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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

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

The Holy Scriptures tell us:

''The Lord is my stronghold, my fortress and my champion. My God, my rock where I find safety . . . ''

And yet, Lord, even our celebrated stronghold, the home of the brave, our heroic military and their families, Fort Hood, can be penetrated with violence.

Be with those fallen, the wounded and their families, as the Nation mourns with them and prays with them and for them.

Renew the fortress of faith and be their champion over all the forces of evil, those recognized as outside us and the insidious hidden in our midst.

Lead us not into temptation but deliver us from evil. For Thine is the kingdom, the power and the glory forever and ever. 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 gentleman from Colorado (Mr. PERLMUTTER) come forward and lead the House in the Pledge of Allegiance.

Mr. PERLMUTTER led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

ECONOMIC INEQUITIES

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

Mr. KUCINICH. Madam Speaker, why is it we have finite resources for health care but unlimited money for war? The inequities in our economy are piling up: trillions for war, trillions for Wall Street, tens of billions for insurance companies. Banks and other corporations are sitting on piles of cash and taxpayers' money, while firing workers, cutting pay, and denying small businesses money to survive.

People are losing their homes, their jobs, their health, their retirement security. Yet there is unlimited money for war and Wall Street and insurance companies but very little money for jobs. There is unlimited money to blow up things in Iraq and Afghanistan, relatively little money to build things in the U.S.

The administration will soon bring to Congress a request for an additional $50 billion for war. I can tell you, a Democratic version of the wars in Iraq and Afghanistan is no more acceptable than a Republican version of the wars in Iraq and Afghanistan. Trillions for war, for Wall Street, billions for insurance companies. When we were promised change, we weren't thinking it meant we give a dollar and get back 2 cents.

FORT HOOD, TEXAS

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

Mr. POE of Texas. Madam Speaker, the bugle sounds Taps. The flags of Texas and the U.S. are at half staff this crisp morning.

In the hill country of central Texas, at the largest military base, a place called Fort Hood, soldiers and families mourn. They mourn for 13 of their own who have been murdered. They weep for 30 others who fill hospitals because of bullet wounds.

The soldiers were going about the business of making ready to deploy and defend this country overseas against tyranny and terrorism, only to face a terrorist here at home. A radicalized soldier named Nidal Hasan rejected his order to go abroad and took out his anger on those he knew.

We come upon Veterans Day next week where we honor our veterans, but let us here today in Congress on this solemn occasion give thought, prayer, and thanks to the men and women of the military who have volunteered to defend the rest of us against those forces of evil. We mourn with their families. These of our military are a rare breed, a unique breed, the American breed.

And that's just the way it is.

HEALTH CARE

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

Mr. KAGEN. Madam Speaker, I rise this morning to speak out in favor of reforming our health care system to guarantee that every citizen has access to the care that they need when and where they need it, at a price they can afford to pay. People like Jenny, who is a single mother of two asthmatic children who I got the fortune of taking care of. With two asthmatic children, she couldn't afford the price of the prescription drugs they needed to keep her children healthy.

People like Mary with rheumatoid arthritis so severe that she is an expensive date to the insurance companies

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and for which no other insurance company would take her because of her preexisting condition.

People like Stacie, who had cancer of her thyroid and had it surgically cured, and yet, because of a preexisting condition, would be denied access to the care she needs.

And, finally, people like a 6-day-old child named Hope, who at 6 days of age, through no fault of her own, had to have heart surgery to correct a heart deformity.

We are going to change this health care system and guarantee that no one shall suffer from discrimination any longer in this country.

WRONG BILL AT WRONG TIME

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

Mr. CHAFFETZ. Madam Speaker, all across this country there are families that are waking up concerned about their future. They are concerned about their jobs. They are concerned about what the direction of this country is. We read a new statistic that showed that only 2,500 of the supposed 640,000 jobs that were created or saved by the stimulus were manufacturing jobs. Only 2,500. Manufacturing is good. We need that in this country.

At the same time, we hear this morning that the unemployment now has risen to 10.2 percent. At a time when our Nation is suffering, it is not the time, it is not the place to implement the proposed Nancy Pelosi health care bill.

We need health care reform, but this is the wrong bill at the wrong time. It raises taxes on businesses and individuals. It raises taxes on medical manufacturers. I urge my colleagues to strike this down and kill that bill.

HONORING COLONEL TODD HIXSON

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

Ms. EDWARDS of Maryland. Madam Speaker, it is with great sadness that I rise today to honor the life and memory of Colonel Todd Hixson. Colonel Hixson passed away tragically and unexpectedly on Sunday, November 1, 2009, in Silver Spring, Maryland.

Along with so many other brave men and women, Colonel Hixson served for many years in the United States Marine Corps. Just a few weeks ago, he returned from his most recent tour of duty in Iraq. I feel privileged to honor such a courageous son of the State of Maryland.

With a heavy and sad heart, I offer my sincere condolences to the family of Colonel Todd Hixson. He was the son of the Honorable Sheila E. Hixson, Maryland State Delegate; and my thoughts and prayers are with her and all of Colonel Hixson's family and friends at this time.

I would also like to call attention to the flag flying over our Capitol today in honor of Colonel Hixson, and it is with great pride that I stand here before my colleagues to pay tribute to him. His courage, bravery, and dedication to his country and family serve as an inspiration to us all. I wish peace to the family and friends of Colonel Todd Hixson, and I thank him for his service to the United States and the State of Maryland.

On this Friday before Veterans Day, we honor Colonel Hixson's memory and all our veterans and service men and women and their families who make their greatest sacrifice for each of us.

PROTECT OUR JOBS

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, a number of years ago, a prominent Democratic political consultant coined the phrase, ''It's the economy, stupid.'' What that meant was, after the issues of national security and personal security, the state of the economy is number one in the minds and hearts of the American people.

We have just heard disturbing news: The unemployment rate is now 10.2 percent, the highest rate in decades. At this point in time when our constituents are worried about jobs, worried about the economy, worried about how they are going to pay their bills, does it make sense for us to rush to judgment on a bill that has been analyzed to show that it is a job killer bill? I refer to the Pelosi health care plan that we are going to be kept in this place this weekend to vote on. Let us hear what the American people are saying. Make sure we protect our jobs, not destroy our jobs.

TOMORROW IS THE DAY

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

Mr. MCDERMOTT. Madam Speaker, here's what you are hearing from opponents to health care reform: Nothing scares Members of Congress more than freedom-loving Americans. We should surround the Capitol Building until they give us freedom. This bill is legislative malpractice.

Now these are all catchy phrases. They are catchy phrases that are purposely designed to hide the fact that the Republicans have no viable alternative health care plan. Critics have panned the plan that they have offered. Headlines in The New York Times screamed, ''Budget monitor says GOP bill leaves many uninsured.'' Headlines from The Washington Post booms, ''Congressional Budget Office thrashes the Republican health care plan.''

The verdict is in: The Republican plan is woefully inadequate. It is not a cheap alternative. It would cover only three million uninsured. It maintains the status quo for insurance companies. It has no serious reforms to eliminate the perverse incentives in our present payment system.

So the Republican are left with catchy phrases. The American people see through it. That is why they are still supporting this bill. The American people know that the time to enact quality health care is now. Tomorrow is the day.

AMERICAN PEOPLE KNOW BEST

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

Ms. FOXX. Madam Speaker, yesterday was an exciting day for those of us who believe the American people know best. Thousands of people came to Capitol Hill to tell Speaker PELOSI that they do not want her tax increase government takeover of health care. They said that this bill is a bill the American people cannot afford. Republicans in the House agree with them.

Hardworking Americans do not want to pay for abortions and illegal aliens and should not have to pay for them.

Unemployment is now 10.2 percent, and this bill will make it worse. Like other ill-conceived bills such as the wrongly named stimulus bill that the Democrats have crammed down the throats of the American people, the so-called health reform bill will do more harm than good.

Speaker PELOSI, listen to the voices of the American people. My colleagues on the other side, listen to the voices of the American people. Do not vote for more taxes, more government control, and an erosion of our freedoms. Remember, the first three words of the Constitution are, ''We the people.''

HEALTH CARE

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

Mr. GENE GREEN of Texas. Madam Speaker, a lot of us think we represent the people. With unemployment now over 10 percent, the second biggest issue if you don't have a job is that you don't have health care. We have a lot of problems in our country, unemployment and health care, and hopefully Congress will take that.

We made a step early in the year with a stimulus bill to try and create jobs. It hasn't done what we wanted. We need to do something, but we also need to deal with health care.

Let me take the last part of my time to say our country lost 12 brave soldiers yesterday at Fort Hood, Texas. They were prepared to be deployed to defend our country. I think that is what this House ought to be thinking about today, those families and those soldiers at Fort Hood, Texas.

HEALTH CARE

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

Mr. WILSON of South Carolina. Madam Speaker, included in the 2,000 pages of the Pelosi takeover bill are massive cuts in Medicare that will hurt seniors across the country. According to the nonpartisan Congressional Budget Office, these cuts are $162 billion, causing many seniors to lose their current coverage or limit their choices. But that is not all. The Pelosi takeover also increases seniors' Medicare prescription drug premiums by 20 percent over the next decade.

These negative policies hurt seniors. That is why I am pleased that senior organizations like Sixty Plus Association and the Senior Citizens League stand tall for seniors against the Pelosi takeover.

Squeezing Medicare and Medicaid half a trillion dollars is an attack on senior citizens. A better bill is H.R. 3400 for affordability and accessibility. Our bill will save jobs, while the Pelosi takeover will kill jobs with record 10.2 unemployment.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism. Our prayers and sympathy are with the families of Fort Hood, Texas.

□ 0915

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

CONGRATULATING THE NEW YORK YANKEES

Mr. TOWNS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 893) congratulating the 2009 Major League Baseball World Series Champions, the New York Yankees.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 893

Whereas the New York Yankees are the most successful franchise in the history of Major League Baseball;

Whereas prior to this year the Yankees had won 26 World Series Championships, the most in the Major Leagues;

Whereas this historic franchise is located in the Bronx and is known as the ''Bronx Bombers'';

Whereas the Yankees franchise has included all-time great players;

Whereas for many years the Yankees played baseball in the historic Yankee Stadium;

Whereas this year the Yankees opened a new stadium and hope to emulate the success achieved in the ''House that Ruth Built'';

Whereas during the 2009 regular season, the Yankees had the best record in baseball, going 103–59;

Whereas the Yankees finished at the top of the American League East Division;

Whereas the Yankees went on to beat the Minnesota Twins 3 games to 0;

Whereas the Yankees then faced off against the Los Angeles Angels of Anaheim in the American League Championship Series, and emerged victorious in 6 games;

Whereas that victory represented the 40th American League Pennant that the Yankees have won;

Whereas the Yankees were matched up against a valiant Philadelphia Phillies squad for the World Series title;

Whereas the Yankees were able to defeat the defending World Series Champions by 4 games to 2;

Whereas this victory represents the Yankees' 27th World Series Championship win;

Whereas this number of championship wins is 17 more than their next closest competitor;

Whereas the contributions of the Yankees' players throughout the season were all vital in securing the title; and

Whereas the Yankees were guided to victory by Manager Joe Girardi, General Manager Brian Cashman, President Randy Levine, and the leadership of Hank and Hal Steinbrenner: Now therefore be it

Resolved, That the House of Representatives congratulates—

(1) the 2009 Major League Baseball World Series Champions, the New York Yankees, for an outstanding season and a record 27th World Series Championship win; and

(2) the players, coaches, staff and leadership of the Yankees organization for their great success.

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I rise today as a proud New Yorker to call up this resolution honoring the New York Yankees on the occasion of their victory in the 2009 World Series.

With this win, the Yankees once again have broken their own record as the most successful Major League Baseball franchise, and of course the most successful professional sports franchise in our Nation's history.

The achievements of the Yankees are made even more remarkable by the high caliber of the teams they faced throughout the season and in the playoffs. The defending champions, the Philadelphia Phillies, had an outstanding season and performed well during the World Series. But Wednesday night, the Yankees once again returned the World Series trophy to New York City, the 27th time they have done this.

We are proud of our Yankees, and I could go on and on for hours discussing the Yankees. I recall just last weekend I spent time with friends of mine, Dr. Witherspoon and Dr. Brown, talking about the Yankees of yesteryear and today. And of course we talked about the long line of outstanding players and the great success that they have had. We talked about Babe Ruth, Mickey Mantle, and of course now we can talk about Matsui as well.

We have important business to consider in this House today and tomorrow, but it is fitting that we take a small amount of time now to congratulate the New York Yankees on their World Series victory.

Madam Speaker, I reserve the balance of my time.

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

I rise today in support of House Resolution 893, congratulating the 2009 Major League Baseball World Series champions, the New York Yankees.

For the 27th time in the history of the World Series, the Yankees have once again proven to be the champions by defeating the Philadelphia Phillies to win the World Series. Again they have distinguished themselves as the dominant team in baseball.

On a cold November evening, the game kept fans riveted to their seats until nearly midnight in the sixth game of the series with the Phillies until Mariano Rivera threw his 41st and final pitch of the game to end the game.

The Yankees, also affectionately known as the ''Bronx Bombers'' because of their stadium's location in the Bronx, achieved another exciting victory for the storied franchise. After finishing the regular season with baseball's best record of 103 wins, they showed their consummate professionalism by winning it all.

They finished the regular season by defeating the Minnesota Twins and then the Angels to capture the American League Championship. Moving on to the World Series, the Yankees defeated the National League's champion Phillies by winning four out of six games in the series even though the Phillies gave it their all to the very end.

It is of particular note that the Yankees' 27th World Series wins puts them in an unequaled place in baseball history. They have now won 17 more World Series than their closest competitor.

I also want to congratulate the rest of the Yankees organization, all of whom deserve credit for providing a terrific season for so many devoted fans. I would also like to congratulate the Philadelphia Phillies, their fans and their players for putting together an exciting season.

On a particular note, I have the honor of standing here and helping to honor Harry Kalas, who affected so many people throughout his career. We were sad to see his passing earlier this year; but he touched the lives, in a very positive way, of countless Americans, and we will miss him.

I reserve the balance of my time, Madam Speaker.

Mr. TOWNS. Madam Speaker, let me thank the gentleman from Utah for his kind words. I am happy to hear him say something great about New York, and of course our Yankees in particular.

I would like to yield 7 minutes to the gentleman from New York who actually represents the area where the Yankees play, and of course that's Congressman SERRANO from the Bronx, New York.

Mr. SERRANO. I thank the gentleman. I thank the ranking member for his kindness.

I hope, Madam Speaker, that the rules can be slightly bent to allow this wonderful hat to sit by me as I speak, but we do bring other charts and other things to the House floor.

I have to tell you, I am one of those Yankee fans who doesn't take anything for granted, so I was nervous during these games and the playoffs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is reminded that wearing a hat is a violation of the rules.

Mr. SERRANO. I have proudly worn that hat on my head for many years, and I promise not to wear it during the debate, of course, out of respect for the House, which I am proud to be a Member of.

Having said that, I am not one of those Yankee fans, if there are any, who thinks we are going to win all the time. I am very nervous. I was nervous with the Minnesota Twins; I was nervous with the Angels. I was very nervous with the talented Phillies.

But that does not compare to the nervousness I felt yesterday when I introduced the resolution and wondered if we could get it on the House floor before we left this weekend and before we did health care. But thanks to the chairman and the ranking member and the leadership, here it is.

I rise to pay tribute to the Yankees on their 27th World Series championship. As the chairman has said, they are the most successful franchise in sports history. Congratulations especially should go to the Phillies, the Philadelphia Phillies, a fine team, world champions prior to this year, who repeated their championship in the National League and gave the Yankees a very tough time. They're a successful team, and I suspect they will be back next year when I'm sure they will play the Yankees again in the World Series.

