, expanding personnel to answer new challenges and better serve citizens. Chief Beard, along with the Kankakee Area Metropolitan Enforcement Group (KAMEG), has been a leader in fighting drug crime.

Those like Chief Joe Beard keep our communities safe and provide families piece of mind to enjoy their lives. We all owe a profound debt to Joe Beard. On behalf of the entire 11th Congressional District, I thank Joe as he continues to serve the people of Bourbonnais.

IN RECOGNITION OF AMBASSADOR IRINA BOKOVA OF BULGARIA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. WILSON of South Carolina. Madam Speaker, on Tuesday, September 22, 2009, Irina Bokova, Bulgaria's Ambassador to France, was elected the director general of the United Nations Educational, Scientific and Cultural Organization (UNESCO). As the first female director of UNESCO, Ambassador Bokova brings her diplomatic and cultural knowledge as a former foreign minister of Bulgaria and her work in helping to bring Bulgaria into the European Union and the North American Treaty Organization (NATO).

As co-chair of the Congressional Bulgaria Caucus, I want to congratulate the people of Bulgaria and Ambassador Bokova for her success. Having visited Bulgaria first as an International Republican Institute election observer in June 1990 and since, I have seen firsthand this young democracy emerge from

the oppression of Communism to being one of the most dynamic democracies of Europe. On my multiple visits over the years to Bulgaria, I have always been inspired by the extraordinary people who have overcome totalitarianism for liberty and freedom. Bulgaria is a cherished partner of America, and we want the best for this nation of historic treasures.

HONORING CHESTER HUGHES, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the Illustrious Potentate of the Oman Temple No. 72, Chester Hughes, Jr. Chester will be feted at the 53rd Annual Potentate Ball to be held in my hometown of Flint, Michigan, on Saturday, October 3rd.

Chester Hughes received his B.S. degree from Jackson State University and his M.S. degree from Eastern Michigan University. He has taught at schools in Mississippi and Michigan, retiring from Beecher Community Schools in 2003 with 37 years of service. He served as the Regional Director of Amicus II during 2006–2007 and works part time at Lawrence E. Moon Funeral Home. He is also the CEO of the Hughes Educational Leadership Institute and a PrePaid Legal Insurance Associate/Distributor.

Chester is affiliated with many community organizations and has received numerous awards from the Kappa Alpha Psi Fraternity, the Central Optimist Club, the Flint Inner City Lions Club, the Flint Pan-Hellenic Club, the Urban League of Flint, and the Beecher School System. He has held several positions with the Oman Temple No. 72 and the Masonic Order. The 33 degree was conferred on him on May 26, 2008. Chester and his wife Myra have 2 children, DeWana Denise Hughes-McCarty and Chelonde Nichelle Hughes.

Madam Speaker, I ask the House of Representatives to applaud the life and work of Chester Hughes, Jr. I congratulate him on his elevation to Illustrious Potentate and may he continue to serve the community for many, many years to come.

IN RECOGNITION OF THE HEROIC ACTIONS OF RICK DANIELS FOR HIS EFFORTS TO SAVE THE LIFE OF SAVANNA ZIRBEL

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mrs. HALVORSON. Madam Speaker, Rick Daniels of Kankakee, Illinois would tell you he is not a hero, but on Friday, July 3, 2009, he did something heroic.

Rick Daniels conducts himself not unlike the many great citizens of Illinois' 11th Congressional District. He is a normal guy. On July 3rd, he saw a neighbor in trouble. Although he is not a trained paramedic, he saw that 20-month old Savanna Zirbel was seriously injured from a mowing accident and sprang to action. Rick Daniels administered lifesaving first aid until paramedics arrived.

Some in this situation may have been scared to help, but Rick did not hesitate to assist. He focused on what might have happened if he had chosen to simply be an observer. The consequences were life and death. Savanna Zirbel is alive because of Rick Daniel rose to the occasion.

America's history has been one of ordinary individuals doing extraordinary things. Rick Daniels reminds us that we are capable of doing heroic things. On behalf of the entire 11th Congressional District, we thank Rick Daniels for his amazing efforts.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE APARTMENT ASSOCIATION OF GREATER DALLAS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize the 50th Anniversary of the Apartment Association of Greater Dallas (AAGD).

Founded in 1959 by a small group of dedicated professionals, the Apartment Owners Association of Dallas sought to establish a communication forum to share information and foster professionalism for the growing multifamily industry. Since then the organization has grown to over 1,000 members, representing members across 11 counties in North Texas and over 35 municipalities. Members of AAGD are wholeheartedly committed to providing quality and affordable housing for all apartment residents. They are also responsible for managing over 1,890 properties representing 435,000 rental units, which consists of more than 90 percent of the apartments and rental homes in the Dallas area.

As the nation's largest member based local apartment association, they are specifically devoted to the advancement of its members within the apartment industry ranging from legislative representation to education and certification programs to community service projects as well as a wide range of communication tools. Also functioning as a trade association, AAGD is dedicated to upholding and promoting the highest professional standards in the apartment industry.

Madam Speaker, I ask my esteemed colleagues to join me in celebrating AAGD's 50th anniversary. Congratulations to AAGD on fifty years of dedicated service to the multifamily industry! I know their hard work and commitment to quality and affording living has benefitted the many residents of apartment homes managed by AAGD members.

HONORING THE LIFE AND SERVICE SERGEANT TIMOTHY SMITH OF SOUTH LAKE TAHOE, CA

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. McCLINTOCK. Madam Speaker, I rise today to honor Timothy Smith of South Lake Tahoe, CA, who was killed in the line of duty on April 7, 2007. Tim is survived by his wife Shayna Richard-Smith, their son Riley, his parents, Patricia and Michael, his brother Tom, and his sister Jackie.

Tim graduated from South Tahoe High School in 2001 and joined the Army in April 2004. He will always be remembered for his sense of humor, his warmth, and his great courage. Senator HARRY REID, on the floor of the United States Senate, called Tim Smith ''a hero—a real-life American hero—who gave his life so that others might be safe.''

Timothy Smith gave the ultimate sacrifice, may we never forget.

A PROCLAMATION HONORING ERIN METZGER FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. SPACE. Madam Speaker,

Whereas, Erin Metzger showed hard work and dedication to the sport of softball; and

Whereas, Erin Metzger was a supportive team player; and

Whereas, Erin Metzger always displayed sportsmanship on and off the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Erin Metzger on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

HONORING GENE TUNNEY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Ms. WOOLSEY. Madam Speaker, I rise today along with my colleague Representative MIKE THOMPSON, to honor the life of Gene Tunney, who served as Sonoma County District Attorney for 20 years. Mr. Tunney passed away August 9, 2009, with his family at his side.

Born in New York City in 1931, Mr. Tunney was the son of the famous heavyweight boxing champion James Joseph ''Gene'' Tunney and brother of California Congressman and Senator John Tunney. After a stint in the Army, he moved to the Bay Area where he enrolled in law school in San Francisco. In 1971, he began his first job in Sonoma County as a Deputy Public Defender. A few years later he ran for District Attorney, narrowly winning the race. He served in that office for five more terms, from 1974 to 1994.

Mr. Tunney is credited with modernizing and professionalizing the District Attorney's office, guiding its transition in an era of increasingly urban types of crime. He placed restrictions on plea bargains and reviewed all felony cases while becoming an advocate for victims of crime. He was highly regarded for his sense of justice and for bringing changes to offices around the state after co-founding the California District Attorney's Association.

Married 49 years ago, Mr. Tunney enjoyed spending time with his wife Ann and their family. After retirement, the couple lived for a decade in Hawaii where they pursued their mutual hobby, flying small planes, as well as traveling, swimming, and reading. They later moved to Tiburon in Marin County, California.

Mr. Tunney is survived by his children Alexandra Kelly, Megan Tunney, Erin MacLeon, and Gene Tunney as well as seven grandchildren and brothers John and Jay.

Madam Speaker, we are proud to honor Gene Tunney's contributions to our community and know that, with many of his Deputy District Attorneys serving on the bench, his legacy of high standards and fairness to victims will continue in Sonoma County.

HONORING THE LIFE AND SERVICE OF LANCE CORPORAL BRAD SHUDER OF EL DORADO HILLS, CA

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. McCLINTOCK. Madam Speaker, I rise to honor the life and service of Lance Corporal Brad Shuder of El Dorado Hills, CA, who was killed in action on April 12, 2004 while serving his country in Iraq. Lance Corporal Shuder graduated from Oakridge High School in El Dorado Hills. The day he graduated, Brad enlisted in the Marine Corps. He is survived by his parents, Glenn and Rose, and his younger sister, Chelsey.

I cannot begin to comprehend the tragedy of losing such a loving and courageous young man and I cannot soothe that pain with my words. All I can do is say thank you for Brad's sacrifice. Brad's cousin, Reverend Michael Bugarin, officiated the funeral service and delivered the following words: "Brad did something extraordinary. He was willing to sacrifice his life for me and you." May we never forget the sacrifices that the sons and daughters of our great country have made.