I am very proud to be the Congressman who represents the Yankee Stadium area. In fact, I can tell when the Yankees are doing well by just opening my window and hearing the sound of a crowd. Whenever you hear the crowd—I live that close to the stadium—you know the Yankees have scored a run or gotten a big hit.

The Yankees have been a tradition in the neighborhood and have been a tradition in sports history. What's interesting about it is that, as you know, this year they opened up a new stadium and they won the World Series in that stadium. My understanding also is that they won the first World Series they played in the old stadium in 1923, The House That Ruth Built. So they move, but they still keep their winning tradition.

They are, indeed, the Bronx Bombers, and they've become a sign of perfection, of teamwork. And much has been said throughout the years about how the Yankees played and how they got along or at times didn't get along, and everyone says that this team came together and played as a true organization and a true institution.

They have been in the World Series an astonishing, an amazing 40 times and they have won 27 of those 40 times. Professional baseball is a few years over 100 years old, and 40 percent of the time one team was in that appearance. In 2009, they won 103 games. Then they went on to defeat the Twins and defeat the Angels, and then finally the very talented Phillies. They put it all together.

And they put it all together as they continue to build on that tradition. We hear about Ruth and Gehrig; we hear about DiMaggio and Mantle and Berra, and the other players of the 1950s. Then we know that there was that period with Reggie Jackson, and the wonderful years with Bernie Williams and the rest of the team. And now we have Jeter and we have Posada and we have Pettitte and we have Mariano. And of course the Yankees in many ways also do great things beyond New York.

The MVP, Hideki Matsui, my understanding was, practically shut down the great country of Japan as they watched the game on TV. Little did they know that their son would become the MVP by having a fabulous last game with three hits and six RBIs.

It was, indeed, a wonderful World Series. I understand from my relatives in Puerto Rico that everybody was glued to the TV set to see the Yankees, not only to see the Yankees, but then to see how Jorge Posada would do. In the Dominican Republic, in the Dominican neighborhoods in New York, people were out in the street watching just to see what Robinson Cano and Melky Cabrera and others were doing.

So you see, it goes beyond baseball. It is a tradition, and now it has expanded globally. And it is only fitting that the most successful team in baseball would be part of this expansion of baseball throughout the world.

So my congratulations go to the Yankees. We will be here today doing the work we have to do. At 11 a.m., in Mr. TOWNS' great city and mine, the Yankees will have a ticker tape parade along the Canyon of Heroes. After that, they will go to city hall at 1 o'clock where every other elected official except Members of Congress will be there taking pictures with the Yankees.

So that is one of the reasons why we are here today, to do our part in celebrating this great team; to do our part in celebrating their home in the Bronx, New York; to do our part in saying that, yes, we have problems in this country; yes, we have serious debate; yes, we have difficulties, but we can take some time to celebrate something that is beautiful, something that we can come together on.

Even Boston Red Sox fans, I'm sure, are celebrating the Yankee victory—well, I try to always tell the truth, but every so often I bend it a little bit.

Ladies and gentlemen, and to the leadership, thank you very much for putting this resolution on the floor. Thank you for this opportunity to honor our beloved Yankees. Congratulations to the Yankee management, to the Steinbrenner family; to my friend, Randy Levine; to Joe Girardi; and to all the Yankees that made this the winning season it has been. Congratulations. Viva los Yankees. Thank you.

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

You know, baseball is such a great sport. It is often referred to as our national pastime because it's a great way to escape the realities of all the pressures that happen in life. It has done that for so many people and will continue for decades and centuries to come, I'm sure. But the reality, once the game is over and we go back home and people start to realize what is truly happening in their lives, there is a lot of concern out there. You have people all across this country, right in the pit of their stomach they're worried. They're worried about their future; they're worried about their kids; they're worried about their parents. And so we look at statistics that come out and we just gaze and wonder and think, gosh, my goodness, what can we do to help? Unfortunately, I believe that we are moving in the wrong direction in this country.

Earlier this week, we saw some new statistics that came out. Supposedly there were 640,000 jobs that were either created or saved through the stimulus. Now, I have serious reservations about the accuracy of those numbers.

They have been often overstated; I know they were overstated in our State of Utah. But let's go ahead and just assume that that is true. Part of this report showed that only 2,500 of 640,000 jobs were manufacturing jobs. But the stimulus bill and the economic policies instituted by this Congress and this administration have grown government; they haven't grown jobs. We have missed the mark. The very best hope for our future is to focus on small

business. It's going to be businesses and the American entrepreneur that are going to grow this country. It is not going to be government.

There is another statistic that was released today where the unemployment rate unfortunately has gone to 10.2 percent. In many States it has been in double digits for a long time.

The stimulus did not work. It is not doing what it is supposed to do because it was fundamentally flawed from the beginning; it was fundamentally flawed at the start. It did not give relief; it did not focus on the small business man and woman. It did not focus on Main Street. It was a bailout to government, it was a bailout to the States, and it's fundamentally wrong.

And so at this time, when we are having such concern about our country, we are now considering a health care bill I doubt most any person in the body has actually fully read let alone comprehended from start to finish. It's 1,990 pages. It is so complex; it is a total takeover of health care. It demonstrates in there that there is going to be a tax increase on medical device manufacturers, a so-called ''wheelchair tax.'' Whether you buy your wheelchair or crutches or need a defibrillator, whatever it might be, they're now going to have a tax increase. Weren't we promised that there wouldn't be one dime, not one dime of tax increase for anybody who is earning less than $250,000? This is a tax that is going to be implemented on every single American, every American.

□ 0930

There are tax increases on small businessmen and -women. Yet we know that 70 percent of the jobs that will be created in this country will come from small businesses. So, at the very time we need that economic engine to drive us forward, to propel us forward as a country, this administration and the bill we are considering would implement a tax increase at the wrong time.

Madam Speaker, I reserve the balance of my time.

Mr. TOWNS. Madam Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from New York has 12 minutes remaining. The gentleman from Utah has 15 minutes remaining.

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

Mr. CHAFFETZ. Madam Speaker, I yield as much time as he may consume to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I appreciate my friend from Utah for yielding.

Madam Speaker, it is an honor even for a Texan to pay tribute to the team from New York. Even as a kid growing up, you know, when I was 6 years old and was out on the playground, I was one of many who wanted to be Mickey Mantle, as we started playing, and Roger Maris. You know, the first bat I was ever given for Christmas had Bobby Richardson's name on it. Who could forget his incredible grand slam?

The New York Yankees have always been a franchise that has prided itself on excellence. Sure, they've had some bad years along the way, but nobody touches their record when it comes to the World Series. It probably goes without saying, but my friend from New York does look good in a New York Yankee's hat even though he's not allowed to wear it on the floor.

As I thought about the Yankee team—and you go back to, you know, thinking about an incredible player like Lou Gehrig, and he considered himself the luckiest man in the world. Those were great teams—excellence on the field of play—and you think about having a closer in the bullpen that, when you get ahead, you bring in Rivera, and he's going to close out, and you're going to win, and he knows it.

You know, some of Reggie Jackson's cockiness sometimes bothered me, but you just knew that, come late in the season, no matter whether he'd had a slump or not, the guy was such an incredible baseball player that he was going to come through. You just knew because he knew.

As I've thought over the years of the incredible excellence of the New York Yankees—and this takes a real effort on my part to pay tribute to that kind of excellence in New York. They have been good so many times—not just good but great. Then it took me to thinking about all of the cities in America, including right here in Washington, D.C., which have not been so fortunate, you know, and where wins have come so difficultly. It's such a struggle. You lose week after week, and you think, Do you know what we need? Maybe we need a public option for baseball teams. Why is it fair that one city gets to have the corner on the market of all of the excellence in baseball? You know, shouldn't we spread that around the country? You know, not everybody has the money that New York City has to spend on baseball, so let's have more choice.

Let's give the government a few baseball teams. That way, people can choose to support the government baseball team when their town really can't afford to have one or they can choose to support the independent baseball teams like those in New York; but we'll probably need to put a cap on New York so that everybody will spend exactly the same amount of money. Nobody can spend more because, you know, there's a bigger TV market in New York, which gives them more revenue and which allows them to pay more for baseball players. Even with a cap, they're able to spend more money, and it just creates unfairness. We should avoid having one team be so excellent, maybe, by spreading it around and by letting people choose a government option baseball team. That's what was occurring to me.

I had a conversation this morning with a Democrat for whom I have tremendous respect, tremendous respect. We come at problems from different directions. He was sincerely saying that he believed that—you know what?—we don't know enough as patients when a doctor tells us we need treatment or when we need an MRI or a test. We don't know enough to say, No, we don't, or, Maybe we shouldn't. We have to rely on the doctors, and the doctors are out to make a profit. You know, when times get tough, maybe they order more MRIs. Who are we to know? We need that help from the government to make our decisions.

As I thought about it, can you imagine a baseball team that the government runs? I mean, if the Nats played nothing but government-run baseball teams, they would have been in the World Series this year. I mean it's just that pronounced.

My Democratic friend, again, I have the utmost respect. He is truly a good man, but he just believes, in his heart, that people need that help from the government to make their decisions in the most personal areas of their lives. I don't believe that. I believe that you let people spend their own money, that you encourage tax incentives to have health savings accounts of people's own so it's their own money to be spent on health care and that you don't let the insurance companies make those decisions. I don't like them making decisions for me. I'm changing insurance companies at the end of this year, but we don't want the government, some of us, making those calls either. Let's allow the individuals to excel or to fail or to succeed on their own.

For those in our society who simply cannot afford to have health savings accounts, let's give those to them, and then let's provide the catastrophic insurance to cover things above that. That's in my health care bill. Then encourage everyone else who can to go in that direction, and let's not allow the government to make those decisions for us.

I saw socialized medicine in 1973 where the government makes those decisions for people. They don't get that choice, and they would have loved to have had that choice. If you've got your own health savings account and if the insurance company can't tell you what to do and if the government can't tell you what to do and if you're not sure that the doctor's telling you to get an MRI is the thing to do, then you go get a second opinion. You know, of course, that's where the joke comes in.

Somebody like me goes to a doctor, and he says, I think you're ugly.

I want a second opinion.

Well, you know, you're not a very good athlete either.

Anyway, we should be able to get second opinions, not because the government says that we should, not because the insurance companies say we shouldn't, but of our own choice. I believe in the ability and in the propriety of the individuals. That's what the Founders believed in.

The truth of the matter is, if I take my tongue out of my cheek, the New York Yankees excel as individuals and as a team. They are given that ability to excel. Thank God the New York Yankees are not a government option, because they showed us what incredible baseball really can be when people are allowed to reach their full potential. That's what I'd like to see all around, including in health care—not a government takeover, not a government telling us what to do and, thank God, not a government telling baseball teams whether to pull a squeeze play or whether they can or can't intentionally walk somebody. Let the baseball teams make their own decisions, and then you have excellence like we saw this year in the New York Yankees.

Mr. TOWNS. Madam Speaker, before I yield 5 minutes to the gentleman from New York, I would just like to say that, for a moment there, I thought the gentleman from Texas was trying to help us close a doughnut hole, but after a point there, I wasn't sure as to where he was going. First, he praised the Yankees, and then at the same time, he indicated that there were some problems. The point is that, at the end, he indicated that he was very supportive of the Yankees.

We want to thank you for that.

I yield 5 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend from New York for yielding to me.

I think the gentleman from Texas came out in favor of a public option, so I'm really happy about that.

Madam Speaker, I rise this morning, of course, to congratulate the New York Yankees on its 27th winning of the World Series.

I'm about as Bronx as you can get. I was born in the Bronx, and I've represented parts of the Bronx for the past 21 years. I still live in the Bronx. I always tease Mr. SERRANO because, you know, we change district lines. Every 10 years, we get redistricted, and if we still had the 1992–2002 lines, Yankee Stadium would be in my district instead of in Mr. SERRANO's.

I was there at the World Series. I was there for game 6, and I can tell everyone that the celebration after the Yankees won, both in Yankee Stadium and outside of Yankee Stadium on River Avenue and 161st Street, was like New Year's Eve. I've never seen anything like it in my life.

As we speak today, the Yankees are in New York, having a ticker-tape parade up Broadway. We all wish we could be there, but of course we have pressing business here in Washington, so we are in Washington, but if I could, I would be in New York for the ticker-tape parade, which is just a fantastic experience. Several years ago, I had the experience of riding in the ticker-tape parade. I am very proud of the Yankees and of what they have done.

You know, the Bronx, for many years, has been maligned. Congressman SERRANO and I, who both live in the Bronx, know what a wonderful borough it is, what a wonderful county it is, and what wonderful people live in the Bronx neighborhoods. Sometimes the media report on some of the negative things, and every time I go to a community meeting or see a civic association fighting for its community, I always ask, Why isn't the media here? Because this is the real Bronx. I am very, very proud of the Bronx and am very, very proud of the symbol of the Bronx—the New York Yankees.

They're not called the Bronx Bombers for nothing. They're called the Bronx Bombers because they are bombers, and they're from the Bronx. I'm proud to be a Bronxite. I'm proud to live in the Bronx, and I'm proud of the New York Yankees.

I know it's violating rules to put a hat on, but I'm going to do it just for 2 seconds because I think it's really important that I put this on. This hat is worn more than any other hat. We see people in far corners of the world who are wearing a Yankee hat. In Asia, in Africa, in Europe, in the Middle East, wherever we go, we see people wearing Yankee hats. So it's really a symbol of unity. It's a symbol at a time when we need unity, not only in this country but around the world. I'm just so proud of the New York Yankees—of the Bronx Bombers—and I'm proud to be a son of the Bronx.

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

Madam Speaker, again, we congratulate the New York Yankees, but we also recognize that the administration, the people who work there, the guy who sells the popcorn, and the fans who go there are also going to have to deal with the realities of what's happening and what will potentially happen with this health care bill that we are dealing with.

One of the deep concerns that we have about what these fans, the players, and particularly their wives, are going to have to deal with in our potentially passing this 1,990-page bill is that there are 118 new boards, bureaucracies, commissions, and programs that we believe are created within that bill. Let me just read the list. I'm going to go through this as fast as I possibly can. Bear with me here.

The retiree reserve trust fund; the grant program for wellness programs to small employers; the grant program for State health access programs; the program of administrative simplification found on page 76; the health benefits advisory committee; the health choices administration; the qualified health benefits plan ombudsman; the health insurance exchange; a program for technical assistance to employees of small businesses buying exchange coverage as found on page 191; a mechanism for insurance risk pooling to be established by health choices commissioner; the health insurance exchange trust fund; the State-based health insurance exchanges as found on page 197; the grant program for health insurance cooperatives; a public health insurance option as found on page 211; an ombudsman for public health insurance option.

No. 16, an account for receipts and disbursements for public health insurance option; the telehealth advisory committee; a demonstration program providing reimbursement for culturally and linguistically appropriate services as found on page 617; a demonstration program for shared decisionmaking using patient decision aids as articulated on page 648; an accountable care organization pilot program under Medicare; an independent patient-centered medical home pilot program under Medicare.

No. 22, a community-based medical home pilot program under Medicare; an independence at home demonstration program; the center for comparative effectiveness research as found on page 734; the comparative effectiveness research commission; the patient ombudsman for comparative effectiveness research; a quality assurance and performance improvement program for skilled nursing facilities.

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No. 28, the quality assurance and improvement program for nursing facilities; a special focus facility program for skilled nursing facilities; special focus facility program for nursing facilities; the national independent monitor pilot program for skilled nursing facilities and nursing facilities, as found on page 859; a demonstration program for approved teaching health centers with respect to Medicare GME; pilot program to develop anti-fraud compliance systems for Medicare providers.