A PROCLAMATION HONORING BROOKE SEAL FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. SPACE. Madam Speaker,

Whereas, Brooke Seal showed hard work and dedication to the sport of softball; and

Whereas, Brooke Seal was a supportive team player; and

Whereas, Brooke Seal always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Brooke Seal on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

HONORING KCRB'S 25TH ANNIVERSARY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. THOMPSON of California. Madam Speaker, I rise with my colleague Representative LYNN WOOLSEY, to honor a local public broadcaster, KRCB in Sonoma County, California. KRCB is celebrating 25 years of service to our local communities.

Nancy Dobbs, President and CEO, has been the guiding force behind KRCB from the beginning. She notes that it is a rare opportunity to build such a public institution. "When we started in January, 1981," she says, "we had to argue for the license before the FCC, find land on which to build our offices and studios, raise money for a station that did not yet exist, and convince the community about the importance of our own public broadcasting service."

Fortunately for all of us, the effort was successful. Today, we cannot imagine what Sonoma County would be like without KRCB, which provides PBS television, NPR radio, and local programming. It is the only PBS service available to more than a quarter of a million residents.

Working with nonprofits, businesses, and government agencies, KRCB has led community dialogues on health care, the environment, and disability awareness, to name just a few. The station has been awarded three Emmys for its national environmental series National Heroes, has been honored by the California Teachers' Association for its North Bay Report, and has received honors for local election coverage, provided consistently for the past 17 years. KRCB also provides air time to celebrate local cultural events, such as the full season of the acclaimed Santa Rosa Symphony, which would otherwise be unavailable.

According to Dobbs, "It was clear from the beginning that KRCB's mission was to utilize the public airwaves of which we are stewards to strengthen the communities we serve. Public broadcasting is a critically important tool with which to stimulate community dialogue and engagement, central elements of a healthy democracy."

Madam Speaker, we congratulate KRCB Television and Radio on its 25 years of service. It is indeed a treasure of Northern California.

CONGRATULATING CARMEN AMBROSINO, RECIPIENT OF THE 2009 LIFETIME ACHIEVEMENT AWARD FROM THE ITALIAN AMERICAN ASSOCIATION OF LUZERNE COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. Kanjorski. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Carmen Ambrosino, Chief Executive Officer of the Wyoming Valley Alcohol and Drug Services, Inc., who has been selected by the Italian American Association of Luzerne County to receive its prestigious 2009 "Lifetime Achievement Award."

A 1966 graduate of Exeter High School, Mr. Ambrosino received his bachelor's degree in English from King's College in 1970. He obtained a master's degree in Health Administration from Wilkes University in 1986. He is currently a Certified Addictions Counselor of Diplomate (CAC) and Certified Prevention Specialist (CPS) in the Commonwealth of Pennsylvania. He was a member of the Pennsylvania National Guard from 1970 to 1976. He has been employed by the Wyoming Valley Alcohol and Drug Services, Inc., since June, 1973 and became Chief Executive Officer in 1974.

During Mr. Ambrosino's career, he has had many accomplishments. Through his marketing, publishing and consulting firm, Rainbow Educational Productions, he has authored six nationally circulated publications for young people. He also produced a motivational video entitled, "Unleash Your Human Dynamo."

In education, Mr. Ambrosino developed the "Student Assisting Students," program at King's College in Wilkes-Barre, Pennsylvania, which is designed to establish peer intervention and referral to assist impaired college level students. He also developed a course on chemical dependency for Misericordia University in Dallas, Pennsylvania which was adopted by national colleges and universities as a chemical dependency model program to be used in sociology departments.

Mr. Ambrosino also developed a "Drug free Community Festival" in Wilkes-Barre that attracted 100,000 people annually for a celebration of drug-free living. He has also served as an international consultant for the Dominican Republic and he visited South Africa as a "People to People" delegate representing the United States on an educational mission regarding drug and alcohol issues. He is a charter member of the National Association of Prevention Professionals and Advocates.

Mr. Ambrosino has also received numerous civic and community awards and recognitions. He was selected as the Outstanding Young Pennsylvanian in 1979 by the statewide Jaycees for his contributions to the community. He was inducted into the Chapel of the Four Chaplains, Philadelphia, for contributions to community. He received the Ronald J. Russo Community Service Award for distinguished service in public service in Luzerne and Wyoming Counties; the Commitment to Youth Award from the Wilkes-Barre Catholic Youth Center; special awards from Wilkes University, Penn State Wilkes-Bane Campus and the Paul Harris Fellowship Award from the Wilkes-Barre Rotary.

A son of Rose Ambrosino and the late Carmen Ambrosino, he is married to the former Bernice Szumski. The couple has one son, Carmen Jr. and two grandsons.

Madam Speaker, please join me in congratulating Mr. Ambrosino on this auspicious occasion. Mr. Ambrosino's work in the field of substance abuse has rescued countless people from the ravages of addiction and has illuminated the path to sobriety for countless others as well. And, for that, he has earned the respect and admiration of a grateful community.

A PROCLAMATION HONORING EMMY HENSEL FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. SPACE. Madam Speaker,

Whereas, Emmy Hensel showed hard work and dedication to the sport of softball; and

Whereas, Emmy Hensel was a supportive team player; and

Whereas, Emmy Hensel always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Emmy Hensel on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

INTRODUCING A RESOLUTION EXPRESSING APPRECIATION TO PORTUGAL FOR ACCEPTING TWO DETAINEES RELEASED FROM GUANTANAMO BAY, CUBA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce a resolution expressing appreciation to the nation of Portugal for accepting two detainees from Guantanamo Bay, Cuba. These two Syrian men had been cleared by the federal government for release but were unable to be sent to their home country, in compliance with international human rights law.

The United States has been working with other countries to effect a safe and efficient process for resettling detainees cleared of wrongdoing and scheduled for release. This is a complicated and difficult process but has resulted in approximately 15 resettled detainees since President Obama took office. Two of those went to Portugal. Dozens more have been cleared for release but have not yet been transferred to a third-party nation.

In December 2008, Portuguese Foreign Minister Luis Amado announced in a public letter to European officials that Portugal was ready to assist the United States in resettling released detainees. In doing so, Portugal became the first nation to publicly state its willingness to take Guantanamo detainees who were not its own nationals. In August 2009, Portugal accepted the two Syrian released detainees and provided homes for them to live freely.

Madam Speaker, I appreciate Portugal—our friend and ally—assisting us in the effort to resolve the complex problem of resettling detainees cleared for release. The fact of the matter is that the Bush administration's reckless approach to establishing an extrajudicial system at Guantanamo has left us grappling with how to humanely and effectively resettle detainees who pose no threat to our national security. To that end we owe the people of Portugal sincere thanks for taking on the responsibility of ensuring the rights and well-being of these two resettled detainees, who have been cleared of any wrongdoing. Portugal and the United States have set a positive example for the safe, efficient, and humane process of resettling former detainees.

A PROCLAMATION HONORING CARLY CLARK FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. SPACE. Madam Speaker,

Whereas, Carly Clark showed hard work and dedication to the sport of softball; and

Whereas, Carly Clark was a supportive team player; and

Whereas, Carly Clark always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the I8th Congressional District, I congratulate Carly Clark on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

PERSONAL EXPLANATION

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. RUPPERSBERGER. Madam Speaker, during the vote on the motion to instruct conferees on H.R. 2918, Fiscal Year 2010 Legislative Branch Appropriations, (Rollcall 734), I mistakenly voted "yea" but I meant to vote "nay."

A PROCLAMATION HONORING KRISTEN SMITH FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP.

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. SPACE. Madam Speaker,

Whereas, Kristen Smith showed hard work and dedication to the sport of softball; and

Whereas, Kristen Smith was a supportive team player; and

Whereas, Kristen Smith always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Kristen Smith on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

HONORING SFC SHAWN PATRICK MCCLOSKEY

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to a fallen American patriot.

Thousands of my constituents in Georgia's 3rd Congressional District lined the streets of Peachtree City, GA, this week, waving American flags, to honor the late SFC Shawn Patrick McCloskey. The sergeant, returning home to his final resting place, died while serving in the U.S. Army in Afghanistan.

Sergeant McCloskey, 33, suffered fatal injuries after he was hit by a roadside bomb Sept. 15 while on patrol in Ghur Ghuri. SFC Bradley Bohle of Maryland and SSG Joshua Mills of Texas also died in the attack.

Before joining the service, Sergeant McCloskey worked for a construction company in Fayette County. Like many of his fellow soldiers, he was a regular American, going to work every day and providing for his family when he decided to join the military in 2002. At a time of great anguish for our Nation, he heard the call to duty and he answered it.

After Special Forces training, Sergeant McCloskey became a Green Beret and performed intelligence work in Colombia. When he died, he was serving his third tour in the Global War on Terror. His meritorious service won him many medals and awards, including the Bronze Star, Purple Heart and the National Defense Service Medal.

Our Nation mourns the loss of each soldier sacrificed on the battlefield. But there is no tribute we can give that eases the pain of the Gold Star families. Sergeant McCloskey is survived by his wife Jessica and two children, Katie and Collin, and also his parents Patrick and Kathryn McCloskey of Fayetteville.