We are up to No. 33. We have to get to 118. There is no possible way that this body understands the complexity and what all of these programs do—that's the point—let alone the American people. We need time to digest this. Somehow the President wants to take more than 60 days to study a program because it's of deep significance to what we will do or not do in Afghanistan; yet we have hours to digest what's going to affect 16-plus percent of our economy in all of these different programs.

No. 34, the special inspector general for the health insurance exchange; the medical home pilot program under Medicare, as found on page 1,058; accountable care organization pilot program under Medicaid; the nursing facility supplemental payment program; a demonstration program for Medicaid coverage to stabilize emergency medical conditions in institutions for mental diseases; comparative effectiveness research trust fund; ''identifiable office or program'' within CMS to ''provide for improved coordination between Medicare and Medicaid in the case of dual eligibles,'' as found on page 1,191; the center for medicare and medicaid innovation. Again, this is No. 41 on the list.

No. 42, public health investment fund; No. 43, scholarships for service in health professional needs areas; program for training medical residents in community-based settings; grant program for training in dentistry programs; public health workforce corps; the public health workforce scholarship program, as found on page 1,254; No. 48 on the list, public health workforce loan forgiveness program; No. 49, grant program for innovations in interdisciplinary care; No. 50, advisory committee on health workforce evaluation and assessment.

Madam Speaker, I would like to inquire as to how much time we have remaining?

The SPEAKER pro tempore. The gentleman from Utah has 1 minute remaining.

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

Mr. TOWNS. Does the gentleman have other speakers?

Mr. CHAFFETZ. I have one speaker remaining.

Mr. TOWNS. How much time do we have available on this side, Madam Speaker?

The SPEAKER pro tempore. The gentleman from New York has 8½ minutes remaining.

Mr. TOWNS. I yield myself as much time as I may consume.

I just want to make certain my friend from Utah understands what we are talking about here this morning. I think he is confused. I think he thinks this is H.R. 3962, but this is a resolution congratulating the 2009 Major League Baseball World Series Champions, which is the New York Yankees. I want to make certain that he understands that's what this discussion is about because for a moment there I thought he was talking about H.R. 3962. I understand that debate is going to be tomorrow.

I don't know whether he is generally a day early in matters of this nature or what, but the point is that I just want to make it clear to let him know that's what we are talking about, the New York Yankees who won the World Series, and this resolution deals with that. I just want to sort of remind him, just in case he had forgotten what we were talking about. He is a very good friend of mine, incidentally. We have been traveling together and all of that. I am telling you this morning I am convinced that he is confused. This is about baseball, of the Yankees winning the World Series, and he keeps thinking it's about health care.

I just want to make certain that he knows that because I listened to his comments very carefully, and I can't see anything that connects with baseball in the conversation that he has put forward. I thought maybe one time he was talking about somebody striking out, but then I listened real carefully, and no, maybe he is talking about hitting a home run. Then I listened a little carefully, and he wasn't talking about a home run. Then I realized that he was just confused about the issue this morning.

Let's me just say to you, Madam Speaker, the story of the New York Yankees and the story of baseball is the story of America. With hard work, talent, the support of a community, and a little bit of luck, they have been able to find success.

When I think about the Bronx and what this team has done, not only for the Bronx but for the City of New York and the Nation in terms of how people rallied around, and the economic development that has come out of it and the fact that people have been able to be provided with a lot of things they would not have been able to be provided with as a result of their success and as a result of them being placed in the Bronx, I want you to know that I see this as truly a team effort in terms of the community being involved; of course, in terms of the City of New York being involved; and of course, the Nation being involved because of the fact that, as my colleague from New York, Congressman ENGEL, pointed out that you see people all around the world wearing hats that say New York, New York Yankees, because they are proud and they know in terms of what the team has meant not only to the city but to the Nation.

On this note, Madam Speaker, I, of course, say to my colleague, this is H. Res. 893 congratulating Major League Baseball and not H.R. 3962.

Mr. ENGEL. Would the gentleman yield?

Mr. TOWNS. I would be delighted to yield to the gentleman from New York.

Mr. ENGEL. I want to thank my friend, Mr. TOWNS, for pointing out that this is a resolution supporting and congratulating the New York Yankees. I grew up less than a mile from Yankee Stadium, and I have seen the Bronx during good times and bad times. These are good times now.

So I want to congratulate the Steinbrenner family. I want to congratulate Randy Levine and Lonn Trost and all the others who are connected with the New York Yankees.

I am glad that the gentleman from New York (Mr. TOWNS) pointed out that this is a resolution about the Yankees. Frankly, I think that people should have the respect to talk about the Yankees when we are debating a resolution about the Yankees, not to talk about other bills or other things that the Congress is doing.

I would hope that our friends on both sides of the aisle would respect that and would congratulate us and would congratulate the New York Yankees.

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

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

I would like to concur with, actually, my friend from New York. He is a distinguished Member of this body. I agree that there is confusion in this room. While the Democrats want to talk baseball, we want to talk about health care.

The only thing that I am concerned about is, yes, we are going to go ahead and recognize the New York Yankees. I urge the adoption of this and spoke to that. But while the New York Yankees are winning the World Series, the American families are striking out. That's the point. That's the point.

We can pause for a moment and recognize the New York Yankees. We can pause, and we should, for an extended time of what happened at Fort Hood. We also have to remember the focus on the debate in this body ought to be about the serious issues of this day, and there are deep concerns about the 1,990-page health care bill that is going to come before this body because there are those of us who don't fully believe that we understand all of the implications, unintended consequences, and direct consequences of what is found in that bill.

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

Mr. TOWNS. I yield 1 minute to the gentleman from the Bronx, Mr. SERRANO.

Mr. SERRANO. I thank the gentleman.

I understand what the other side is trying to do. I don't think the American people have a problem with the fact that we pause momentarily in our very serious work to celebrate something positive that is happening in our country; just the way we pause when something terrible happens, a tragedy, we pause to take time out.

I make no excuses about the fact that this is a resolution I brought to the floor and that I sponsored this resolution. But I really think it's a shame that we would take this moment to use it to attack on a partisan issue other issues.

The New York Yankees won the World Series. Americans love sports. Americans celebrate success, and I am positive that there is not a single American in this country, except for some in this House, who would think that what we are doing today is wrong.

This weekend we will deal with the biggest issue of our time. For this moment, for these 20 minutes of this whole week, we take to celebrate the American pastime, baseball and its global implications in bringing so many people together.

The SPEAKER pro tempore. The gentleman from Utah's time has expired. The gentleman from New York has 3 minutes remaining.

Mr. TOWNS. Madam Speaker, let me say to the gentleman from Utah, one of the great athletes of our time holds records in terms of kicks, field goals, extra points, all of that, a person who should be deeply indebted to sports and to athletics because I am certain that he said sometime during his life that I would not be what I am or I could not be what I am if it had not been for sports. I am sure he has made speeches and has said that along the way, that

everything that I am and everything I hope to be, I owe it to football. I am certain he said it.

But then to come this morning and to ignore the accomplishments of a team that won the World Series—and we are pausing for 20 minutes to say congratulations—I don't think, to me, that's out of line.

But I do think that when you twist it and you talk about something else that's not related to the resolution, I think that's unfair, and I think that I would use a word that might be a little strong for him. I would say that's inappropriate on this occasion anyway, recognizing that I know that he has been very involved in athletics.

Of course, Madam Speaker, I would like to take this time to recognize the Yankees again and to say to them and to Mr. Steinbrenner and, of course, Randy Levine and all of them that had the opportunity to put together this magnificent team that has made all of us proud.

Of course, we again salute the New York Yankees, the world champions, who happens to be a team that is based in the Bronx.

Mr. MCMAHON. Madam Speaker, I rise today to congratulate the New York Yankees, baseball's most storied franchise, on winning their 27th World Series. After a hard-fought series, the Yankees won game six at home in the Bronx against the Philadelphia Phillies. Winning their record 27th World Series is something that the whole organization, city, and State can be proud of. I am elated to join my fellow Representatives from New York and Representatives from across this great country in honoring this historic moment. The Yankees have won more championships than any other baseball club in history.

The Yankees certainly have a season to be proud of. After finishing at the top of the American League's Eastern Division, the Yankees went on to beat the Minnesota Twins 3–0 in the American League Division Series. Facing off against the Los Angeles Angels of Anaheim in the American League Championship Series, the Yankees fought hard to win the series four games to two.

Under the leadership of team captain and ten-time all-star Derek Jeter, the Yankees have added another heroic chapter to the story that already includes such immortals and Lou Gehrig, Babe Ruth, Joe DiMaggio, Mickey Mantle, Yogi Berra, Reggie Jackson, and Don Mattingly. I am proud to not only be from the great city of New York, but I am also proud to represent the Yankees minor league affiliate, the Staten Island Yankees, also known as the Baby Bombers.

The Yankees and their farm teams bring much to the places they reside. They bring, pride, hope, jobs, and on occasions such as this week, they bring happiness and joy to their many supporters.

Ms. CLARKE. Madam Speaker, I rise today in an Empire State of Mind, to voice my full support of H. Res. 893. I am a lifelong New Yorker and proud to stand with the New York City Congressional Delegation and congratulate the "Bronx Bombers," also known as the New York Yankees on winning their 27th World Championship. Amazingly, the Yankees have won more championships than any other franchise in North American professional sports history. This would not have been possible without the contributions of some of baseball's greatest players. Historic players like Babe Ruth, Joe DiMaggio, Mickey Mantle, Lou Gehrig, Yogi Berra, Elston Howard, Roger Maris, Reggie Jackson, Don Mattingly, Ricky Henderson, Bernie Williams, Willie Randolph, Paul O'Neill, Mariano Rivera, Coach Joe Girardi, Alex Rodriguez, Andy Pettitte and my all time favorite, Derek Jeter. These players have all contributed to the fame and legacy of this historic franchise.

Throughout my entire life, the Yankees have been a symbol of great baseball and epitomized the vibrant spirit, unyielding hope and strength of the great city of New York. The city's history has been through much adversity and challenge. Thankfully, the Yankees have helped us get through the best of times and the worst of times. Their winning history has helped lift our spirit and boost our morale through the Great Depression, the terrorist attacks of September 11, 2001, and this current economic crisis. Over the years, this great franchise has lit the torch of honor and resilience, showing the nation that no matter what our city, state or country goes through, victory is on the horizon.

I congratulate the franchise owner, George Steinbrenner, as well as manager Joe Girardi, the players, the staff, the millions of fans all over the world and all who contributed to this monumental achievement.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 893.

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. SERRANO. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

SMALL BUSINESS MICROLENDING EXPANSION ACT OF 2009

Ms. VELÁZQUEZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3737) to amend the Small Business Act to improve the Microloan Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3737

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Microlending Expansion Act of 2009".

SEC. 2. MICROLOAN CREDIT BUILDING INITIATIVE.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following:

"(14) CREDIT REPORTING INFORMATION.—The Administrator shall establish a process, for use by an intermediary making a loan to a borrower under this subsection, under which the intermediary shall provide to the major credit reporting agencies the information about the borrower, both positive and negative, that is relevant to credit reporting, such as the payment activity of the borrower on the loan. Such process shall allow an intermediary the option of providing information to the major credit reporting agencies through the Administration or independently.".

SEC. 3. FLEXIBLE CREDIT TERMS.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended—

(1) in paragraph (1)(B)(i) by striking "short-term,";

(2) in paragraph (6)(A) by striking "short-term,"; and

(3) in paragraph (11)(B) by striking "short-term,".

SEC. 4. INCREASED PROGRAM PARTICIPATION.

Section 7(m)(2) of the Small Business Act (15 U.S.C. 636(m)(2)) is amended—

(1) in subparagraph (A) by striking "paragraph (10)" and inserting "paragraph (11)"; and

(2) by amending subparagraph (B) to read as follows:

"(B) has—

"(i) at least—

"(I) 1 year of experience making microloans to startup, newly established, or growing small business concerns; or

"(II) 1 full-time employee who has not less than 3 years of experience making microloans to startup, newly established, or growing small business concerns; and

"(ii) at least—

"(I) 1 year of experience providing, as an integral part of its microloan program, intensive marketing, management, and technical assistance to its borrowers; or

"(II) 1 full-time employee who has not less than 1 year of experience providing intensive marketing, management, and technical assistance to borrowers.".

SEC. 5. INCREASED LIMIT ON INTERMEDIARY BORROWING.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended—

(1) by striking "$750,000" and inserting "$1,000,000";

(2) by striking "$3,500,000" and inserting "$7,000,000"; and

(3) by adding at the end the following: "The Administrator may treat the amount of $7,000,000 in this subparagraph as if such amount is $10,000,000 if the Administrator determines, with respect to an intermediary, that such treatment is appropriate.".

SEC. 6. EXPANDED BORROWER EDUCATION ASSISTANCE.

Section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) is amended—

(1) in clause (i) by striking "25 percent" and inserting "35 percent"; and

(2) in clause (ii) by striking "25 percent" and inserting "35 percent".

SEC. 7. YOUNG ENTREPRENEURS PROGRAM.

Section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) is amended by adding at the end the following:

"(G) YOUNG ENTREPRENEURS PROGRAM.—

"(i) IN GENERAL.—An intermediary that receives a grant under paragraph (1)(B)(ii) may establish a program for the geographic area served by such intermediary that provides to young entrepreneurs technical assistance regarding the following:

"(I) Establishing or operating a small business concern in the geographic area served by the intermediary.

''(II) Acquiring or securing financing to carry out the activities described in subclause (I).

''(ii) YOUNG ENTREPRENEUR DEFINED.—For purposes of this subparagraph, a young entrepreneur is an individual who—

''(I) is 25 years of age or younger; and

''(II) has resided in the geographic area served by the intermediary for not less than 2 years.

''(iii) GOOD FAITH EFFORT REQUIREMENT.—If a young entrepreneur who receives technical assistance under this subparagraph from an intermediary establishes or operates a small business concern, the young entrepreneur shall make a good faith effort to establish or operate such concern in the geographic area served by the intermediary.

''(iv) DEFERRED REPAYMENT.—If a small business concern established or operated by a young entrepreneur receives a loan under this subsection, such concern may defer repayment on such loan for a period of not more than 6 months beginning on the date that such concern receives the final disbursement of such loan.''.

SEC. 8. INTEREST RATES AND LOAN SIZE.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended—

(1) in paragraph (3)(F)(iii) by striking ''$7,500'' and inserting ''$10,000'';

(2) in paragraph (6)(C)(i) by striking ''$7,500'' and inserting ''$10,000''; and

(3) in paragraph (6)(C)(ii) by striking ''$7,500'' and inserting ''$10,000''.

SEC. 9. REPORTING REQUIREMENT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended by adding at the end the following:

''(15) REPORTING REQUIREMENT.—Not later than 90 days after the end of each fiscal year, the Administrator shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that includes, with respect to such fiscal year of the microloan program, the following:

''(A) The names and locations of each intermediary that received funds to make microloans or provide marketing, management, and technical assistance.

''(B) The amounts of each loan and each grant provided to each such intermediary in such fiscal year and in prior fiscal years.

''(C) A description of the contributions from non-Federal sources of each such intermediary.

''(D) The number and amounts of microloans made by each such intermediary to all borrowers and to each of the following:

''(i) Women entrepreneurs and business owners.

''(ii) Low-income entrepreneurs and business owners.

''(iii) Veteran entrepreneurs and business owners.

''(iv) Disabled entrepreneurs and business owners.

''(v) Minority entrepreneurs and business owners.

''(E) A description of the marketing, management, and technical assistance provided by each such intermediary to all borrowers and to each of the following:

''(i) Women entrepreneurs and business owners.

''(ii) Low-income entrepreneurs and business owners.

''(iii) Veteran entrepreneurs and business owners.

''(iv) Disabled entrepreneurs and business owners.

''(v) Minority entrepreneurs and business owners.

''(F) The number of jobs created and retained as a result of microloans and marketing, management, and technical assistance provided by each such intermediary.

''(G) The repayment history of each such intermediary.

''(H) The number of businesses that achieved success after receipt of a microloan.''.

SEC. 10. SURPLUS INTEREST RATE SUBSIDY FOR BUSINESSES.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended by adding at the end the following:

''(16) INTEREST ASSISTANCE.—The Administrator is authorized to make grants to intermediaries for the purposes of reducing interest rates charged to borrowers that receive financing under this subsection.''.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

''(f) FISCAL YEARS 2010 AND 2011 WITH RESPECT TO SECTION 7(m).—

''(1) PROGRAM LEVELS.—For the programs authorized by this Act, the Administration is authorized to make during each of fiscal years 2010 and 2011—

''(A) $80,000,000 in technical assistance grants, as provided in section 7(m);

''(B) $110,000,000 in direct loans, as provided in section 7(m); and

''(C) $10,000,000 in interest assistance grants, as provided in section 7(m)(16).

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out paragraph (1).''.

SEC. 12. REGULATIONS.

Except as otherwise provided in this Act or in amendments made by this Act, after an opportunity for notice and comment, but not later than 180 days after the date of the enactment of this Act, the Administrator shall issue regulations to carry out this Act and the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Madam Speaker, I just would like the record to reflect the fact that I am a Mets fan, and I do not associate myself with the previous comments.

During economic downturns, like the one our Nation faces today, many Americans who cannot find work elsewhere take the initiative to launch their own ventures. Time and time again, these start-up businesses have helped strengthen the economy, created new jobs, and led our Nation to recovery. And in the short term, these new businesses give hard-working Americans a way to support their families when times are tough.

The Small Business Administration's microloan program helps entrepreneurs secure the start-up capital they need to get new ventures off the ground. Microloans have always been a great tool for job creation. At its core, this program is about helping Americans with a good business idea take the first step to get a new business off the ground.

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New businesses mean new jobs. With this bill, we are making the microloan program an even more powerful tool for job creation.

The legislation before us will make a number of important changes to improve how the SBA microloan program functions. Under the bill, we will reduce the interest rate that borrowers pay in the program. The bill will also help more lenders get involved in the program, giving businesses more options and making it easier to access the program. And this legislation will allow existing lenders to increase the amount of money they lend. These changes will expand the program's capacity and mean additional capital flows to small businesses.

Finally, the bill allows lenders to spend more on providing technical assistance for small firms. The valuable services that microlenders provide, like teaching entrepreneurs how to write a business plan, often means the different between a new venture succeeding or failing.

The American spirit of entrepreneurship is critical during times of economic downturn. By improving the SBA's microloan program and getting more capital in the hands of small business owners, this bill will accelerate our Nation's recovery. I urge the bill's passage. I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of H.R. 3737, which is the Small Business Microlending Expansion Act of 2009, and with that, I will go ahead and yield such time as he may consume to the gentleman from Indiana (Mr. PENCE), who is the Chairman of the Republican Caucus.

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

Mr. PENCE. Mr. Speaker, first, I thank the gentleman for yielding.

Let me thank the chairman of the committee and the ranking member for working in a bipartisan way on what is very worthy legislation that I support. Small business America is the engine of the American economy, and I appreciate in these tumultuous times the development of this program in this legislation.

But I rise today with a heavy heart, Mr. Speaker, a heavy heart, because this morning we crossed a milestone. Unemployment was announced this morning at 10.2 percent, the worst rate of unemployment in the United States of America since 1983. Now, that is just a number, but I can't help but feel and see in my mind the faces and the families and the businesses that that represents.

Working families, small businesses, and family farmers in this country are hurting; and at 10.2 percent unemployment, it is time for this Congress to rethink the approach that we have taken to legislation and to this economy.

First, on the economy. Clearly, the so-called stimulus bill that was passed in February of this year has failed. The American people know that we can't borrow and spend and bail our way back to a growing economy. But, sadly, that was the approach that this administration and this majority took. Borrowing more than $700 billion from future generations of Americans, spreading it out in a wish list of liberal spending priorities, has seen unemployment go from 7.5 percent at the time the stimulus bill was passed to today's gut-wrenching 10.2 percent unemployment. So we have got to take a different approach to this economy.

Back in Indiana, I can tell you a lot of things we focus on out here are not really what I hear about walking up and down the streets of Muncie and Anderson and New Castle, Indiana. I hear people talking about jobs. People are asking, when is Congress going to get the message that the time has come for us to enact fast-acting tax relief for working families, small businesses, and family farms, tax relief that would take effect right now, hit the bottom line of households and businesses all across this country right now?

Republicans offered an alternative to the so-called stimulus bill earlier this year that, using the economic models of the White House at the time, would have cost half as much and created twice as many jobs; and there is still time to get it right.

The lessons of history are clear: John F. Kennedy knew it, Ronald Reagan knew it, and after the Towers fell, George W. Bush knew it. The way to jump-start the American economy is to give the American people more of their hard-earned tax dollars to spend on their families and on their enterprises, and that we should do. That is first.

Secondly, let me say I think the time has come, Mr. Speaker, for this Congress to make the priorities of the American people its priorities and set aside this massive government takeover of health care that is being driven to the floor of the Congress tomorrow, with $700 billion in higher taxes, with $1.3 trillion in new spending. 111 new government programs and bureaucracies are created; 43 entitlements are created or expanded.

At 10.2 percent unemployment, now is not the time to launch a massive new government-run insurance plan and pay for it on the backs of working families, small businesses, and family farms.

An analysis of the tax increase, there is $729.5 billion in new taxes on small businesses and individuals who can't afford health coverage in the Democrat health care bill. I saw one piece of analysis that suggested that, despite the President's promise in last year's election that he would allow no tax increases on any Americans that make less than $200,000 per year, 87 percent of the new taxes in the Democrat health care bill will be paid by Americans who make less than $200,000 per year. A 1,990-page bill creating a massive new government-run insurance plan at a time when working families and small businesses are struggling and shedding jobs and making sacrifices at home and at work just to keep the lights on and the doors open is unthinkable.

So, Mr. Speaker, I plead with this party: Belay your plans to launch a government takeover of health care. Put the interests of American families in this hurting economy first. Let's not add the insult of a massive new government program to the injury of 10.2 percent unemployment.

And one last point. I note, Mr. Speaker, an admired colleague of mine just moments ago said on the floor of this House that it was a shame that Members of the minority were using unrelated legislation to talk about health care reform, and I don't begrudge that esteemed Member his opinion.

But let me say, with press reports that suggest that we won't spend any more than half a day on the floor of this House debating what could amount to a government takeover of one-sixth of the American economy, it is a shame. There are great ideas on the Democrat side of the aisle. I want to say without hesitation, there are better ideas on the Republican side of the aisle.

But why don't we let the People's House work its will? Why don't we start the debate immediately? Let's bring the hundreds of amendments that Republicans and Democrats have offered, as we do with appropriations bills, let's bring them to the floor. Let's have wide-open, free-wheeling debate, and let's call the votes one after another. I have nowhere to be, except home standing with my veterans next Wednesday, from now until Thanksgiving. So let's get started. Let's go around the clock.

The people that should be feeling shame, Mr. Speaker, are those that would pile drive through this Congress a massive expansion of the Federal Government, an enormous increase in taxes, at a heart-breaking time when unemployment reaches historic levels in this generation. It is time for Washington, DC, to listen to the heart of the American people and make their priorities our priorities.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3737, as amended.

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

There was no objection.

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

I just would like to comment to the previous speaker that it seems like the American public didn't buy the argument that the other side has a better idea, and that is why they are in the minority today.

I would like to take this opportunity to commend the sponsor of this bill, Mr. ELLSWORTH from Indiana.

I would like to inquire from the ranking member if he has further speakers at this time?

Mr. GRAVES. Just myself, Mr. Speaker.

Ms. VELÁZQUEZ. I reserve my time.

Mr. GRAVES. Mr. Speaker, just before I get started, in talking about the last bill that was up, I want the chairman of the committee to know that I am going to reserve my judgment on how I am going to vote on that bill, since we have a recorded vote, until I consult with her, given her statement that she is a Mets fan. So I just wanted to make sure she knew that. So I will wait to see how she votes before I make a decision on how I am going to vote on that.

Mr. Speaker, I mentioned earlier I do rise today in support of H.R. 3737, which is the Small Business Microlending Expansion Act of 2009. The committee has worked on a very bipartisan basis to bring this technical but very important piece of legislation to the floor.

H.R. 3737 represents the first substantive change to the microloan program in nearly a decade. In the United States, microlending is used as potential engines of economic activity for those individuals that do not have access to commercial financial institutions and the technical knowledge needed to start a small business.

The Small Business Administration created a pilot program and Congress created a permanent authority for the program in 1992. SBA does not provide micro-credit directly to entrepreneurs. Instead, the SBA provides below-market rate loans to nonprofit intermediaries. These institutions then make loans to entrepreneurs.

As with other SBA financing programs, the SBA does not provide all the funds for financing. Intermediaries must contribute 15 percent of the value of loans in non-Federal funds.

But the key to the success of microlending is not the loans, but, rather, it is the education and counseling that the intermediaries provide to their borrowers. With this knowledge, these entrepreneurs are able to manage their financial resources and ensure repayment of the loans. The success is demonstrated by the very low number of defaults by borrowers and cost-effective means by which it produces jobs in areas that need economic revitalization.

Despite its success, the microloan program needs to be revised in light of changes to the economy during the past 6 years and in some cases to update matters that have not been altered since the program's inception more than 15 years ago.

Microlenders exist mainly because normal commercial lending institutions do not provide access to credit for

those who are highly credit risky. One way to improve that is to have borrowers' histories passed along to credit bureaus, and I think having the SBA work with the intermediaries to accomplish the delivery of credit histories will benefit borrowers.

□ 1015

H.R. 3737 also enables the intermediaries to determine the length of the credit that will be made available to the borrowers. Given the expertise of the intermediaries, it makes abundant sense for the determinations on the length of loans to rest with the intermediaries and the borrowers. I want to emphasize that this change has no impact on the loan obligations of intermediaries to the SBA. So the change involves no risk to the Federal Treasury.

H.R. 3737 also raises the level of the average loan size in the intermediary's portfolio from $7,500 to $10,000. This level has not been changed since 1992, and the adjustment is appropriate to take account of inflation in the intervening 15 years. One key element in the microloan program is the preloan training provided by intermediaries to ensure that only those individuals with the right aptitude start small businesses. H.R. 3737 expands the capacity of intermediaries to provide such training.

Again, I would like to thank the chairwoman and the gentleman from Indiana for bringing forward these important changes to the microloan program.

Mr. Speaker, I don't think we have anymore speakers, so I will yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 3737, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

WOMEN'S BUSINESS CENTERS IMPROVEMENTS ACT

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1838) to amend the Small Business Act to modify certain provisions relating to Women's Business Centers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1838

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

SECTION 1. NOTIFICATION OF GRANTS; PUBLICATION OF GRANT AMOUNTS.

Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following new subsection:

''(o) NOTIFICATION OF GRANTS; PUBLICATION OF GRANT AMOUNTS.—The Administrator shall disburse funds to a women's business center not later than 1 month after the center's application is approved under this section. At the end of each fiscal year the Administrator (acting through the Office of Women's Business ownership) shall publish on the Administration's website a report setting forth the total amount of the grants made under this Act to each women's business center in the fiscal year for which the report is issued, the total amount of such grants made in each prior fiscal year to each such center, and the total amount of private matching funds provided by each such center over the lifetime of the center.''.

SEC. 2. COMMUNICATIONS.

Section 29 of the Small Business Act (15 U.S.C. 656), as amended, is further amended by adding at the end the following new subsection:

''(p) COMMUNICATIONS.—The Administrator shall establish, by rule, a standardized process to communicate with women's business centers regarding program administration matters, including reimbursement, regulatory matters, and programmatic changes. The Administrator shall notify each women's business center of the opportunity for notice and comment on the proposed rule.''.

SEC. 3. FUNDING.

(a) FORMULA.—Section 29(b) of the Small Business Act (15 U.S.C. 656(b)) is amended to read as follows:

''(b) AUTHORITY.—

''(1) IN GENERAL.—The Administrator may provide financial assistance to private nonprofit organizations to conduct projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

''(A) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

''(B) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern, including implementing cost-saving energy techniques; and

''(C) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

''(2) TIERS.—The Administrator shall provide assistance under paragraph (1) in 3 tiers of assistance as follows:

''(A) The first tier shall be to conduct a 5-year project in a situation where a project has not previously been conducted. Such a project shall be in a total amount of not more than $150,000 per year. Projects receiving assistance under this subparagraph that possess the capacity to train existing or potential business owners in the fields of green technology, clean technology, or energy efficiency shall receive the maximum award under this subparagraph.

''(B) The second tier shall be to conduct a 3-year project in a situation where a first-tier project is being completed. Such a project shall be in a total amount of not more than $100,000 per year.

''(C) The third tier shall be to conduct a 3-year project in a situation where a second-tier project is being completed. Such a project shall be in a total amount of not more than $100,000 per year. Third-tier grants shall be renewable subject to established eligibility criteria as well as criteria in subsection (b)(4).

''(3) ALLOCATION OF FUNDS.—Of the amounts made available for assistance under this subsection, the Administrator shall allocate—

''(A) at least 40 percent for first-tier projects under paragraph (2)(A);

''(B) 20 percent for second-tier projects under paragraph (2)(B); and

''(C) the remainder for third-tier projects under paragraph (2)(C).

''(4) BENCHMARKS FOR THIRD-TIER PROJECTS.—In awarding third-tier projects under paragraph (2)(C), the Administrator shall use benchmarks based on socio-economic factors in the community and on the performance of the applicant. The benchmarks shall include—

''(A) the total number of women served by the project;

''(B) the proportion of low income women and socio-economic distribution of clients served by the project;

''(C) the proportion of individuals in the community that are socially or economically disadvantaged (based on median income);

''(D) the future fund-raising and service coordination plans;

''(E) the capacity of the project to train existing or potential business owners in the fields of green technology, clean technology, or energy efficiency;

''(F) the diversity of services provided; and

''(G) geographic distribution within and across the 10 regions of the Small Business Administration.''.

(b) MATCHING.—Subparagraphs (A) and (B) of section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) are amended to read as follows:

''(A) For the first and second years of the project, 1 non-Federal dollar for each 2 Federal dollars.

''(B) Each year after the second year of the project—

''(i) 1 non-Federal dollar for each Federal dollar; or

''(ii) if the center is in a community at least 50 percent of the population of which is below the median income for the State or United States territory in which the center is located, 1 non-Federal dollar for each 2 Federal dollars.''.

(c) AUTHORIZATION.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting the following new subsection after subsection (e):

''(f) WOMEN'S BUSINESS CENTERS.—There is authorized to be appropriated for purposes of grants under section 29 to women's business centers not more than $20,000,000 in fiscal year 2010 and not more than $22,000,000 in fiscal year 2011.''.

SEC. 4. PERFORMANCE AND PLANNING.

(a) IN GENERAL.—Section 29(h)(1) of the Small Business Act (15 U.S.C. 656(h)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting the following new subparagraphs after subparagraph (A):

''(B) establish performance measures, taking into account the demographic differences of populations served by women's business centers, which measures shall include—

''(i) outcome-based measures of the amount of job creation or economic activity generated in the local community as a result of efforts made and services provided by each women's business center, and

''(ii) service-based measures of the amount of services provided to individuals and small business concerns served by each women's business center;

''(C) require each women's business center to submit an annual plan for the next year that includes the center's funding sources and amounts, strategies for increasing outreach to women-owned businesses, strategies for increasing job growth in the community, strategies for increasing job placement of women in nontraditional occupations, and other content as determined by the Administrator; and''.