Today, we remember and grieve this great American hero, SFC Shawn McCloskey. He died so that we, his fellow Americans, could continue to live in freedom.

We thank the McCloskey family for their gift to us. May God bless them during their hour of greatest need.

TRIBUTE TO THE MARLBOROUGH REGIONAL CHAMBER OF COMMERCE (MRCC)

HON. JAMES P McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to the Marlborough Regional Chamber of Commerce, MRCC, for their devotion to their community for 85 years. The MRCC is a not-for-profit organization that provides resources for businesses to help them develop and grow. Their continuing efforts have helped make Marlborough a better place to live, work and raise a family.

The MRCC has continued to reach their goal of creating a better community with their strong leadership and dedication to the town. Throughout the years, the MRCC has presented gifts for the town, awarded scholarships for graduating high school seniors, and

participated vigorously in public discussions about improvements to the city. Their successful events, such as the Heritage Festival and The Annual Steak and Lobster Cookout, have brought the community together. They bring great pride and joy to the town and get people involved.

The Marlborough Regional Chamber of Commerce will celebrate its founding at an event being held September 25, 2009. The theme of the event is based on Marlborough's history in the shoe industry. Throughout the night, videos, vintage pictures and newspapers will be on display. Also during the event, several local businesses will be acknowledged for their support since the 1920s.

Madam Speaker, I ask all of my colleagues to join me in congratulating the Marlborough Regional Chamber of Commerce for 85 years of service, and to wish them continued success.

A PROCLAMATION HONORING AUBREY BURNWORTH FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. SPACE. Madam Speaker,

Whereas, Aubrey Burnworth showed hard work and dedication to the sport of softball; and

Whereas, Aubrey Burnworth was a supportive team player; and

Whereas, Aubrey Burnworth always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Aubrey Burnworth on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA.

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Wednesday, September 23, 2009.

Had I been present, I would have voted ''No'' on rollcall vote No. 723, on agreeing to H. Res. 723; ''Aye'' on rollcall vote No. 724, on motion to suspend the rules and agree to H. Res. 765; ''No'' on rollcall vote No. 725, on motion to suspend the rules and agree to H.R. 2215; ''Aye'' on rollcall vote No. 726, on motion to suspend the rules and agree to H.R. 3614; ''Aye'' on rollcall vote No. 727, on motion to recommit with instructions H.R. 324; ''No'' on rollcall vote No. 728, on passage of H.R. 324; ''Aye'' on rollcall vote No. 729, on passage of H. Res. 696; ''Aye'' on rollcall vote No. 730, on motion to adjourn ''No'' on rollcall vote No. 731, on motion to suspend the rules and agree to H.R. 3617; ''Aye'' on rollcall vote No. 732, motion to adjourn; ''No'' on rollcall vote No. 733, on ordering the previous question; ''Yes'' on rollcall vote No. 734, on motion to Instruct Conferees for H.R. 2918.

SERVICES FOR ENDING LONG-TERM HOMELESSNESS ACT OF 2009

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Services for Ending Long-Term Homelessness Act of 2009. The reality is that more than a half million Americans do not have a place to call home each night, and half of them are without shelter. This bill will alleviate the wide-spread problem of chronic homelessness across the country.

According to the Department of Children and Families' most recent report, there are 85,907 persons homeless on any given day. At least 2 million people find themselves homeless at some point each year in our country. There isn't nearly enough shelter for these individuals. In 2007, my home state of Florida alone had 48,000 homeless people, with 14,900 of them families and 7,691 of them chronic cases.

Recently, I heard the story of a 25-year-old mother of three in my district, who was running out of options—staying at a hotel in Palm Beach County after fleeing domestic violence in Miami. As she was running out of money, this brave young woman and her young children soon would be homeless. But, they were one of the lucky ones. She was referred to The Lord's Place residence for homeless families, where she now lives with her children. As a leader in my district for chronic homelessness solutions, the Lord's Place is a perfect example of the types of establishments that would benefit immensely from this legislation. In this survivor's words: ''I am here. I am working. I am breathing. And I am grateful.''

Throughout our country, over 100,000 people have nowhere to call home for years on end. These are the long-term homeless, who all too often also confront mental illness, substance addiction, life-threatening illness or other serious health problems. The good news is: this bill presents us with an opportunity to put an end to this national crisis that hits home for all of us.

In 2003, the President's New Freedom Commission on Mental Health recommended the development and implementation of a comprehensive plan designed to create 150,000 units of permanent supportive housing for consumers and families who are chronically homeless. Affordable housing alone can't meet the needs for many people with severe mental illness. This bill will establish funding for supportive housing, affordable housing linked to accessible mental health, substance addiction, unemployment, and other support services as necessary. Permanent supportive housing is cost-effective, and is the soundest available investment of public and private resources to end long-term homelessness.

Current programs for funding services in permanent supportive housing, other than those administered by the Department of Housing and Urban Development, were not designed to be closely coordinated with housing resources, nor were they designed to meet the multiple needs of people who are chronically homeless. This bill will establish a comprehensive grant program to provide supportive housing for chronically homeless individuals and families that they so badly need. Support services will include mental health services, substance use disorder treatment, referrals for medical and dental care, health education, and services designed to help individuals make progress toward self-sufficiency and recovery. Permanent supportive housing can help the chronically homeless stay off the streets, out of hospitals and jails, and ultimately help them achieve the stability they need to lead healthy lives as productive members of their communities.

Madam Speaker, it is time we take a stand to put an end to long-term homelessness in America. I urge my colleagues to support this bill and to support a proven and cost-effective solution to ending chronic homelessness.

A PROCLAMATION HONORING ANNE DREHER FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. SPACE. Madam Speaker,

Whereas, Anne Dreher showed hard work and dedication to the sport of softball; and

Whereas, Anne Dreher was a supportive team player; and

Whereas, Anne Dreher always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Anne Dreher on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

HONORING WILLIAM McDANIEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize William McDaniel. William is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1040, and earning the most prestigious award of Eagle Scout.

William has been very active with his troop, participating in many scout activities. Over the many years William has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, William has earned the Ad Altare Dei emblem, recognizing his development and growth into a fully Christian way of life in the faith community. William has also contributed to his community through his Eagle Scout project. William built a delivery ramp for the Grace United

Church soup kitchen, allowing them greater ease in their deliveries and increasing their effectiveness in providing for their community.

Madam Speaker, I proudly ask you to join me in commending William McDaniel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE MEMORY OF JUDGE JAMES E. MIES

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. MCCOTTER. Madam Speaker, today I rise to honor the extraordinary life of Judge James E. Mies, a retired Wayne Circuit Court judge, who passed away Monday at the age of 81.

For almost 25 years, Judge Mies pursued truth and impartiality behind the bench and was well-regarded both as a lawyer and a judge. Judge Mies was a 1951 graduate of the University of Detroit law school and served in the Livonia law firm of Brashear and Brashear. In 1969, he was elected a district judge in Livonia. In 1981, Governor William Milliken named Judge Mies to the Wayne Circuit Court, where he served until his retirement in 1993.

Judge Mies was perhaps best known for his handling of Wayne County's numerous asbestos lawsuits. Colleagues remembered him as, first and foremost, a decent man whose rulings were meticulously thought out. Outside the courtroom, Judge Mies was active in the Optimists, the Michigan Cancer Foundation and other civic organizations and in 1993, the Livonia City Council named a park in his honor.

On September 21, 2009, Judge Mies passed away after a lengthy illness. A beloved husband and father, he is survived by his wife of 59 years, Mary Patricia, his sons Edward, James, Gerald and Michael, his daughters Jean and Catherine (Diamond), as well as thirteen grandchildren and two great-grandchildren. He is predeceased by his son Thomas. The citizens of Wayne County were privileged to have been served by this erudite judge for a quarter of a century.

Madam Speaker, Judge Mies is remembered as a philanthropist, mentor, and friend. As we bid him farewell, I ask my colleagues to join me in mourning his passing and honoring the contributions he made to society.

A PROCLAMATION HONORING BUD WEISGARBER FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. SPACE. Madam Speaker,

Whereas, Bud Weisgarber showed hard work and dedication to the sport of softball; and

Whereas, Bud Weisgarber was a supportive coach; and

Whereas, Bud Weisgarber always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate Bud Weisgarber on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 softball season.

INTRODUCING A RESOLUTION EXPRESSING APPRECIATION TO BERMUDA FOR ACCEPTING FOUR DETAINEES RELEASED FROM GUANTANAMO BAY, CUBA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce a resolution expressing appreciation to the nation of Bermuda for accepting four detainees from Guantanamo Bay, Cuba. These four men—Chinese Uighurs—had been cleared by the federal government for release but were unable to be sent to their home country of China, for fear for their safety and in compliance with international human rights law.

The United States has been working with other countries to effect a safe and efficient process for resettling detainees cleared of wrongdoing and scheduled for release. This is a complicated and difficult process but has resulted in approximately 15 resettled detainees since President Obama took office. Four of those went to Bermuda. Dozens more have been cleared for release but have not yet been transferred to a third-party nation.

In a May 2009, visit to the White House, Premier Ewart Brown of Bermuda generously offered to assist the United States in relocating released detainees from the detention facility at Guantanamo. One month later the four Uighurs were transported to Bermuda, where they currently receive government assistance to integrate into the surrounding community, including work at a local golf course.

Madam Speaker, I appreciate Bermuda—our friend and ally—assisting us in the effort to resolve the complex problem of resettling detainees cleared for release. The fact of the matter is that the Bush administration's reckless approach to establishing an extrajudicial system at Guantanamo has left us grappling with how to humanely and effectively resettle detainees who pose no threat to our national security. To that end we owe the people of Bermuda sincere thanks for taking on the responsibility of ensuring the rights and well-being of these four released detainees, who have been cleared of any wrongdoing. Bermuda and the United States have set a positive example for the safe, efficient, and humane process of releasing former detainees.

CONGRATULATING WILLIAM ANZALONE, ESQ., RECIPIENT OF THE 2009 PERSON OF THE YEAR AWARD FROM THE ITALIAN AMERICAN ASSOCIATION OF LUZERNE COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. William Anzalone, Esq., on the occasion of his selection by the Italian American Association of Luzerne County, Pennsylvania, to receive its prestigious 2009 ''Person of the Year'' award.

Mr. Anzalone is a 1969 graduate of Wyoming Area High School. He received his undergraduate degree from Temple University where he also distinguished himself as a member of the university football team. He earned his law degree from Dickinson School of Law. In 1998, he was inducted into the Wyoming Area ''Ring of Pride'' and, in 2005, he was inducted into the Luzerne County Sports Hall of Fame.

Mr. Anzalone owns Anzalone Law Offices in Wilkes-Barre, Scranton and Stroudsburg, Pennsylvania. He is associated in practice with his son, Attorney Jamie Joseph Anzalone; his daughter, Attorney Alana Marie Anzalone and Attorney Eric William Wassel.

Attorney Anzalone is the former president and founder of the Northeastern Pennsylvania Trial Lawyers Association, an association that encompasses 12 counties of northeastern Pennsylvania. He also served a two-year term as the president of the Luzerne County Bar Association. He was also the founder and first president of the Luzerne County Bar Association's charitable foundation. He currently serves on the board of governors for the statewide Pennsylvania Trial Lawyers Association.

Attorney Anzalone is a mediator for the United States District Court for the Middle District of Pennsylvania and is a certified trial master in Luzerne County. He frequently lectures throughout the Commonwealth on trial-related matters.

Attorney Anzalone was recognized as a preeminent lawyer by the Martindale Hubble Bar Register and was recognized as a Pennsylvania Super Lawyer since its inception in 2004. He was also recognized in 2007 and 2009 as being among the top 100 Super Lawyers in Pennsylvania.

Attorney Anzalone is a past president of the Wilkes-Barre Chapter of UNICO. He chaired their annual Allstate Football games many times and currently serves on the board of directors of the Luzerne County Catholic Social Services, FM Kirby Center for the Performing Arts, Wilkes-Barre Chapter of UNICO and the Luzerne County Bar Association's Charitable Foundation. He previously served on the board of directors for the St. Vincent DePaul Soup Kitchen, Lackawanna County Junior College, Wilkes-Barre Chamber of Commerce and Wilkes-Barre Leadership. He is a 2006 recipient of the Greater Pittston Friendly Sons of St. Patrick Swingle Award.

Married to the former Tina Medico, the couple has three children: Attorney Jamie Joseph Anzalone, Attorney Alana Marie Anzalone and

Dr. William F. Anzalone, director of forensic psychology of Luzerne County.

HONORING GENE TUNNEY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague, Representative LYNN WOOLSEY, to honor the life of Gene Tunney who served as Sonoma County District Attorney for 20 years. Mr. Tunney passed away August 9, 2009, with his family at his side.

Born in New York City in 1931, Mr. Tunney was the son of the famous heavyweight boxing champion James Joseph ''Gene'' Tunney and brother of California Congressman and Senator John Tunney. After serving in the Army, he moved to the Bay Area where he enrolled in law school in San Francisco. In 1971, he began his first job in Sonoma County as a Deputy Public Defender. A few years later he ran for District Attorney, narrowly winning the race. He served in that office for five more terms, from 1974 to 1994.

Mr. Tunney is credited with modernizing and professionalizing the District Attorney's office, guiding its transition in an era of increasingly urban types of crime. He placed restrictions on plea bargains and reviewed all felony cases while becoming an advocate for victims of crime. He was highly regarded for his sense of justice and for bringing changes to offices around the state after co-founding the California District Attorney's Association.

Married 49 years ago, Mr. Tunney enjoyed spending time with his wife Ann and their family. After retirement, the couple lived in Hawaii for a decade where they pursued their mutual hobby, flying small planes, as well as traveling, swimming, and reading. They later moved to Tiburon in Marin County, California.

Mr. Tunney is survived by his children Alexandra Kelly, Megan Tunney, Erin MacLeon, and Gene Tunney as well as seven grandchildren and brothers John and Jay.

Madam Speaker, we are proud to honor Gene Tunney 's contributions to our community and know that, with many of his Deputy District Attorneys serving on the bench, his legacy of high standards and fairness to victims will continue in Sonoma County.

A PROCLAMATION HONORING MELISSA SIBLEY FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. SPACE. Madam Speaker,

Whereas, Melissa Sibley showed hard work and dedication to the sport of softball; and

Whereas, Melissa Sibley was a supportive team player; and

Whereas, Melissa Sibley always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Melissa Sibley on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

A TRIBUTE TO CLÍNICA MSR. OSCAR A. ROMERO ON THE OCCASION OF THE ORGANIZATION'S 25TH ANNIVERSARY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize Clínica Msr. Oscar A. Romero, a non-profit organization based in Los Angeles County that provides quality and affordable health care, health education, and advocacy to the uninsured and underserved communities of Greater Los Angeles.

Named after Archbishop Romero of El Salvador, the organization was founded in 1983 by a coalition of Salvadoran civil war refugees and local volunteer health professionals who wanted to address the unmet health care needs of thousands of Central American refugees arriving in Los Angeles in the early 1980s.

During its 25 years of service, Clínica Romero has grown from a very small operation to a $9.2 million Federal 330 Community Health Center, with two clinics in Pico-Union/Westlake and a third clinic in Boyle Heights.

In the past year alone, Clínica Romero has reached notable milestones.

The organization completed its $6 million Capital Campaign, which was essential to the purchase and renovation of its main clinic at 123 South Alvarado Street in Pico-Union/Westlake. When the work concludes, Clínica Romero will be based out of its first permanent medical home in its history.

Equally significant, on June 15, Clínica Romero opened a new Children's Clinic located just two blocks from its main site. Renovated with the assistance of a $1.2 million grant from the St. Vincent Medical Center on behalf of the Daughters of Charity, this ''Clinica Infantil'' is dedicated to serving the health care needs of children 11 years and younger.

As a way of including the entire community in the celebration of its 25th anniversary, Clínica Romero will hold its 1st Annual Health Walk on October 3—a fun-filled and innovative way to promote the health and well being of the families it serves.

Clínica Romero's 1st Annual Health Walk (Camine, Sonria y Vive con Clinica Romero) is expected to include 2,000 participants who will meet at its 123 South Alvarado Street clinic. They will then walk three kilometers through the local community to the new Vista Hermosa Natural Park, where they will be invited to enjoy a picnic lunch, live entertainment and a community health fair.

Madam Speaker, during my years in Congress, I have had the privilege of working closely with the community health centers in my district and have seen firsthand the important role that clinics such as Clínica Romero play in improving the health of our communities, especially among Latinos. I especially enjoyed partnering with Clínica Romero in securing federal funds to bolster its successful diabetes care program and I pledge to continue to fight for increased federal funding for all of our community health clinics through comprehensive health care reform.

In recognition of Clínica Romero's ongoing and tireless role as a health provider and educator in the 34th District, I ask my colleagues to join me in recognizing its 25th anniversary. I also commend Clínica Romero's Board Chair, Carlos Vaquerano, its Executive Director, Albert Pacheco, and all of the many dedicated people who make Clínica Romero the health care safety net that it is today, especially for the most hard to reach and at-risk patients. Clínica Romero provides resources that enable our community members to stay healthy and strong, and I wish everyone involved with this fine organization many more years of continued success.

HONORING KRCB'S 25TH ANNIVERSARY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Ms. WOOLSEY. Madam Speaker, I rise with my colleague Representative MIKE THOMPSON, to honor a local public broadcaster, KRCB in Sonoma County, California. KRCB is celebrating 25 years of service to our local communities.

Nancy Dobbs, President and CEO, has been the guiding force behind KRCB from the beginning. She notes that it is a rare opportunity to build such a public institution. ''When we started in January, 1981,'' she says, ''we had to argue for the license before the FCC, find land on which to build our offices and studios, raise money for a station that did not yet exist, and convince the community about the importance of our own public broadcasting service.''