(b) CONFORMING AMENDMENT.—Section 29(h)(1) of the Small Business Act (15 U.S.C. 656(h)(1)), as amended, is further amended by adding the following at the end thereof:

''The Administrator's evaluation of each women's business center as required by this subsection shall be in part based on the performance measures under subparagraphs (B) and (C). These measures and the Administrator's evaluations thereof shall be made publicly available.''.

SEC. 5. NATIONAL WOMEN'S BUSINESS COUNCIL.

The Women's Business Ownership Act of 1988 is amended as follows:

(1) In section 409(a) (15 U.S.C. 7109(a)), by adding the following at the end thereof: ''Such studies shall include a study on the impact of the 2008–2009 financial markets crisis on women-owned businesses, and a study of the use of the Small Business Administration's programs by women-owned businesses.''.

(2) In section 410(a) (15 U.S.C. 7110(a)), by striking ''2001 through 2003'' and insert ''2010 and 2011''.

SEC. 6. APPLICANT EVALUATION CRITERIA.

Section 29(f) of the Small Business Act (15 U.S.C. 656(f)) is amended—

(1) in paragraph (3) by striking ''and'' at the end;

(2) in paragraph (4) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) whether the applicant has the capacity to train existing or potential business owners in the fields of green technology, clean technology, or energy efficiency.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from Oklahoma (Ms. FALLIN) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1838, as amended.

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

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in support of H.R. 1838, the Women's Business Centers Improvements Act. In America today, the face of business is changing. A big part of that change is the growing role of women business owners. Female entrepreneurs are bringing new thought processes and ingenuity into our economy. The Small Business Administration's women's business centers enable women to take these great ideas and put them into practice. Not only do these centers provide the technical training and advice that are available at other SBA centers, but they offer guidance that is specifically tailored to female business owners.

H.R. 1838 will supply these organizations with needed stability. Through technical assistance and counseling, the bill would also renew the program's original mission, bolstering low-income communities. More women than ever before are going into business for themselves. For minorities and socially disadvantaged women, launching your own enterprise is an especially important option. We have heard time and again stories of women lifting themselves out of poverty by starting their own enterprise.

Mr. Speaker, women-owned businesses are increasingly important to our national economy. They generate $3 trillion in economic activity and are responsible for 16 percent of the U.S. jobs. By strengthening and improving the SBA's network of women's business centers, H.R. 1838 will expand this success, offering greater economic opportunity to women everywhere.

I will take this opportunity to thank and congratulate the gentlewoman from Oklahoma (Ms. FALLIN) for the work that she put into this legislation.

I reserve the balance of my time.

Ms. FALLIN. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 1838, the SBA Women's Business Centers Improvements Act. This important legislation rearranges the distribution of funding to women's business centers to offer temporary assistance for new businesses and startups for women's business centers rather than empower and make permanent dependency on the Federal Government with our current system. I want to just say thank you to Chairwoman VELÁZQUEZ for all her help on this piece of legislation. It has been a great pleasure to work with her.

Mr. Speaker, small businesses create seven out of 10 new jobs in the United States, and they are the economic engine of our economy. Further, women-owned businesses contribute nearly $3 trillion to our national economy and create or maintain 23 million jobs and employ or generate 16 percent of the jobs in our Nation's economy.

Women's business centers are an important part of the grant programs that are funded by the Small Business Administration. Today, women's business centers across the country are providing women entrepreneurs with much-needed education, with training, with technical assistance and access to capital in startup and operating their small businesses.

Women's business centers serve over 100,000 women and tens of thousands of businesses each year. In the mid-1990s, the Federal Government began awarding grants to women's business centers that were operating as nonprofit organizations in conjunction with institutions of higher learning. Originally these grants were intended to be awarded to business centers in their first 5 years with the understanding that after this 5-year period had ended, the center would be financially self-sustaining.

Although many women's business centers did make this goal, some have not, and for a variety of reasons. As a result, a greater percentage of the funding of this program has been consumed by the operating costs of potentially unviable centers, rather than the intended purpose of helping to establish new business centers. The result is a drag on the system, unviable business centers that are not truly serving an unmet need in their communities. This, of course, jeopardizes the effectiveness and the viability of the entire program.

The SBA Women's Business Centers Improvements Act of 2009 will restore the original purpose held by the Federal Government when this program was created. By offering a three-tiered system of funding and lower caps on spending for older business centers, we can ensure a balanced approach and a balanced percentage of funding is used to support both new and existing business centers.

Modernizing the SBA entrepreneurial development programs will ensure small businesses have the opportunity to lead our Nation out of this recession into economic prosperity. The SBA Women's Business Centers Improvements Act is a huge step in the right direction and provides a much-needed helping hand to help our Nation's small businesses and our women's business centers.

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

Ms. VELÁZQUEZ. Mr. Speaker, I would like to inquire if the gentlelady has further speakers. I don't have additional speakers on this side, so I am prepared to yield back if you are prepared to yield back.

Ms. FALLIN. I don't have any other speakers, but I do have some further comments, Mr. Speaker.

Ms. VELÁZQUEZ. I continue to reserve the balance of my time.

Ms. FALLIN. Mr. Speaker, I want to talk about a few issues today as I finish up here and that is about the Department of Labor and how they have announced the national unemployment rate, which has reached 10.2 percent during the month of October. Another report shows that businesses with less than 50 employees lost 75,000 private sector jobs in the month of October, also. Small businesses and individuals and families have been devastated by this 26-year high unemployment rate.

Here we are, Mr. Speaker, during this important debate in our Nation about

health care reform, talking about raising taxes on small business during this recession. Mr. Speaker, I personally believe, and I think the majority of us believe, that small businesses are the economic engines in our communities and in our States and are the way that we can help lead our Nation out of this recession.

Yet as we look at the health care reform bill that we're getting ready to take up, and you look at different sections of it and how it will affect small businesses and job creation and unemployment, I am deeply concerned about several sections of this piece of legislation.

An example is page 297. Section 501 would impose a 2.5 percent tax on all individuals who do not purchase bureaucrat-approved health insurance. This tax would apply to individuals with incomes under $250,000, thus breaking a central promise of President Obama's Presidential campaign that we would not be taxing people under $250,000. Section 512 under page 313 imposes an 8 percent tax on jobs for firms that cannot afford to purchase the bureaucrat-approved health coverage. And according to an analysis by a Harvard professor, such a tax would place millions of people at risk for unemployment; and a majority of those workers could be minorities who, we believe, would lose their jobs at twice the rate of their white counterparts.

Section 551, page 336 imposes additional job-killing taxes in the form of a $500 billion surcharge, more than half of which will hit small businesses, according to a model developed by President Obama's senior economic adviser, which could increase taxes and cost us another 5.5 million jobs. Of course we know that this piece of legislation also adds $729 billion in new taxes on small businesses and on individuals who cannot afford health insurance coverage and employers who cannot afford to even provide that health insurance.

And of course another $1 trillion in new Federal spending on expanded health care insurance coverage over 10 years is some of the projections of this health care bill that we're getting ready to take up. We've had several different groups express concern about small businesses, about the unemployment rate, about the cost of this proposed health care plan. The NFIB has estimated that 1.5 million jobs will be lost due to the employer mandate on small businesses. The nearly one-third of uninsured workers who earn within $3 of the minimum wage will be put at risk of unemployment if their employers are required to offer insurance when one in 10 Americans are unemployed already.

It is a bad time to be mandating these new tax increases on our small businesses. We know that the pay-or-play provision could reduce the hiring of low-income workers and that those wages could fall even more because of required mandates on health insurance.

This bill that we're talking about for health care is going to leave, we believe, 34 million Americans without health insurance because of expansion of Medicaid, and millions of Americans will lose their current health care coverage if the private sector market is driven out of the marketplace that offers insurance.

According to a 2009 study by the National Federation of Independent Business, the cost of health insurance is the number one concern to small business owners. Small businesses create seven out of 10 new jobs in the U.S. and should be able to provide their employees with health benefits and should be able to provide it at a reasonable rate that helps these small businesses be competitive, be one of the vital benefits that they can provide to their employees, which is small businesses.

The Kaiser Family Foundation reports that health insurance premiums for single workers rose 74 percent for small businesses between the period of 2001 and 2008; and administrative expenses for small group plans account for 25 to 27 percent of premiums compared to that of 5 to 10 percent for large businesses.

So, Mr. Speaker, what we know is that if we impose more taxes, more mandates, more surcharges on our small businesses at a time when our unemployment rate just hit a record high for 26 years, over 10 percent, then our small businesses are going to be further devastated by any type of health care reform proposal that has a government mandate, that has new surcharges, new taxes, huge new taxes on small businesses.

Mr. Speaker, I am very concerned because small businesses are the economic engine of our local economies. They are the way that we can lead ourselves out of this recession, and that is why I will be opposed to the current health care proposal by Speaker PELOSI.

Mr. Speaker, I urge passage of this bill.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 1838, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

□ 1030

SMALL BUSINESS DISASTER READINESS AND REFORM ACT OF 2009

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3743) to amend the Small Business Act to improve the disaster relief programs of the Small Business Administration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3743

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Disaster Readiness and Reform Act of 2009''.

SEC. 2. REVISED COLLATERAL REQUIREMENTS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by striking ''(e) [RESERVED].'' and ''(f) [RESERVED].''; and

(2) in subsection (f), as added by section 12068(a)(2) of the Small Business Disaster Response and Loan Improvements Act of 2008 (subtitle B of title XII of the Food, Conservation, and Energy Act of 2008; Public Law 110–246), by adding at the end the following:

''(2) REVISED COLLATERAL REQUIREMENTS.—In making a loan with respect to a business under subsection (b), if the total approved amount of such loan is less than or equal to $250,000, the Administrator may not require the borrower to use the borrower's home as collateral.''.

SEC. 3. INCREASED LIMITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in paragraph (3)(E) by striking ''$1,500,000'' each place it appears and inserting ''$3,000,000''; and

(2) in paragraph (8)(A) by striking ''$2,000,000'' and inserting ''$3,000,000''.

SEC. 4. REVISED REPAYMENT TERMS.

Section 7(f) of the Small Business Act (15 U.S.C. 636(f)) is amended by adding at the end the following:

''(3) REVISED REPAYMENT TERMS.—In making loans under subsection (b), the Administrator—

''(A) may not require repayment to begin until the date that is 12 months after the date on which the final disbursement of approved amounts is made; and

''(B) shall calculate the amount of repayment based solely on the amounts disbursed.''.

SEC. 5. REVISED DISBURSEMENT PROCESS.

Section 7(f) of the Small Business Act (15 U.S.C. 636(f)), as amended by this Act, is further amended by adding at the end the following:

''(4) REVISED DISBURSEMENT PROCESS.—In making a loan under subsection (b), the Administrator shall disburse loan amounts in accordance with the following:

''(A) If the total amount approved with respect to such loan is less than or equal to $150,000—

''(i) the first disbursement with respect to such loan shall consist of 40 percent of the total loan amount, or a lesser percentage of the total loan amount if the Administrator and the borrower agree on such a lesser percentage;

''(ii) the second disbursement shall consist of 50 percent of the loan amounts that remain after the first disbursement, and shall be made when the borrower has produced

satisfactory receipts to demonstrate the proper use of 50 percent of the first disbursement; and

''(iii) the third disbursement shall consist of the loan amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and 50 percent of the second disbursement.

''(B) If the total amount approved with respect to such loan is more than $150,000 but less than or equal to $500,000—

''(i) the first disbursement with respect to such loan shall consist of 20 percent of the total loan amount, or a lesser percentage of the total loan amount if the Administrator and the borrower agree on such a lesser percentage;

''(ii) the second disbursement shall consist of 30 percent of the loan amounts that remain after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of 50 percent of the first disbursement;

''(iii) the third disbursement shall consist of 25 percent of the loan amounts that remain after the first and second disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and 50 percent of the second disbursement; and

''(iv) the fourth disbursement shall consist of the loan amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first and second disbursements and 50 percent of the third disbursement.

''(C) If the total amount approved with respect to such loan is more than $500,000—

''(i) the first disbursement with respect to such loan shall consist of at least $100,000, or a lesser amount if the Administrator and the borrower agree on such a lesser amount; and

''(ii) the number of disbursements after the first, and the amount of each such disbursement, shall be in the discretion of the Administrator, but the amount of each such disbursement shall be at least $100,000.''.

SEC. 6. GRANT PROGRAM.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (9) the following:

''(10) GRANTS TO DISASTER-AFFECTED SMALL BUSINESSES.—

''(A) IN GENERAL.—If the Administrator declares eligibility for additional disaster assistance under paragraph (9), the Administrator may make a grant, in an amount not exceeding $100,000, to a small business concern that—

''(i) is located in an area affected by the applicable major disaster;

''(ii) submits to the Administrator a certification by the owner of the concern that such owner intends to reestablish the concern in the same county in which the concern was originally located;

''(iii) has applied for, and was rejected for, a conventional disaster assistance loan under this subsection; and

''(iv) was in existence for at least 2 years before the date on which the applicable disaster declaration was made.

''(B) PRIORITY.—In making grants under this paragraph, the Administrator shall give priority to a small business concern that the Administrator determines is economically viable but unable to meet short-term financial obligations.

''(C) PROGRAM LEVEL AND AUTHORIZATION OF APPROPRIATIONS.—

''(i) PROGRAM LEVEL.—The Administrator is authorized to make $100,000,000 in grants under this paragraph for each of fiscal years 2010 and 2011.

''(ii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this paragraph.''.

SEC. 7. REGIONAL DISASTER WORKING GROUPS.

Section 40 of the Small Business Act (15 U.S.C. 657l) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''or'' and inserting ''and'';

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

(3) by inserting after subsection (c) the following:

''(d) REGIONAL DISASTER WORKING GROUPS.—In carrying out the responsibilities pertaining to loan making activities under subsection (a), the Administrator, acting through the regional administrators of the regional offices of the Administration, shall develop a disaster preparedness and response plan for each region of the Administration. Each such plan shall be developed in cooperation with Federal, State, and local emergency response authorities and representatives of businesses located in the region to which such plan applies. Each such plan shall identify and include a plan relating to the 3 disasters, natural or manmade, most likely to occur in the region to which such plan applies.''.

SEC. 8. OUTREACH GRANTS FOR LOAN APPLICANT ASSISTANCE.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (10) the following:

''(11) OUTREACH GRANTS FOR LOAN APPLICANT ASSISTANCE.—

''(A) IN GENERAL.—From amounts made available for administrative expenses relating to activities under this subsection, the Administrator is authorized to make grants to the following:

''(i) A women's business center in an area affected by a disaster.

''(ii) A small business development center in an area affected by a disaster.

''(iii) A Veteran Business Outreach Center in an area affected by a disaster.

''(iv) A chamber of commerce in an area affected by a disaster.

''(B) USE OF GRANT.—An entity specified under subparagraph (A) shall use a grant received under this paragraph to provide application preparation assistance to applicants for a loan under this subsection.

''(C) PROGRAM LEVEL.—The Administrator is authorized to make $50,000,000 in grants under this paragraph for each of fiscal years 2010 and 2011.''.