Fortunately for all of us, the effort was successful. Today, we cannot imagine life in Sonoma County without KRCB, which provides PBS television, NPR radio, and local programming. It is the only PBS service available to more than a quarter million residents.

Working with nonprofits, businesses, and government agencies, KRCB has led community dialogs on health care, the environment, and disability awareness, to name just a few. The station has been awarded three Emmys for its national environmental series National Heroes, has been honored by the California Teachers' Association for its North Bay Report, and has received honors for local election coverage, provided consistently for the past 17 years. KRCB also provides air time to celebrate local cultural events, such as the full season of the acclaimed Santa Rosa Symphony, which are available in no other venue.

According to Dobbs, ''It was clear from the beginning that KRCB's mission was to utilize the public airwaves of which we are stewards to strengthen the communities we serve. Public broadcasting is a critically important tool with which to stimulate community dialog and engagement, central elements of a healthy democracy.''

Madam Speaker, we congratulate KRCB Television and Radio on its 25 years of service It is indeed a treasure of Northern California.

IN MEMORY OF IRVING KRISTOL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize the life and work of Irving Kristol who died on September 18, 2009. An icon of the conservative movement, Kristol brought his intellect and enthusiasm to the many debates that spanned the nearly nine decades of his life. The Kristol Family has made a difference for America.

Stephen Miller of the Wall Street Journal penned the following tribute to Mr. Kristol on September 19, 2009.

NEOCONSERVATIVE PIONEER PAVED WAY FOR REAGAN

(By Stephen Miller)

Irving Kristol, who died Friday at 89, was an editor, political essayist and provocateur universally known as the ''Godfather of Neoconservatism.''

In a six-decade career, Mr. Kristol's politics evolved ever-rightward, most markedly in reaction to the Great Society programs of the 1960s. As his opposition to what he saw as excesses of the welfare state crystallized, he helped provide the intellectual underpinnings of the Republican resurgence that began with the 1980 election of President Ronald Reagan.

Neoconservatism became a Washington byword for supply-side economics, defense-budget increases and entitlement cuts. The neoconservative framework came to the fore again under President George W. Bush, who awarded Mr. Kristol the Presidential Medal of Freedom in 2002.

''America has lost one of its finest thinkers and greatest patriots,'' House Minority Leader John Boehner (R., Ohio) said in a statement Friday. ''Irving Kristol added intellectual rigor and heft to the conservative movement by redefining how we apply the values and principles our nation was founded on to the challenges of the modern era.''

Mr. Kristol was appointed an editor of Commentary magazine in his 20s. But it was in his own tart essays and as an editor of literary-political journals that he helped found, including Encounter in Britain and the Public Interest in the U.S., that he fostered his reputation as a public intellectual.

Later, he was a professor at New York University, an executive vice president at Basic Books and a longtime contributor to The Wall Street Journal's editorial page.

Mr. Kristol at first resisted the label ''neoconservative,'' but later accepted it. As much an avatar as a progenitor of neoconservatism, Mr. Kristol once described the credo as that of ''a liberal who has been mugged by reality.''

Mr. Kristol grew up in Brooklyn, N.Y. His father was in the garment trade and Mr. Kristol, like many of his bright contemporaries, attended City College of New York, then a hotbed of student radicalism.

He was a self-described student ''Trotskyist,'' but soon after graduation rejected that label. Of his youthful leanings Mr. Kristol later wrote, ''It was a useful inoculation that rendered me not only immune, but positively indifferent to the ideological chatter around me.''

Any remaining faith in the masses was obliterated by his experience serving in the Army during World War II alongside ''thugs or near-thugs.''

''Again and again, and to my surprise, I found reasons to think better of the Army and less well of my fellow enlisted men,'' he wrote in 1993. ''The Army may have radicalized Norman Mailer; it successfully de-radicalized me. It caused me to cease being a socialist.''

Energized by the writings of Lionel Trilling and Reinhold Niebuhr—self-described liberals both, but thinkers critical of the human capacity for perfection—Mr. Kristol became managing editor of Commentary in 1947.

In 1952, he left Commentary and traveled to England to found Encounter with the British poet Stephen Spender, as a counterblast to left-wing intellectual publications.

He returned to the U.S., and in 1965 founded the Public Interest, a quarterly journal he edited with Daniel Bell, a sociologist and friend from his City College days. The journal was hardly a bastion of right-wing thought, and Mr. Kristol identified himself more as a moderate than as a conservative.

In his 1972 book ''On the Democratic Idea in America,'' he wrote, ''I regard the exaggerated hopes we attach to politics as the curse of our age, just as I regard moderation as one of our vanishing virtues.''

Later, though, his positions hardened. By 1993, he wrote, ''What is wrong with liberalism is liberalism—a metaphysics and a mythology that is woefully blind to human and political reality.''

Paul Wolfowitz, former deputy defense secretary, said Mr. Kristol infused policy debates with a practical, ''more fact-based'' approach and showed thinkers that ''it's not enough just to have a sense of what's right and what's wrong, you also have to have a sense of how the world works.''

Nathan Glazer, another of the founders of the Public Interest, said Mr. Kristol had ''a wonderful way of formulating things'' and that his Trotskyist years had helped shape his work. ''I think his conservatism is clearly inflected by where he came from and how he came to it,'' Mr. Glazer said.

Mr. Kristol is survived by his wife, Gertrude Himmelfarb, a noted historian often identified with the neoconservative movement, and his son, William Kristol, a former chief of staff for Vice President Dan Quayle and editor of the journal the Weekly Standard.

HONORING NANCY CARRINGTON ON HER 25TH ANNIVERSARY WITH THE CONNECTICUT FOOD BANK

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Ms. DELAURO. Madam Speaker, it gives me great pleasure to rise today to join the many friends, colleagues and community members who have gathered in congratulating Nancy L. Carrington on her 25th anniversary as Executive Director of the Connecticut Food Bank. This is a remarkable milestone for an outstanding and dedicated woman—one whom I am proud to call my friend.

Nancy came to the Connecticut Food Bank just two years after it was incorporated. She began her work with the organization as a food solicitor—responsible for seeking the donation of excess and unsalable products from local and regional food companies. When Nancy first came to the Food Bank, the organization was already distributing 1.3 million pounds of food a year to 188 community agencies throughout Connecticut. Just five years after she first started with the Food Bank, Nancy became its Executive Director. Twenty-five years later, Nancy can be credited with seeing the organization through its expansion to the largest centralized source of donated, emergency food in Connecticut—distributing enough food to 650 food assistance programs to feed about 250,000 men, women, and children every year.

Nancy is not only responsible for the day-to-day operations at the Food Bank, but is also one of Connecticut's strongest voices on behalf of the hungry in our state. Nancy has said that ''food should not be a privilege . . . it should be a basic human right.'' The fact is that our nation produces enough food to feed everyone—yet families still go hungry. And today, as the economic challenges our families are facing increase, demand in Connecticut is up twenty percent. Nancy has made it her personal mission to overcome the challenge of feeding the hungry—her work touching the lives of thousands over the years. There is no stronger or more dedicated advocate. While she hopes for the day when organizations like the Food Bank are no longer needed, we are certainly fortunate to have her at the helm and can find comfort in the knowledge that someone with her passion and commitment continues to serve our community.

I would be remiss if I did not take a moment to thank Nancy for her many years of friendship. She has been an invaluable resource to both myself and my staff. I am grateful for her insights and constant commitment to ending hunger in our state and our nation. And so I stand today to express my deepest thanks and appreciation to Nancy L. Carrington, for all of her good work and many years of dedicated service to the Connecticut Food Bank. It has been her leadership that has made this organization such a success and, more importantly, it has been because of her compassion and advocacy that the Food Bank has been able to make such a difference so many lives. Nancy—my heartfelt congratulations to you as you celebrate your 25th anniversary and my very best wishes for continued success.

IRVING KRISTOL TRIBUTE

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 2009

Mr. PENCE. Madam Speaker, I rise today to commemorate the life of Irving Kristol, an extraordinary modern intellectual leader who sadly passed away recently.

Irving Kristol will be remembered as ''perhaps the most consequential public intellectual of the latter half of the 20th century'' as The Daily Telegraph recently memorialized him.

Born to Jewish immigrants in New York City in 1920, Irving grew up during the Great Depression, and his experience during those dark times undoubtedly shaped his worldview.

Kristol was a Trotskyist in his youth who embraced socialism long before he ever advocated for free markets and tax cuts; however, he broke from liberalism and will be remembered most for his conservative thoughts and writings that had a profound impact on generations of Americans.

He worked as the managing editor of Commentary magazine, executive vice president of

Basic Books, and in the mid-1960's, Kristol cofounded The Public Interest, a domestic policy journal that cast wide influence among policymakers.

Kristol also served as a fellow of the American Academy of Arts and Sciences, senior fellow emeritus of the American Enterprise Institute, and a member of the board of contributors for the Wall Street Journal in addition to the many books he authored. To honor this distinguished career, President George W. Bush awarded him with the Presidential Medal of Freedom in 2002.

Irving Kristol was a thought leader and his forward-thinking ideas shaped policies and helped cement the Republican Party's position as the ''party of ideas.''

A soldier during World War II, Kristol once wrote that ''my army experience permitted me to make an important political discovery. . . . The idea of building socialism with the common man who actually existed—as distinct from his idealized version—was sheer fantasy, and therefore the prospects for 'democratic socialism' were nil.''

These beliefs helped shape the policies of President Ronald Reagan's administration in defeating communism.

Our former colleague, Speaker Newt Gingrich recently said that it was Irving Kristol's insights that helped create the solutions-oriented Republicanism that led to the Contract with America.

Irving Kristol was a cheerful conservative, rejuvenating and shaping American politics, often with a smile.

The list of those who will mourn his loss is long and distinguished as he touched many lives, but I take comfort in knowing that both the Kristol name and legacy will live on.

I offer my most sincere condolences to his wife Gertrude, and children, Elizabeth and Bill.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

SPEECH OF

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. COLE. Mr. Speaker, I rise today to speak in opposition to H.R. 3548, the Unemployment Compensation Extension Act. While I have supported unemployment extensions in time of economic emergency, and will continue to do so, I will not give my support to this particular legislation because it unfairly taxes states with strong economies to pay for workers in states that have engaged in poor economic planning.

As you know, the bill would extend unemployment benefits for an additional 13 weeks in states where the average unemployment rate is over 8.5 percent. To pay for this extension, the legislation extends the 0.2 percent Federal Unemployment surtax for one more year. This is a tax that all employers are required to pay regardless of the state unemployment rate. In other words, citizens in states with low unemployment will be paying for benefits in states that have been fiscally irresponsible or have mishandled their own unemployment fund.

Currently, Madam Speaker, there are 27 states with an unemployment rate of over 8.5 percent. But many states have engaged in commonsense approaches to economic development to avoid this catastrophe. In my home state of Oklahoma, for example, our unemployment rate, though rising, is still only at 6.8 percent. As many of you know, Oklahoma suffered a major economic downturn in the 1980s due to the oil bust. However, during the late 1980s and early 1990s, the state of Oklahoma and business community learned from this experience and made great strides in economic diversification. In the years following, housing prices in Oklahoma remained stable and infrastructure grew. Today, Oklahoma's energy, agricultural and entertainment industries are strong and help to support a robust, diversified economy.

At the same time, the state of Oklahoma has worked hard to ensure that its unemployment fund remains solvent. Though many states' unemployment funds were not prepared for a major recession, Oklahoma is one of the only states that will not have to borrow from the federal fund to repay benefits to unemployed workers. In fact, Madam Speaker, the state is not raising the unemployment payments next year. It is entirely inappropriate to force the citizens of states like this to pay a tax in order to pay for the irresponsibility of others. Oklahoma already pays more in unemployment taxes than they receive back from the system, and this extension only makes the situation worse.

In closing, Mr. Speaker, I again would like to emphasize that I am not opposed to ensuring that Americans have means to support themselves in economic hardship. However, I do believe that it is unwarranted to tax the citizens of the 23 other states who have produced good economic growth and responsible governance.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S9761–S9860

Measures Introduced: Twelve bills and three resolutions were introduced, as follows: S. 1703–1714, and S. Res. 285–287. **Page S9840**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2010". (S. Rept. No. 111–78)

S. 251, to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities, with an amendment in the nature of a substitute. (S. Rept. No. 111–79)

S. 1670, to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals, with amendments. **Page S9839**

Measures Passed:

Enhanced Partnership With Pakistan Act: Senate passed S. 1707, to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people. **Pages S9812–17**

Department of the Interior, Environment, and Related Agencies Appropriations Act: By 77 yeas to 21 nays (Vote No. 298), Senate passed H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, agreeing to the committee-reported amendment in the nature of a substitute, as amended, after taking action on the following amendments proposed thereto: **Pages S9769–S9812**

Adopted:

Feinstein (for Bingaman) Amendment No. 2492, to provide funds for the Collaborative Forest Landscape Restoration Fund, with an offset. **Pages S9769, S9772**

Feinstein (for Risch/Crapo) Amendment No. 2501, to provide for the use of certain funds for the Upper Snake/South Fork River Area of Critical Concern. **Pages S9769, S9772**

Feinstein (for Carper) Amendment No. 2505, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions. **Pages S9769, S9772**

Feinstein (for Roberts) Amendment No. 2509, to encourage the Administrator of the Environmental Protection Agency to reassess the cost-effectiveness of the buyout and relocation of residents of certain properties in Treece, Kansas. **Pages S9769, S9772**

Feinstein Amendment No. 2518, to make technical corrections to certain State and tribal assistance grants. **Pages S9769, S9773**

Feinstein Amendment No. 2519, to extend a special use permit for Drake's Estero at Point Reyes National Seashore, California. **Pages S9769, S9773**

Feinstein (for Feingold) Amendment No. 2522, to clarify the authority of the Secretary of Agriculture regarding the coordination of biobased product activities. **Pages S9769, S9773, S9775**

Feinstein (for Whitehouse) Modified Amendment No. 2534, to express the sense of the Senate that the National Vehicle Mercury Switch Recovery Program is an effective way to address mercury pollution in the United States and should continue. **Pages S9769, S9773**

Feinstein (for Bingaman/Murkowski) Modified Amendment No. 2491, to modify the composition of the Board of Directors of the National Forest Foundation. **Pages S9769, S9773–74**

Feinstein (for Schumer/Durbin) Amendment No. 2495, to support the Pest and Disease Revolving Loan Fund. **Pages S9769, S9774**

CORRECTION

Feinstein (for Tester) Amendment No. 2507, to limit the increase in cabin user fees, with an offset. **Pages S9769, S9774**

Feinstein (for Bingaman) Modified Amendment No. 2493, to provide funds for the Flame Fund. **Pages S9769, S9774–75**

Coburn Modified Amendment No. 2511, to prohibit no-bid contracts and grants. **Pages S9800–01**

Coburn Amendment No. 2463, to require public disclosure of certain reports. **Pages S9799, S9801**

Coburn Amendment No. 2523, to secure our borders and protect our environment. **Pages S9799, S9801–03**

Isakson Further Modified Amendment No. 2504, to encourage the participation of the National Park Service in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009. **Pages S9769, S9804**

Feinstein (for Barrasso) Amendment No. 2535, to provide for the use of certain funds for an Indian estate planning assistance program. **Page S9804**

Feinstein (for Bennett) Amendment No. 2527, to modify the definition of the term "Beaver Dam Wash National Conservation Area Map". **Page S9804**

Coburn Modified Amendment No. 2482, to protect property owners from being included without their knowledge or consent in the Federal preservation and promotion activities of any National Heritage Area. **Pages S9800, S9806**

Dorgan/Conrad Amendment No. 2441, to provide for the inclusion of property in, or removal of property from, the Northern Plains Heritage Area. **Page S9807**

Reid Amendment No. 2531, to make funds available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada. **Pages S9794, S9807**

Feinstein (for Inhofe) Amendment No. 2445, to provide for the expedited cleanup of the Tar Creek Superfund Site. **Page S9811**

Rejected:

Vitter Amendment No. 2549, to ensure that the Assistant to the President for Energy and Climate Change (commonly known as the "White House Climate Change Czar") is not directing actions of departments and agencies funded by this Act. (By 57 yeas to 41 nays (Vote No. 295), Senate tabled the amendment.) **Pages S9784–94, S9806**

Ensign motion to recommit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate, with changes. (By 64 yeas to 34 nays (Vote No. 296), Senate tabled the motion.) **Page S9806**

Coburn Amendment No. 2483, to help preserve America's national parks and other public land treasures by reducing maintenance backlogs that threaten the health and safety of visitors. (By 79 yeas to 19 nays (Vote No. 297), Senate tabled the amendment.) **Pages S9799–S9800, S9803–04, S9807**

Withdrawn:

Carper Amendment No. 2456, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions. **Pages S9775, S9769**

During consideration of this measure today, Senate also took the following action:

Cloture Motion—Agreement: A unanimous-consent agreement was reached providing that the previously scheduled votes on the motion to invoke cloture on the committee-reported amendment in the nature of a substitute, and the motion to invoke cloture on the bill, be withdrawn. **Pages S9761, S9769**

Chair sustained a point of order against Collins Amendment No. 2498, to provide that no funds may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters, and such official submits certain reports biannually to Congress, as being in violation of Rule XVI of the Standing Rules of the Senate, which prohibits legislation on an appropriation bill, and the amendment thus fell. **Pages S9769, S9799**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Feinstein, Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson (NE), Tester, Inouye, Alexander, Cochran, Bennett, Gregg, Murkowski, Collins, and Bond. **Page S9812**

Fiscal Year 2010 Federal Aviation Administration Extension Act: Senate passed H.R. 3607, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, clearing the measure for the President. **Page S9856**

Reserve Officers Association Modernization Act: Senate passed S. 1599, to amend title 36, United States Code, to include in the Federal charter of the

Reserve Officers Association leadership positions newly added in its constitution and bylaws.