SEC. 9. HOMEOWNERS IMPACTED BY TOXIC DRYWALL.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (11) the following:

''(12) HOMEOWNERS IMPACTED BY TOXIC DRYWALL.—The Administrator may make a loan under this subsection to any homeowner if the primary residence of such homeowner has been adversely impacted by the installation of toxic drywall manufactured in China. A loan under this paragraph may be used only for the repair or replacement of such toxic drywall.''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

''(f) FISCAL YEARS 2010 AND 2011 WITH RESPECT TO SECTION 7(b).—There is authorized to be appropriated such sums as may be necessary for administrative expenses and loans under section 7(b).''.

SEC. 11. REGULATIONS.

Except as otherwise provided in this Act or in amendments made by this Act, after an opportunity for notice and comment, but not later than 180 days after the date of the enactment of this Act, the Administrator shall issue regulations to carry out this Act and the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3743, as amended.

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

There was no objection.

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

I rise in support of H.R. 3743, the Small Business Disaster Readiness and Reform Act of 2009.

The Small Business Administration's Disaster Loan Program is an important lifeline for businesses struggling to recover following natural disasters. Low-interest loans offered through the program help entrepreneurs rebuild their firms and get back on their feet. These loans also help small businesses avoid the economic shocks that often accompany disasters.

While these programs are valuable in helping our communities recover from crises, they have not reached their full potential. Earlier this year, the Government Accountability Office examined the SBA's disaster recovery programs, including the agency's new measures following Hurricane Katrina. In July, the GAO testified to the Small Business Committee that the Small Business Administration has not done enough to prepare for major emergencies. The GAO's findings give cause for concern that the SBA will fall short of the needs of entrepreneurs during critical times.

The legislation we are considering today will help the SBA better meet the needs of those recovering from natural disasters. This bill will improve how the SBA disburses assistance, ensuring small firms get help more quickly. This legislation will also require SBA to establish regional disaster working groups. These groups will develop localized disaster preparedness plans, putting the SBA in a better position to address the unique challenges facing small businesses recovering from disasters.

Mr. Speaker, small businesses need access to capital to make payroll and carry on their daily operations. However, for firms recovering from natural disasters, finding an affordable loan can make all the difference between

staying open or closing forever. The legislation before us will ensure entrepreneurs can receive the help they need when times are tough.

I commend Mr. GRIFFITH, who is the sponsor of this bill, for his work on this important legislation.

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

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

I rise today in support of H.R. 3743, the Small Business Disaster Readiness and Reform Act of 2009. I would like to thank the chairwoman and the gentleman from Alabama for working very hard, obviously, in the committee to the bring this bill to the floor.

In 2008, Congress took action to address the inadequate response that the Small Business Administration had to the gulf hurricanes of 2005. The expectation was that those changes would alleviate many of the problems identified by small business owners, the Government Accountability Office, and the SBA found in response to Hurricane Katrina. However, GAO testified before the committee this summer and found that the SBA implementation of those changes had not been accomplished. That means that the SBA may not be able to respond adequately to a major disaster like Hurricane Katrina.

A key element noted by GAO is the need for coordination. The bill requires the establishment of regional working groups to develop regional disaster plans in addition to the national plan that was required by Congress last year. This is sensible because some areas of the country are more prone to hurricanes while others are more prone to flooding and others to even things like wildfires. The national plan simply cannot cover with any specificity the range of disasters to which the SBA must respond. This should improve the overall emergency preparedness of the SBA.

GAO and the committee remain concerned about the difficulty that small businesses have in filing applications for disaster loans. H.R. 3743 recognizes that the SBA entrepreneur development partners can assist small business owners that need to file an application for a disaster loan and authorizes additional funds to these partners to provide such assistance to those seeking to recover from a disaster.

Another primary focus of the committee's examination of the disaster loan process has been the disbursement process. Although changes were made in 2008, further refinements are needed to ensure that small businesses have access to funds needed to restore their operations and help their communities recover from the disaster.

I would reiterate that this bill before us today builds on important work already done by Congress and will provide additional assurances that the SBA is capable of responding to the next natural or manmade disaster.

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

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

Mr. GRAVES. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I'm pleased to be down here on the suspension calendar to talk about the importance of the emergency response of small business centers. But you know what the real emergency response to small business should be is the assault on the workers that's coming because of this health care bill.

Let me talk about the reports today: 10.2 percent unemployment. ''The unemployment rate spiked to its highest level since 1983, much worse than expected as employers continue to trim jobs despite other signs of growth.''

And do you know what the real catastrophe is? We are doing nothing here to help create jobs. In fact, what we're doing, based upon the Democratic bill, H.R. 3962, will destroy jobs. Here are some of the job-destruction aspects of this health care bill:

Tax on jobs will increase unemployment. The Democrat bill would impose $150 billion in taxes on businesses who can't afford to finance their workers' health coverage. Guess what they'll do. They're going to lay off people to be able to afford the taxes to provide the few remaining employees jobs.

The CBO confirmed this tax on jobs would reduce the hiring of low-wage workers and could also lead to wage stagnation as wage compensation is diverted to comply with new Federal taxes and mandates. A model developed by the chief Obama adviser Christina Romer indicates that as many as 5.5 million jobs could be lost. That's not us. That's not the Small Business Committee. That's not the ranking member. That's the administration that's saying 5.5 million jobs could be lost.

Hundreds of billions of dollars in taxes on businesses. In addition to the tax on jobs, H.R. 3962 includes nearly half a trillion dollars in other taxes, including a surtax more than half of whose intended targets are small businesses.

We would be hoping that the Small Business Committee would come down here and say let's don't tax small business with this health care bill. Let's incentivize small businesses to provide health care coverage to their employees.

That's what we'll do on the House version in the amendment offered, once the bill comes to the floor, is we're going to incentivize small businesses to stay in business, keep their employees, and provide health insurance coverage.

In addition to the tax on jobs, the Democrat bill includes a half trillion dollars in other taxes including, as I said before, a surtax. More than half of those intended targets are small businesses.

This is the disaster that we ought to be talking about here. This is a problem that we have with this Congress, the job-destroying plans coming to the floor of the House. Imposing a total of $729.5 billion in higher taxes on a struggling economy will be a recipe for years, if not decades, of prolonged stagnation.

I thank the ranking member for yielding me the time.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 3743, as amended.

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

A motion to reconsider was laid on the table.

SMALL BUSINESS DEVELOPMENT CENTERS MODERNIZATION ACT OF 2009

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1845) to amend the Small Business Act to modernize Small Business Development Centers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1845

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Development Centers Modernization Act of 2009''.

SEC. 2. SMALL BUSINESS DEVELOPMENT CENTERS OPERATIONAL CHANGES.

(a) ACCREDITATION REQUIREMENT.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended as follows:

(1) In the proviso, by inserting before ''institution'' the following: ''accredited''.

(2) In the sentence beginning ''The Administration shall'', by inserting before ''institutions'' the following: ''accredited''.

(3) By adding at the end the following new sentence: ''In this paragraph, the term 'accredited institution of higher education' means an institution that is accredited as described in section 101(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(5)).''.

(b) PROGRAM NEGOTIATIONS.—Section 21(a)(3) of the Small Business Act (15 U.S.C. 648(a)(3)) is amended in the matter preceding subparagraph (A), by inserting before ''agreed'' the following: ''mutually''.

(c) CONTRACT NEGOTIATIONS.—Section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) is amended by inserting after ''uniform negotiated'' the following: ''mutually agreed to''.

(d) SBDC HIRING.—Section 21(c)(2)(A) of the Small Business Act (15 U.S.C. 648(c)(2)(A)) is amended by inserting after ''full-time staff'' the following: '', the hiring of which shall be at the sole discretion of the center without the need for input or approval from any officer or employee of the Administration''.

(e) CONTENT OF CONSULTATIONS.—Section 21(a)(7)(A) of the Small Business Act (15 U.S.C. 648(a)(7)(A)) is amended in the matter preceding clause (i) by inserting after ''under this section'' the following: '', or the content of any consultation with such an individual or small business concern,''.

(f) AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Section 21(a)(4)(C)(v)(I) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(v)(I)) is amended to read as follows:

''(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section, not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1).''.

(g) NON-MATCHING PORTABILITY GRANTS.—Section 21(a)(4)(C)(viii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(viii)) is amended by adding at the end the following: ''In the event of a disaster, the dollar limitation in the preceding sentence shall not apply.''.

(h) DISTRIBUTION TO SBDCs.—Section 21(b) of the Small Business Act (15 U.S.C. 648(b)) is amended by adding at the end the following new paragraph:

''(4) LIMITATION ON DISTRIBUTION TO SMALL BUSINESS DEVELOPMENT CENTERS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the Administration shall not distribute funds to a Small Business Development Center if the State in which the Small Business Development Center is located is served by more than one Small Business Development Center.

''(B) UNAVAILABILITY EXCEPTION.—The Administration may distribute funds to a maximum of two Small Business Development Centers in any State if no applicant has applied to serve the entire State.

''(C) GRANDFATHER CLAUSE.—The limitations in this paragraph shall not apply to any State in which more than one Small Business Development Center received funding prior to January 1, 2007.

''(D) DEFINITION.—For the purposes of this paragraph, the term 'Small Business Development Center' means the entity selected by the Administration to receive funds pursuant to the funding formula set forth in subsection (a)(4), without regard to the number of sites for service delivery such entity establishes or funds.''.

(i) WOMEN'S BUSINESS CENTERS.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)), as amended, is further amended—

(1) by striking ''and women's business centers operating pursuant to section 29''; and

(2) by striking ''or a women's business center operating pursuant to section 29''.

SEC. 3. ACCESS TO CREDIT AND CAPITAL.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following new subsection:

''(o) ACCESS TO CREDIT AND CAPITAL PROGRAM.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) develop specialized programs to assist local small business concerns in securing capital and repairing damaged credit;

''(B) provide informational seminars on securing credit and loans;

''(C) provide one-on-one counseling with potential borrowers to improve financial presentations to lenders; and

''(D) facilitate borrowers' access to nontraditional financing sources, as well as traditional lending sources.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $300,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 4. PROCUREMENT TRAINING AND ASSISTANCE.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding at the end the following new subsection:

''(p) PROCUREMENT TRAINING AND ASSISTANCE.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) work with local agencies to identify contracts that are suitable for local small business concerns;

''(B) prepare small businesses to be ready as subcontractors and prime contractors for contracts made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) through training and business advisement, particularly in the construction trades; and

''(C) provide technical assistance regarding the Federal procurement process, including assisting small business concerns to comply with federal regulations and bonding requirements.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $300,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 5. GREEN ENTREPRENEURS TRAINING PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding at the end the following new subsection:

''(q) GREEN ENTREPRENEURS TRAINING PROGRAM.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) provide education classes and one-on-one instruction in starting a business in the fields of energy efficiency, green technology, or clean technology and in adapting a business to include such fields;

''(B) coordinate such classes and instruction, to the extent practicable, with local community colleges and local professional trade associations;

''(C) assist and provide technical counseling to individuals seeking to start a business in the fields of energy efficiency, green technology, or clean technology and to individuals seeking to adapt a business to include such fields; and

''(D) provide services that assist low-income or dislocated workers to start businesses in the fields of energy efficiency, green technology, or clean technology.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $300,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 6. MAIN STREET STABILIZATION.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding the following new subsection at the end thereof:

''(r) MAIN STREET STABILIZATION.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) establish a statewide small business helpline within every State and United States territory to provide immediate expert information and assistance to small business concerns;

''(B) develop a portfolio of online survival and growth tools and resources that struggling small business concerns can utilize through the Internet;

''(C) develop business advisory capacity to provide expert consulting and education to assist small businesses at-risk of failure and to, in areas of high demand, shorten the response time of small business development centers, and, in rural areas, support added outreach in remote communities;

''(D) deploy additional resources to help specific industry sectors with a high presence of small business concerns, which shall be targeted toward clusters of small businesses with similar needs and build upon best practices from earlier assistance;

''(E) develop a formal listing of financing options for small business capital access; and

''(F) deliver services that help dislocated workers start new businesses.

''(2) AWARD SIZE LIMIT.—The Administration may not award an entity more than $250,000 in grant funds under this subsection.

''(3) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(4) AUTHORIZATION.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

SEC. 7. PROHIBITION ON PROGRAM INCOME BEING USED AS MATCHING FUNDS.

Section 21(a)(4)(B) (15 U.S.C. 648(a)(4)(B)) is amended by inserting after ''Federal program'' the following: ''and shall not include any funds obtained through the assessment of fees to small business clients''.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following new subsection:

''(f) SMALL BUSINESS DEVELOPMENT CENTERS.—There is authorized to be appropriated to carry out the Small Business Development Center Program under section 21 $150,000,000 for fiscal year 2010 and $160,000,000 for fiscal year 2011.''.

SEC. 9. SMALL MANUFACTURERS TRANSITION ASSISTANCE PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648), as amended, is further amended by adding at the end the following new subsection:

''(s) SMALL MANUFACTURERS TRANSITION ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Administration shall establish a grant program for small business development centers in accordance with this subsection. To be eligible for the program, a small business development center must be in good standing and comply with the other requirements of this section. Funds made available through the program shall be used to—

''(A) provide technical assistance and expertise to small manufacturers with respect to changing operations to another industry sector or reorganizing operations to increase efficiency and profitability;

''(B) assist marketing of the capabilities of small manufacturers outside the principal area of operations of such manufacturers;

''(C) facilitate peer-to-peer and mentor-protege relationships between small manufacturers and corporations and Federal agencies; and

''(D) conduct outreach activities to local small manufacturers with respect to the availability of the services described in subparagraphs (A), (B), and (C).

''(2) DEFINITION OF SMALL MANUFACTURER.—In this subsection, the term 'small manufacturer' means a small business concern engaged in an industry specified in sector 31, 32, or 33 of the North American Industry Classification System in section 121.201 of title 13, Code of Federal Regulations.

''(3) AWARD SIZE LIMIT.—The Administration may not award an entity more than $250,000 in grant funds under this subsection.

''(4) AUTHORITY.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out the program established in subsection (a)(1), the Administration may make grants or enter into cooperative agreements to carry out this subsection.

''(5) AUTHORIZATION.—There is authorized to be appropriated not more than $2,500,000 for the purposes of carrying out this subsection for each of the fiscal years 2010 and 2011.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Mr. SCHOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1845, as amended.

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

There was no objection.

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

I rise in support of H.R. 1845, introduced by Representative SCHOCK, which would modernize the Nation's Small Business Development Centers, and I would like to take the opportunity to commend the gentleman for his great work on this important legislation.

Mr. Speaker, in today's challenging business environment, entrepreneurial assistance is a critical tool for the success of a small business. After all, even in good times, starting and running a small business is no easy lift. In fact, businesses that receive this kind of help are twice as likely to succeed.

During economic downturns, Small Business Development Centers are critical to help aspiring entrepreneurs get their ventures off the ground. The SBDC program is an important resource for both new entrepreneurs and more established small business owners. H.R. 1845 builds on this successful model, improving existing initiatives and giving entrepreneurs the tools they need to flourish.

In this bill, we streamline the SBDC program, taking important steps to develop new service offerings for small businesses. One example is the bill's access to capital program for aspiring entrepreneurs that need to secure capital and repair damaged credit. By connecting these entrepreneurs and displaced workers with seed money, this initiative will help get more ventures off the ground. For more established firms, this legislation will help businesses tap into the booming Federal marketplace.

Billions of stimulus dollars are now in play, making the Federal Government an even better customer for small businesses. In order to assist small firms in winning Federal contracts, this bill establishes a new procurement program. This will enable SBDCs to work with local agencies in identifying suitable small business contracts.

Mr. Speaker, SBDCs are important resources for expert information and business development assistance for small firms. This legislation will make sure they are running at full capacity, giving entrepreneurs powerful tools to invest in their own success. With a renewed emphasis on entrepreneurship, the Nation can emerge from the current recession stronger and more resilient. This bill is an important step in allowing that to happen, and I urge my colleagues to support its passage.