Page S9856

Military Officers Association of America: Committee on the Judiciary was discharged from further consideration of S. 832, to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and the bill was then passed. Pages S9856–57

Sidney M. Aronovitz United States Courthouse: Committee on Environment and Public Works was discharged from further consideration of 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", and the bill was then passed, clearing the measure for the President. Page S9857

Ralph Regula Federal Building and United States Courthouse: Committee on Environment and Public Works was discharged from further consideration of H.R. 1687, to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse", and the bill was then passed, clearing the measure for the President. Page S9857

Albert Armendariz, Sr., United States Courthouse: Committee on Environment and Public Works was discharged from further consideration of H.R. 2053, to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse", and the bill was then passed, clearing the measure for the President. Page S9857

William O. Lipinski Federal Building: Committee on Environment and Public Works was discharged from further consideration of H.R. 2498, to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building", and the bill was then passed, clearing the measure for the President.

Page S9857

Galveston Historical Foundation: Committee on Environment and Public Works was discharged from further consideration of H.R. 2121, to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation, and the bill was then passed, clearing the measure for the President.

Page S9857

Fatalities in Storms and Floods in the State of Georgia: Senate agreed to S. Res. 286, expressing condolences to the families of the individuals killed during unusual storms and floods in the State of Georgia between September 18 and September 21, 2009, and expressing gratitude to all of the emergency personnel who continue to work with unyielding determination to meet the needs of Georgia's residents. Page S9858

Measures Considered:

Department of Defense Appropriations Act—Agreement: Senate began consideration of H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010. Pages S9817–32

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, September 25, 2009. Page S9859

Nominations Confirmed: Senate confirmed the following nominations:

Peggy E. Gustafson, of Illinois, to be Inspector General, Small Business Administration. (Prior to this action, Committee on Homeland Security and Governmental Affairs was discharged from further consideration.)

Jonathan B. Jarvis, of California, to be Director of the National Park Service. Pages S9860, S9859

Nominations Received: Senate received the following nominations:

Frederick D. Barton, of Maine, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Bill Delahunt, of Massachusetts, to be a Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Elaine Schuster, of Florida, to be a Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Christopher H. Smith, of New Jersey, to be a Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Mary Burce Warlick, of Virginia, to be Ambassador to the Republic of Serbia.

Wellington E. Webb, of Colorado, to be an Alternate Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

Jide J. Zeitlin, of New York, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Jide J. Zeitlin, of New York, to be Alternate Representative of the United States of America to the

Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

A routine list in the Foreign Service.

Pages S9859–60

Messages from the House: Page S9837

Measures Referred: Pages S9837–38

Enrolled Bills Presented: Page S9838

Executive Communications: Pages S9838–39

Executive Reports of Committees: Pages S9839–40

Additional Cosponsors: Pages S9840–42

Statements on Introduced Bills/Resolutions: Pages S9842–54

Additional Statements: Pages S9835–37

Amendments Submitted: Pages S9854–55

Notices of Hearings/Meetings: Page S9855

Authorities for Committees to Meet: Pages S9855–56

Record Votes: Four record votes were taken today. (Total—298) Page S9806, S9807, S9812

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:12 p.m., until 9:30 a.m. on Friday, September 25, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9859.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 2,559 nominations in the Army, Navy, Air Force, and Marine Corps.

MISSILE DEFENSE IN EUROPE

Committee on Armed Services: Committee concluded a hearing to examine the President's decision on missile defense in Europe, after receiving testimony from Michele A. Flournoy, Under Secretary for Policy, General James E. Cartwright, USMC, Vice Chairman, Joint Chiefs of Staff, and Lieutenant General Patrick J. O'Reilly, USA, Director, Missile Defense Agency, all of the Department of Defense.

EMERGENCY ECONOMIC STABILIZATION ACT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the Emergency Economic Stabilization Act, one year later, focusing on the status of efforts to address transparency and accountability issues, after receiving testimony from Herbert M. Allison, Jr., Assistant Secretary for Financial Stability, Neil Barofsky, Special Inspector General, Troubled Asset Relief Program, both of the Department of the Treasury; Gene L. Dodaro, Acting Comptroller General of the United States, Government Accountability Office; and Elizabeth Warren, Chairman, Congressional Oversight Panel.

BUSINESS MEETING

Committee on Finance: Committee continued consideration of an original bill entitled, ''America's Healthy Future Act of 2009'', but did not complete action thereon, and recessed subject to the call and will meet again on Friday, September 25, 2009.

GOVERNMENT PERFORMANCE

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine the government, focusing on performance, including key management practices in an agency which managers' reported use of performance information has improved, looking at agencies with relatively low use of performance information and the factors that contribute to this condition, and review the role the President and Congress can play in promoting a results-oriented and collaborative culture in the federal government, after receiving testimony from Jeffrey D. Zients, Deputy Director for Management of the Office of Management and Budget; Bernice Steinhardt, Director, Strategic Issues, Government Accountability Office; W. Craig Fugate, Administrator, Federal Emergency Management Agency, Department of Homeland Security; Rhea Suh, Assistant Secretary for Policy, Management and Budget, Department of the Interior; Michelle Snyder, Acting Deputy Administrator and the Deputy Chief Operating Officer, Centers for Medicare & Medicaid Services, Department of Health and Human Services; and Paul L. Posner, George Mason University Public Administration Program, Clifton, Virginia.

U.S. DIPLOMATIC READINESS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government

Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine a review of United States diplomatic readiness, focusing on the staffing and foreign language challenges facing the foreign service, after receiving testimony from Nancy J. Powell, Director General, Foreign Service, Department of State; Jess T. Ford, Director, International Affairs and Trade, Government Accountability Office; and Ronald E. Neumann, American Academy of Diplomacy, and Susan Rockwell Johnson, American Foreign Service Association, both of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1670, to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals, with an amendment in the nature of a substitute; and

The nominations of Paul Joseph Fishman, to be United States Attorney for the District of New Jersey, Jenny A. Durkan, to be United States Attorney for the Western District of Washington, Florence T. Nakakuni, to be United States Attorney for the District of Hawaii, Deborah K. R. Gilg, to be United States Attorney for the District of Nebraska, and Ignacia S. Moreno, of New York, to be Assistant Attorney General, all of the Department of Justice.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 3639–3648; and 8 resolutions, H. Res. 770–771, 773–778 were introduced. **Pages H9961–62**

Additional Cosponsors: **Page H9962**

Reports Filed: Reports were filed today as follows:

Conference report on H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010 (H. Rept. 111–265) and

H. Res. 772, providing for consideration of the conference report to accompany the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010 (H. Rept. 111–266). **Pages H9924–46, H9961**

Committee Resignation: Read a letter from Representative Barrett (SC), wherein he resigned from the Committee on Standards of Official Conduct, effective today. **Pages H9901–02**

Committee Election: The House agreed to H. Res. 770, electing a minority member to a standing committee: Committee on Standards of Official Conduct: Representative McCaul. **Page H9902**

Providing for consideration of motions to suspend the rules: The House agreed to H. Res. 766, providing for consideration of motions to suspend the rules, by a yea-and-nay vote of 235 yeas to 182 nays, Roll No. 735, after it was agreed to order the previous question without objection. **Pages H9905–07**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, September 22nd:

Expressing support for designation of September 23, 2009, as "National Job Corps Day": H. Con. Res. 163, to express support for designation of September 23, 2009, as "National Job Corps Day", by a 2/3 recorded vote of 413 ayes to 4 noes, Roll No. 736. **Page H9907**

Suspensions: The House agreed to suspend the rules and pass the following measure:

Medicare Premium Fairness Act: H.R. 3631, to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010, by a 2/3 yea-and-nay vote of 406 yeas to 18 nays, Roll No. 737. **Pages H9908–15**

Senate Message: Message received from the Senate today appears on page H9901.

Senate Referrals: S. Con. Res. 41 was referred to the Committee on House Administration. **Page H9960**

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H9906–07, H9907, H9915. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 4:08 p.m.

Committee Meetings

DOD—SUPPLY CHAIN MANAGEMENT

Committee on Armed Services: Defense Acquisition Reform Panel held a hearing on DOD Supply Chain Management: Can the Department Identify and

Meet Its Supply Needs Efficiently? Testimony was heard from the following officials of the Department of Defense: MG Gary T. McCoy, USAF, Commander, Air Force Global Logistics Support Center; and Nancy Heimbaugh, Senior Procurement Executive and Director, Acquisition Management, Defense Logistics Agency; and William M. Solis, Director, Defense Capabilities and Management Team, GAO.

PUBLIC SAFETY INTEROPERABLE BROADBAND NETWORK

Committee on Energy and Commerce: Subcommittee on Communications, Technology and the Internet held a hearing entitled ''A National Interoperable Broadband Network for Public Safety: Recent Developments.'' Testimony was heard from William Bratton, Chief of Police, Police Department, Los Angeles, California; and public witnesses.