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

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

I rise in support of H.R. 1845, legislation that I introduced earlier this year to help modernize the Small Business Development Center programs, often referred to as SBDCs, with the resources they need to deal with increased demand and usage during this difficult time.

First, I would like to thank Chairwoman VELÁZQUEZ for her leadership and work on this important Small Business Committee and also Ranking Member GRAVES for working together with me to move this important piece of legislation through the committee and now here on the House floor.

Nationwide, the over 1,000 SBDCs serve as important and informative resources for growing small businesses. SBDCs provide emerging entrepreneurs with the tools needed to successfully take their small business concepts into reality. Additionally, they provide existing small business owners with important financial and budgeting consulting to assist in long-term growth and management. The investments made into the SBDC network provide a cost-effective way to help grow the economy while also enhancing American competitiveness.

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Let us look at the facts. A new business is opened by an SBDC client every 41 minutes. A new job is created in the United States by an SBDC client every 7 minutes. And, in 2007, Small Business Development Center clients created over 70,000 new full-time jobs. With the recent unemployment figures over 10 percent nationwide, more and more small businesses are investing and visiting their local SBDCs seeking advice on how to best manage their companies.

As such, I am pleased this House is considering H.R. 1845 today. This legislation will do a great deal to continue to help develop the resources and programs our small business owners depend on. Additionally, H.R. 1845 makes several operational changes to the SBDC program to eliminate waste, fraud, and duplicative programs within the SBDCs.

Lastly, I am encouraged by the provisions in this legislation which will reward SBDCs which focus on access to credit and capital for small businesses. Everyone understands that the economic rebound for our country will be directly related to the growth and fortune of our Nation's small businesses. Their access to credit and capital is essential not only to keep them in business today but also for future expansion, growth, and investment within their business.

This body voices its continued backing of the important support system on which our Nation's small businesses truly rely by passing H.R. 1845. I urge passage.

I reserve the balance of my time.

Ms. VELÁZQUEZ. I reserve the balance of my time.

Mr. SCHOCK. Mr. Speaker, I yield to the gentleman from Illinois (Mr. SHIMKUS) for such time as he may consume.

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

Mr. SHIMKUS. Mr. Speaker, I again come down on the floor. It is a good time to talk about jobs and the economy and the importance of what the

Small Business Committee here does. I applaud my colleague from Illinois for addressing the Small Business Development Centers because, guess what, they are going to be needed. They are going to be needed to help train and find jobs when we have this massive loss of jobs that will occur because of the Democrat health care bill.

Don't take my word for it, take the word of Christina Romer, who is the adviser to the President. She says that the Democrat bill would impose $150 billion in taxes on businesses who cannot afford to finance their workers' health coverage. So what will happen, these employees will be laid off. People will lose their jobs to try to make the payment on the new tax that is going to be burdened by this bill.

CBO confirmed this tax on jobs could reduce, and CBO is the Congressional Budget Office, nonpartisan, they confirmed this tax on jobs could reduce the hiring of low-wage workers and could also lead to wage stagnation as wage compensation is diverted to comply with new Federal taxes and mandates. Roemer indicates that as many as 5.5 million jobs could be lost. So we are really going to need these SBDCs, and we will need them to be current to help find positions for these displaced workers.

This Democrat Affordable Health Care for America Act will destroy jobs, hundreds of billions in taxes on businesses. In addition to the tax on jobs, the Democrat health care bill includes nearly half a trillion dollars in other taxes, including a surtax, more than half of those whose intended targets are small businesses.

So as the Small Business Committee is bringing bills to the floor, they ought to be worried about what is reported today, 10.2 percent unemployment. But, no, we are not talking about how to create jobs on the floor of this House. We are talking about how to destroy jobs by new regulations, new taxation, hundreds of billions of dollars in taxes on businesses. H.R. 3962, the Democrat health bill, includes nearly half a trillion dollars in other taxes, including a surtax, more than half whose intended targets are small businesses. Imposing a total of $729.5 billion in higher taxes on a struggling economy would be a recipe for years, if not decades, of prolonged stagnation.

So I appreciate the time from my colleague. We are going to need these Small Business Development Centers because of the massive tax regulatory regime being passed by Democrats on the floor of this House which will continue to destroy jobs, not create jobs.

Ms. VELÁZQUEZ. Mr. Speaker, I continue to reserve my time.

Mr. SCHOCK. Mr. Speaker, I think we can all agree, based on the current climate here in our country, it is always a good time to invest in our small businesses but especially now with unemployment at an all-time high. Once again, I appreciate the work of Members on both sides of the aisle.

Mr. Speaker, at this time, I would yield to my other good friend from the great State of Illinois (Mr. MANZULLO) for such time as he may consume.

Mr. MANZULLO. Mr. Speaker, today, we are considering a lot of bills, good bills, to help out small business people. But I find it ironic that at the same time we pass more programs and try to fund what is out there, the same Congress continues to pass, one after the other, job-killing bills. We can start with cap-and-trade that will kill millions and millions of jobs across this country.

The largest city in the congressional district I represent, Rockford, Illinois, is close to 17 percent unemployment. One out of four families in Rockford is on public assistance. No news has hit that city in a long time, but the news from Washington is we want to raise your taxes, give you more regulations, and here we are on the eve of passing one of the biggest small business job-killing bills, this massive so-called health care reform bill that will put between 4 and 5 million people out of work, small businesses.

There is something wrong in this city that says it wants to help the small business people and turns right around, and the very people that the majority in this Congress say that they want to help, they are hurting, making them bleed with regulation after regulation, tax increase after tax increase, mandate after mandate, penalty after penalty.

I was raised in small business. When I was 4, my father bought a small grocery store in the rough-and-tough part of Rockford, Illinois; and he personally grubstaked. That is, he gave credit to thousands of people coming in from the displaced persons camps of Eastern Europe and people coming from Arkansas with the massive crop failures. All we know is small business.

He went from the grocery store business into the drive-in restaurant business and the family Italian restaurant business. After awhile, my brother, who ran the restaurant business for 41 years, said, Donnie, all I do is work for the government and for higher insurance premiums.

He and the people and the rest of the Frankie Manzullos out there shouldn't have to go to another government agency and beg for help. This city should be recognizing the fact that the best way to help the small business people is not to suck $544 billion in taxes from people working in small businesses. Because, Mr. Speaker, what we are doing here is, by raising taxes on these small business people, this money is going to the government which squanders it, as opposed to the money staying in the private sector, which is used to keep the businesses going, to nurture them, and create more businesses.

The city has it all wrong. No wonder the people of America are upset. No wonder there is a revolution going on, with the small businessmen saying, We can't take it anymore. We don't want any more help from Washington. Just leave us alone.

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

Mr. Speaker, it is kind of ironic that the previous gentleman spoke about the impact of health care on small businesses, but for the 10-plus years that they were in the majority, we saw double digits in terms of premiums going up, and they didn't provide any vision, any leadership, any legislation to deal with the unsustainable health care costs that small businesses were suffering from.

And then, the gentlemen from Illinois, let me just remind him that last week we passed a bill, H.R. 3854, which provides $44 billion in financing and investment for small businesses. It is quite ironic that he comes to the floor to speak on small businesses and how we are impacting small businesses, but let me remind that, in the last 10 years, the other side, all they cared about was providing tax breaks for the wealthiest people in this country, not for small businesses. And, today, we are passing four bills under suspension. In fact, more bills than he passed in the years that he was the chairman of the Small Business Committee.

I welcome the debate on health care, and for that we will have time tomorrow.

I reserve the balance of my time.

Mr. SCHOCK. Mr. Speaker, I yield to the gentleman from Illinois (Mr. MANZULLO) for such time as he may consume.

Mr. MANZULLO. Mr. Speaker, there is no irony here. When the Republicans controlled this body, on two different occasions we passed association health plans only to have them fail in the Senate because there weren't 60 votes.

And I believe on three different occasions when the Republicans controlled the House of Representatives, we passed meaningful medical liability reform. That wasn't even taken up in the Senate. It wasn't taken up in the Senate, even though the Republicans controlled the Senate because you needed 60 votes to get it through.

And we had to fight tooth and nail to eliminate the horrible death tax that destroyed small businesses. In fact, some of the statistics show that three out of four small businesses could not go down beyond three generations because of the confiscatory death tax. And farmers were losing their farms. I know. I practiced law in the country for 22 years, and I was there when one of the family farms had to be sold to pay for death tax.

We got those changes through. It was difficult, but we got those changes through.

And of course we know what is going to happen now. Neither the White House nor the Democratic leadership is interested in making sure that the death tax stays repealed in this country.

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These are all job killers for small business people.

It doesn't make sense for us to continue to pass bill after bill after bill after bill to laud the efforts of the small business people of this country, to say that without the small businesses—the ones who produce more than 57 percent of all the employees in this country—why is it that they will be the beneficiaries of the lack of capital that is sucked up on $454 billion worth of new taxes—yes, on those, the third wealthiest, if you want to call it that, that make more than $250,000 a year?

But instead of paying money in taxes, they would be putting that money back into keeping their businesses going and helping their employees keep their jobs.

I have visited hundreds, hundreds of factories across the district that I represent, several parts of Illinois, talking to the people who own these factories, trying to find out what is it that they need so they can continue to be more productive. And what I hear from them is the fact that they want to be left alone by Washington. They look at what this cap-and-trade will do to them—and this is a valid debate, we're talking about helping small business people—but they look at what cap-and-trade will do to the factories, to the productivity, to push more jobs offshore.

In fact, we got a call from a national company that has employees all over the country that has a call center, a series of call centers. To keep the jobs in this country, they decided to close the physical facilities and to allow the people to work from home part-time to make those phone calls, to keep the call centers here in America as opposed to being exported overseas. The people from one of these call centers says, If this health bill passes mandating health insurance for part-time employees, it's easy for them, they will close their facilities, and 50,000 more jobs will be exported overseas.

This doesn't help the small businesses of this country. What we need is to start retracting these regulations. What we need to do is to start reducing the taxes. What we need to do is to make it easier for people to have the capital.

Ms. VELÁZQUEZ. I continue to reserve, Mr. Speaker.

Mr. SCHOCK. May I inquire as to how much time is remaining.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from Illinois has 4½ minutes remaining, and the gentlewoman from New York has 15½ minutes remaining.

Mr. SCHOCK. Mr. Speaker, I yield 4 minutes to my good friend from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Thank you for yielding.

We have been led to believe that the AMA, the doctors, now support this health care bill that is before us today, and the board of directors was somehow coerced to come out publicly and say they do. But the AMA House of Delegates Conference is convening today in Houston, Texas. It's made up of elected representatives from across the country. These representative doctors represent members of the AMA within their region. They meet to vote on policy issues affecting their doctors. They believe this was an unauthorized vote before the delegates arrived, that the board of directors should not have taken this vote.

Today, the AMA doctors are circulating a petition requesting a vote of ''no confidence'' against the board of directors of the AMA. I repeat again, the doctors and delegates of the AMA believe this vote of their board was unauthorized, it should not have taken place prior to their convening, and there is a petition being circulated today by doctors who are extremely angry that their board would have taken this position.

There are thousands of delegates meeting today in Houston who never had an opportunity to even voice an opinion or a concern or even have the light of day shine on this issue before they convened, before their board took this decision.

I believe that AARP should be absolutely ashamed of coming out and voting for a bill that is against the interest of their people. I have over 70,000 Medicare-eligible seniors in my district; $500,000-plus dollars of cuts to Medicare. Now, many individuals in my district love the concept of Medicare Advantage. They say it's a great program, it covers things that they need covered, and there is no other opportunity for them to get this type of coverage. $170 billion in cuts to Medicare Advantage: that's not waste, fraud and abuse; that's cuts to Medicare Advantage—$23.9 billion in cuts to skilled nursing facilities, $143.6 billion in cuts to hospitals, skilled nursing rehabilitation facilities, psychiatric hospitals and hospice cares. Again, $143.6 billion in cuts to the very hospitals that Medicare recipients need to go to.

They need to look at this bill and say, Is this good for the people of this country? We were told that if we passed this huge stimulus bill, unemployment would not go above 8 percent. We are at 10.2 percent today. In reality, it's about 17.5 percent when you figure the individuals who are discouraged and have given up trying to get a job. The underemployed people who have part-time jobs that would love to have a full-time job, they are not being considered. They need to be taken into consideration. This bill destroys jobs in our Nation.

These are letters from business people within my district that I've received in this last week that say it is going to kill jobs in our communities. The Orange County Department of Education, I received a letter from them today saying many jobs in education will be eliminated. ''I firmly believe that if Congress passes the proposed health care legislation that many jobs in education will be eliminated. Passing this legislation in this form will have a tremendous impact on students, their education, and the workforce in Orange County.'' Even one franchise dealer with Pizza Hut says it will cost him $3.5 million each year, on an annual basis, $3.5 million.

You need to say, what are we doing in this country when doctors who are delegates representing other doctors are livid at this bill saying we are being accused of supporting something we do not support.

Let's see how this vote goes. Let's see if they will even allow this vote to come to fruition tomorrow as it should. But think of the people we're supposed to be helping that we're going to hurt.

Ms. VELÁZQUEZ. Mr. Speaker, I continue to reserve.

The SPEAKER pro tempore. The gentleman from Illinois has 30 seconds remaining.

Mr. SCHOCK. Mr. Speaker, I appreciate the cooperation of our members on this committee on this important piece of legislation. With unemployment at an all-time high, it is now more than ever important for us to invest in our SBDCs, to support our small businesses, to expand their access to credit and capital, thus allowing them to keep their doors open and invest and expand their businesses, employing more Americans.

Now more than ever it is important to pass H.R. 1845, and I urge passage and a ''yes'' vote by all Members.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 1845, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

PROVIDING FOR CONCURRENCE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 1299, UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 896)

providing for the concurrence by the House in the Senate amendment to H.R. 1299, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 896

Resolved, That upon the adoption of this resolution the bill (H.R. 1299) entitled ''An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.'', with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendment:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Capitol Police Administrative Technical Corrections Act of 2009''.

SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.

(a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Section 108(a) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(a)) is amended to read as follows:

''(a) CHIEF ADMINISTRATIVE OFFICER.—

''(1) ESTABLISHMENT.—There shall be within the United States Capitol Police an Office of Administration, to be headed by the Chief Administrative Officer, who shall report to and serve at the pleasure of the Chief of the Capitol Police.

''(2) APPOINTMENT.—The Chief Administrative Officer shall be appointed by the Chief of the United States Capitol Police, after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

''(3) COMPENSATION.—The annual rate of pay for the Chief Administrative Officer shall be the amount equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.''.

(2) ADMINISTRATIVE PROVISIONS.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsection (c).

(3) CERTIFYING OFFICERS.—Section 107 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1904) is amended—

(A) in subsection (a), by striking ''the Capitol Police Board'' and inserting ''the Chief of the Capitol Police''; and

(B) in subsection (b)(1), by striking ''the Capitol Police Board'' and inserting ''the Chief of the Capitol Police''.

(4) PERSONNEL ACTIONS OF THE CHIEF OF THE CAPITOL POLICE.—

(A) IN GENERAL.—Section 1018(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)) is amended by striking paragraph (1) and inserting the following:

''(1) AUTHORITY.—

''(A) IN GENERAL.—The Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, suspend with or without pay, discipline, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

''(B) SPECIAL RULE FOR TERMINATIONS.—The Chief may terminate an officer, member, or employee only after the Chief has provided notice of the termination to the Capitol Police Board (in such manner as the Board may from time to time require) and the Board has approved the termination, except that if the Board has not disapproved the termination prior to the expiration of the 30-day period which begins on the date the Board receives the notice, the Board shall be deemed to have approved the termination.