SYSTEMIC RISK AND RESOLUTION ISSUES

Committee on Financial Services: Held a hearing entitled ''Experts' Perspectives on Systemic Risk and Resolution Issues.'' Testimony was heard from Paul Volcker, former Chairman, Board of Governors, Federal Reserve System; Arthur Levitt, Jr., former Chairman, SEC; and public witnesses.

SECURITIZATION OF LIFE INSURANCE SETTLEMENTS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing entitled ''Recent Innovations in Securitization.'' Testimony was heard from Paula Dubberly, Associate Director, Division of Corporation Finance, SEC; Susan E. Voss, Commissioner, Department of Insurance, State of Iowa; and public witnesses.

HOMELAND SECURITY'S INTELLIGENCE ROLE

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled ''I&A Reconceived: Defining a Homeland Security Intelligence Role.'' Testimony was heard from Bart Johnson, Acting Under Secretary, Office of Intelligence and Analysis, Department of Homeland Security.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Ordered reported the following measures: H. Con. Res. 186, Supporting the goals and ideals of Sickle Cell Disease Awareness Month; H. Res. 725, Congratulating the Chula Vista Park View Little League team of Chula Vista, California, for winning the 2009 Little League World Series Championship; H. Res. 734, as amended, Expressing the support for and honoring September 17, 2009 as ''Constitution Day''; H. Res. 693, Honoring the life and accomplishments of Jim Johnson and extending the condolences of the House of Representatives to his family on the occasion of his death; H.R. 3547, To designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the ''Rex E. Lee Post Office Building''; and H. Res. 16, Supporting the goals and ideals of National Life Insurance Awareness Month.

CONFERENCE REPORT—LEGISLATIVE BRANCH APPROPRIATIONS, FISCAL YEAR 2010

Committee on Rules: Committee granted, by a nonrecord vote, a rule for consideration of the conference report to accompany H.R. 2918, the ''Legislative Branch Appropriations Act, 2010.'' The rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate and one motion to recommit, if applicable. Testimony was heard from Representatives Wasserman Schultz and Jordan.

BIOLOGIC DRUGS DEVELOPMENT

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on the Potential Need for Measurement Standards to Facilitate the Research and Development of Biologic Drugs. Testimony was received from Steven Kozlowski, Director, Office of Biotechnology Products, Office of Pharmaceutical Science, Center for Drug Evaluation and Research, FDA, Department of Health and Human Services; Willie May, Director, Chemical Science and Technology Laboratory, National Institute of Standards of Technology, Department of Commerce; and public witnesses.

FEDERAL LAWS SPURRING ENTREPRENEURSHIP

Committee on Small Business: Subcommittee on Contracting and Technology held a hearing entitled ''The Roles of Federal Labs in Spurring Innovation and Entrepreneurship Across the U.S.'' Testimony was heard from the following officials of NASA: Cynthia Lee, Associate Director, Langley Research Center; and Bruce Underwood, Technical Manager, Wallops Space Flight Facility; Paul G. Sebesta, Center Director, National Center for Agricultural Utilization Research, Agricultural Research Service, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following: H.R. 3619, as amended, Coast Guard Authorization Act of 2009; H.R. 3618, Clean Hull Act of 2009; H.R. 3305, To designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the ''H. Dale Cook Federal Building and United States Courthouse''; H. Con. Res. 138, Recognizing the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas; H.

Res. 465, as amended, Recognizing the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary; H.R. 719, as amended, Commending Russ Meyer on his induction into the National Aviation Hall of Fame; H.R. 1700, as amended, National Women's History Museum Act of 2009. The Committee also approved GSA Capital Investment Program Resolutions.

HONORING THE FALLEN

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on Honoring the Fallen: How Can We Better Serve America's Veterans and Their Families? Testimony was heard from Max Cleland, Secretary, American Battle Monuments Commission; Katherine Stevenson, Assistant Director, Business Services, National Park Service, Department of the Interior; the following officials of the Departments of Veterans Affairs: John C. Metzler, Superintendent, Arlington National Cemetery, and Steve L. Muro, Acting Under Secretary, Memorial Affairs, both with the National Cemetery Administration; representatives of veterans organizations; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Veterans Affairs: Subcommittee on Economic Opportunity held a hearing on the following bills: H.R. 294, Veteran-Owned Small Business Promotion Act of 2009; H.R. 1169, To amend title 38, United States Code, to increase the amount of assistance provided by the Secretary of Veterans Affairs to disabled veterans for specially adapted housing and automobiles and adapted equipment; H.R. 1182, Military Spouses Residency Relief Act; H.R. 2416, To require the Department of Veterans Affairs to use purchases of goods or services through the Federal supply schedules for the purpose of meeting certain contracting goals for participation by small business concerns owned and controlled by veterans, including veterans with service-connected disabilities; H.R. 2461, Veterans Small Business Verification Act; H.R. 2614, Veterans' Advisory Committee on Education Reauthorization Act of 2009; H.R. 2696, Servicemembers Rights Protection Act; H.R. 2874, Helping Active Duty Deployed Act of 2009; H.R. 2928, To amend title 38, United States Code, to provide for an apprenticeship and on-job training program under the Post 9/11 Veterans Educational Assistance Program; H.R. 3223, to amend title 38, United States Code, to improve the Department of Veterans Affairs contracting goals and references for small business concerns owned and controlled by veterans; H.R. 3554, National Guard Education Equity Act; H.R. 3561, To amend title 38, United States Code, to increase the amount of educational assistance provided to certain veterans for flight training; H.R. 3577, Education Assistance to Realign New Eligibilities for Dependents (EARNED) Act of 2009; and other draft legislation. Testimony was heard from Representatives Filner, Rodriguez, Carter, Miller of North Carolina, Loebsack, and Connolly of Virginia; Keith M. Wilson, Director, Office of Education Service, Veterans Benefits Administration, Department of Veterans Affairs; representatives of veterans organizations; and a public witness.

SOLAR HEATS UP

Select Committee on Energy Independence and Global Warming: Held a hearing entitled "Solar Heats Up: Accelerating Widespread Deployment." Testimony was heard from public witnesses.

Joint Meetings

NEWSPAPERS

Joint Economic Committee: Committee concluded a hearing to examine the future of newspapers, focusing on the impact on the economy and democracy, after receiving testimony from Tom Rosentiel, Pew Research Center's Project for Excellence in Journalism, and Denise Rolark Barnes, The Washington Informer, both of Washington, D.C.; Paul Starr, Princeton University Woodrow Wilson School, Princeton, New Jersey; and John Sturm, Newspaper Association of America, Arlington, Virginia.

LEGISLATIVE BRANCH APPROPRIATIONS

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 25, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance: business meeting to continue consideration of an original bill entitled "America's Healthy Future Act of 2009", Time to be announced, SH–216.

House

Committee on Financial Services, hearing on H.R. 1207, Federal Reserve Transparency Act of 2009, 9 a.m., 2128 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, September 25

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 3326, Department of Defense Appropriations Act.

(At 3:30 p.m., Senator-Designate Paul Kirk, of Massachusetts, will be administered the oath of office by the Vice President.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, September 25

House Chamber

Program for Friday: Consideration of the conference report to accompany H.R. 2918—Legislative Branch Appropriations Act, 2010 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Abercrombie, Neil, Hawaii, E2357
Baldwin, Tammy, Wisc., E2359
Barrett, J. Gresham, S.C., E2357, E2364
Cole, Tom, Okla., E2368
Cuellar, Henry, Tex., E2359
DeLauro, Rosa L., Conn., E2360, E2367
Gerlach, Jim, Pa., E2359
Graves, Sam, Mo., E2364
Halvorson, Deborah L., Ill., E2360, E2360, E2361
Hastings, Alcee L., Fla., E2363, E2364, E2365
Jackson-Lee, Sheila, Tex., E2355
Kanjorski, Paul E., Pa., E2362, E2365
Kildee, Dale E., Mich., E2361
Lofgren, Zoe, Calif., E2357
McClintock, Tom, Calif., E2361, E2362
McCotter, Thaddeus G., Mich., E2365
McGovern, James P., Mass., E2363
Michaud, Michael H., Me., E2357
Ortiz, Solomon P., Tex., E2360
Pence, Mike, Ind., E2355, E2358, E2367
Poe, Ted, Tex., E2358
Roskam, Peter J., Ill., E2355
Roybal-Allard, Lucille, Calif., E2366
Ruppersberger, C.A. Dutch, Md., E2363
Sablan, Gregorio Kilili Camacho, Northern Mariana Islands, E2358
Sanchez, Loretta, Calif., E2359
Sessions, Pete, Tex., E2361
Space, Zachary T., Ohio, E2357, E2361, E2362, E2363, E2363, E2363, E2364, E2364, E2365, E2366
Sutton, Betty, Ohio, E2359, E2359
Thompson, Mike, Calif., E2362, E2366
Westmoreland, Lynn A., Ga., E2363
Wilson, Joe, S.C., E2360, E2367
Woolsey, Lynn C., Calif., E2356, E2361, E2366
Young, C.W. Bill, Fla., E2358

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.