''(C) NOTICE OR APPROVAL.—The Chief of the Capitol Police shall provide notice or receive approval, as required by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, as each Committee determines appropriate for—

''(i) the exercise of any authority under subparagraph (A); or

''(ii) the establishment of any new position for officers, members, or employees of the Capitol Police, for reclassification of existing positions, for reorganization plans, or for hiring, termination, or promotion for officers, members, or employees of the Capitol Police.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) SUSPENSION AUTHORITY.—Section 1823 of the Revised Statutes of the United States (2 U.S.C. 1928) is repealed.

(ii) PAY OF MEMBERS UNDER SUSPENSION.—The proviso in the Act of Mar. 3, 1875 (ch. 129; 18 Stat. 345), popularly known as the ''Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876'', which is codified at section 1929 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(5) CONFORMING APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(A) IN GENERAL.—Section 101(9)(D) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)(D)) is amended by striking ''the Capitol Police Board,'' and inserting ''the United States Capitol Police,''.

(B) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by subparagraph (A) may be construed to affect any procedure initiated under title IV of the Congressional Accountability Act of 1995 prior to the date of the enactment of this Act.

(6) NO EFFECT ON CURRENT PERSONNEL.—Nothing in the amendments made by this subsection may be construed to affect the status of any individual serving as an officer or employee of the United States Capitol Police as of the date of the enactment of this Act.

(b) DEPOSIT OF REIMBURSEMENTS FOR LAW ENFORCEMENT ASSISTANCE.—

(1) IN GENERAL.—Section 2802 of the Supplemental Appropriations Act, 2001 (2 U.S.C. 1905) is amended—

(A) in subsection (a)(1), by striking ''Capitol Police Board'' each place it appears and inserting ''United States Capitol Police''; and

(B) in subsection (a)(2), by striking ''Capitol Police Board'' and inserting ''Chief of the United States Capitol Police''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2001.

(c) PRIOR NOTICE TO AUTHORIZING COMMITTEES OF DEPLOYMENT OUTSIDE JURISDICTION.—Section 1007(a)(1) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 1978(a)(1)) is amended by striking ''prior notification to'' and inserting the following: ''prior notification to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and''.

(d) ADVANCE PAYMENTS FOR SUBSCRIPTION SERVICES.—

(1) IN GENERAL.—Section 1002 of the Legislative Branch Appropriations Act, 2008 (Public Law 110–161; 2 U.S.C. 1981) is amended by inserting ''the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate'' after ''the Senate,''.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 30 days after the date of enactment of this Act and apply to payments made on or after that effective date.

SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.

(a) APPOINTMENT AND SERVICE.—

(1) IN GENERAL.—There shall be within the United States Capitol Police the General Counsel to the Chief of Police and the United States Capitol Police (in this subsection referred to as the ''General Counsel''), who shall report to and serve at the pleasure of the Chief of the United States Capitol Police.

(2) APPOINTMENT.—The General Counsel shall be appointed by the Chief of the Capitol Police in accordance with section 1018(e)(1) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)) (as amended by section 2(a)(4)), after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

(3) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the annual rate of pay for the General Counsel shall be fixed by the Chief of the Capitol Police.

(B) LIMITATION.—The annual rate of pay for the General Counsel may not exceed an annual rate equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(4) TECHNICAL AND CONFORMING AMENDMENT.—House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 1901 note) is repealed.

(5) NO EFFECT ON CURRENT GENERAL COUNSEL.—Nothing in this subsection or the amendments made by this subsection may be construed to affect the status of the individual serving as the General Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

(b) LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(A) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(A)) is amended by striking ''the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police'' and inserting ''the General Counsel to the Chief of Police and the United States Capitol Police''.

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.

(a) LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(B) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(B)) is amended by striking ''the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police'' and inserting ''the Employment Counsel to the Chief of Police and the United States Capitol Police''.

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political

subdivision thereof which is initiated prior to the date of the enactment of this Act.

(b) NO EFFECT ON CURRENT EMPLOYMENT COUNSEL.—Nothing in this section or the amendments made by this section may be construed to affect the status of the individual serving as the Employment Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

SEC. 5. CLARIFICATION OF AUTHORITIES REGARDING CERTAIN PERSONNEL BENEFITS.

(a) NO LUMP-SUM PAYMENT PERMITTED FOR UNUSED COMPENSATORY TIME.—

(1) IN GENERAL.—No officer or employee of the United States Capitol Police whose service with the United States Capitol Police is terminated may receive any lump-sum payment with respect to accrued compensatory time off, except to the extent permitted under section 203(c)(4) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(c)(4)).

(2) REPEAL OF RELATED OBSOLETE PROVISIONS.—

(A) OVERTIME PAY DISBURSED BY HOUSE.—Section 3 of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (85 Stat. 636) (2 U.S.C. 1924), together with any other provision of law which relates to compensatory time for the Capitol Police which is codified at section 1924 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(B) OVERTIME PAY DISBURSED BY SENATE.—The last full paragraph under the heading ''Administrative Provisions'' in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is repealed.

(b) OVERTIME COMPENSATION FOR OFFICERS AND EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS ACT OF 1938.—

(1) CRITERIA UNDER WHICH COMPENSATION PERMITTED.—The Chief of the Capitol Police may provide for the compensation of overtime work of exempt individuals which is performed on or after the date of the enactment of this Act, in the form of additional pay or compensatory time off, only if—

(A) the overtime work is carried out in connection with special circumstances, as determined by the Chief;

(B) the Chief has established a monetary value for the overtime work performed by such individual; and

(C) the sum of the total amount of the compensation paid to the individual for the overtime work (as determined on the basis of the monetary value established under subparagraph (B)) and the total regular compensation paid to the individual with respect to the pay period involved may not exceed an amount equal to the cap on the aggregate amount of annual compensation that may be paid to the individual under applicable law during the year in which the pay period occurs, as allocated on a per pay period basis consistent with premium pay regulations of the Capitol Police Board.

(2) EXEMPT INDIVIDUALS DEFINED.—In this subsection, an ''exempt individual'' is an officer or employee of the United States Capitol Police—

(A) who is classified under regulations issued pursuant to section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) as exempt from the application of the rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)); or

(B) whose annual rate of pay is not established specifically under any law.

(3) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 1009 of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 359) is repealed.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003, except that the amendment shall not apply with respect to any overtime work performed prior to the date of the enactment of this Act.

SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) REPEAL OF OBSOLETE PROCEDURES FOR INITIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).

(b) REPEAL OF REQUIREMENT THAT OFFICERS PURCHASE OWN UNIFORMS.—Section 1825 of the Revised Statutes of the United States (2 U.S.C. 1943) is repealed.

(c) REPEAL OF REFERENCES TO OFFICERS AND PRIVATES IN AUTHORITIES RELATING TO HOUSE AND SENATE OFFICE BUILDINGS.—

(1) HOUSE OFFICE BUILDINGS.—The item relating to ''House of Representatives Office Building'' in the Act entitled ''An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes'', approved March 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended by striking ''other than officers and privates of the Capitol police'' each place it appears and inserting ''other than the United States Capitol Police''.

(2) SENATE OFFICE BUILDINGS.—The item relating to ''Senate Office Building'' in the Legislative Branch Appropriation Act, 1943 (56 Stat. 343; 2 U.S.C. 2023) is amended by striking ''other than for officers and privates of the Capitol Police'' each place it appears and inserting ''other than for the United States Capitol Police''.

(d) CLARIFICATION OF APPLICABILITY OF U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007.—

(1) REPEAL OF DUPLICATE PROVISIONS.—Effective as if included in the enactment of the Legislative Branch Appropriations Act, 2008 (Public Law 110–161), section 1004 of such Act is repealed, and any provision of law amended or repealed by such section is restored or revived to read as if such section had not been enacted into law.

(2) NO EFFECT ON OTHER ACT.—Nothing in paragraph (1) may be construed to prevent the enactment or implementation of any provision of the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (Public Law 110–178), including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to paragraph (1).

(e) AUTHORITY OF CHIEF OF POLICE.—

(1) REPEAL OF CERTAIN PROVISIONS CODIFIED IN TITLE 2, UNITED STATES CODE.—The provisions appearing in the first paragraph under the heading ''Capitol Police'' in the Act of April 28, 1902 (ch. 594; 32 Stat. 124), and the provisions appearing in the first paragraph under the heading ''Capitol Police'' in title I of the Legislative and Judiciary Appropriation Act, 1944 (ch. 173; 57 Stat. 230), insofar as all of those provisions are related to the sentence ''The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.'', which appears in 2 U.S.C. 1901 (2000 Edition, Supp. V), are repealed.

(2) RESTORATION OF REPEALED PROVISION.—Section 1018(h)(1) of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7, div. H, title I, 117 Stat. 368) is repealed, and the sentence ''The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.'', which was repealed by such section, is restored to appear at the end of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901).

(3) CONFORMING AMENDMENT.—The first sentence of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking '', the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

SEC. 7. TREATMENT OF CAPITOL POLICE EMPLOYEES AS CONGRESSIONAL EMPLOYEES.

(a) DEFINITION OF CONGRESSIONAL EMPLOYEE.—Section 2107(4) of title 5, United States Code, is amended by inserting ''or employee'' after ''member''.

(b) DUAL PAY AND DUAL EMPLOYMENT.—

(1) DEFINITION OF AGENCY IN THE LEGISLATIVE BRANCH.—Section 5531(4) of title 5, United States Code, is amended by striking ''and the Congressional Budget Office'' and inserting ''the Congressional Budget Office, and the United States Capitol Police''.

(2) DUAL PAY.—Section 5533 of title 5, United States Code, is amended—

(A) in subsection (c)—

(i) in paragraph (1), by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''; and

(ii) in paragraph (2), by inserting ''or the Chief of the Capitol Police'' after ''House of Representatives''; and

(B) in subsection (d)(5)(A), by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''.

(c) FEES FOR JURY AND WITNESS SERVICE.—

(1) CREDITING AMOUNTS RECEIVED.—Section 5515 of title 5, United States Code, is amended by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''.

(2) FEES FOR SERVICE.—Section 5537(a) of title 5, United States Code, is amended by striking ''or the Chief Administrative Officer of the House of Representatives'' and inserting '', the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as though enacted as part of section 1018 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907).

SEC. 8. LAW ENFORCEMENT AUTHORITY OF SERGEANT-AT-ARMS AND DOORKEEPER OF THE SENATE.

(a) IN GENERAL.—The Sergeant-at-Arms and Doorkeeper of the Senate shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant-at-Arms and Doorkeeper of the Senate have the qualifications specified in subsection (b).

(b) QUALIFICATIONS.—The qualifications referred to in subsection (a) are the following:

(1) A minimum of 5 years of experience as a law enforcement officer before beginning service as the Sergeant-at-Arms and Doorkeeper of the Senate.

(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

(3) Any other firearms qualification required for members of the Capitol Police.

(c) REGULATIONS.—The Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

SEC. 9. TRAVEL PROMOTION ACT OF 2009.

(a) SHORT TITLE.—This section may be cited as the ''Travel Promotion Act of 2009''.

(b) THE CORPORATION FOR TRAVEL PROMOTION.—

(1) ESTABLISHMENT.—The Corporation for Travel Promotion is established as a nonprofit corporation. The Corporation shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-1001 et seq.), to the extent that such provisions are consistent with this subsection, and shall have the powers conferred upon a nonprofit corporation by that Act to carry out its purposes and activities.

(2) BOARD OF DIRECTORS.—

(A) IN GENERAL.—The Corporation shall have a board of directors of 11 members with knowledge of international travel promotion and marketing, broadly representing various regions of the United States, who are United States citizens. Members of the board shall be appointed by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State), as follows:

(i) 1 shall have appropriate expertise and experience in the hotel accommodations sector;

(ii) 1 shall have appropriate expertise and experience in the restaurant sector;

(iii) 1 shall have appropriate expertise and experience in the small business or retail sector or in associations representing that sector;

(iv) 1 shall have appropriate expertise and experience in the travel distribution services sector;

(v) 1 shall have appropriate expertise and experience in the attractions or recreations sector;

(vi) 1 shall have appropriate expertise and experience as officials of a city convention and visitors' bureau;

(vii) 2 shall have appropriate expertise and experience as officials of a State tourism office;

(viii) 1 shall have appropriate expertise and experience in the passenger air sector;

(ix) 1 shall have appropriate expertise and experience in immigration law and policy, including visa requirements and United States entry procedures; and

(x) 1 shall have appropriate expertise in the intercity passenger railroad business.

(B) INCORPORATION.—The members of the initial board of directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29-301.01 et seq.).

(C) TERM OF OFFICE.—The term of office of each member of the board appointed by the Secretary shall be 3 years, except that, of the members first appointed—

(i) 3 shall be appointed for terms of 1 year;

(ii) 4 shall be appointed for terms of 2 years; and

(iii) 4 shall be appointed for terms of 3 years.

(D) REMOVAL FOR CAUSE.—The Secretary of Commerce may remove any member of the board for good cause.

(E) VACANCIES.—Any vacancy in the board shall not affect its power, but shall be filled in the manner required by this subsection. Any member whose term has expired may serve until the member's successor has taken office, or until the end of the calendar year in which the member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term. No member of the board shall be eligible to serve more than 2 consecutive full 3-year terms.

(F) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—Members of the board shall annually elect one of the members to be Chairman and elect 1 or 2 of the members as Vice Chairman or Vice Chairmen.

(G) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding any provision of law to the contrary, no member of the board may be considered to be a Federal employee of the United States by virtue of his or her service as a member of the board.

(H) COMPENSATION; EXPENSES.—No member shall receive any compensation from the Federal government for serving on the Board. Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(3) OFFICERS AND EMPLOYEES.—

(A) IN GENERAL.—The Corporation shall have an executive director and such other officers as may be named and appointed by the board for terms and at rates of compensation fixed by the board. No individual other than a citizen of the United States may be an officer of the Corporation. The Corporation may hire and fix the compensation of such employees as may be necessary to carry out its purposes. No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the board and subject to the provisions of the Corporation's Statement of Ethical Conduct. All officers and employees shall serve at the pleasure of the board.

(B) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(4) NONPROFIT AND NONPOLITICAL NATURE OF CORPORATION.—

(A) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(B) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(C) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(D) SENSE OF CONGRESS REGARDING LOBBYING ACTIVITIES.—It is the sense of Congress that the Corporation should not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7)).

(5) DUTIES AND POWERS.—

(A) IN GENERAL.—The Corporation shall develop and execute a plan—

(i) to provide useful information to foreign tourists, business people, students, scholars, scientists, and others interested in traveling to the United States, including the distribution of material provided by the Federal government concerning entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies, to prospective travelers, travel agents, tour operators, meeting planners, foreign governments, travel media and other international stakeholders;

(ii) to identify, counter, and correct misperceptions regarding United States entry policies around the world;

(iii) to maximize the economic and diplomatic benefits of travel to the United States by promoting the United States of America to world travelers through the use of, but not limited to, all forms of advertising, outreach to trade shows, and other appropriate promotional activities;

(iv) to ensure that international travel benefits all States and the District of Columbia and to identify opportunities and strategies to promote tourism to rural and urban areas equally, including areas not traditionally visited by international travelers; and

(v) to give priority to the Corporation's efforts with respect to countries and populations most likely to travel to the United States.

(B) SPECIFIC POWERS.—In order to carry out the purposes of this subsection, the Corporation may—

(i) obtain grants from and make contracts with individuals and private companies, State, and Federal agencies, organizations, and institutions;

(ii) hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out its purposes; and

(iii) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(C) PUBLIC OUTREACH AND INFORMATION.—The Corporation shall develop and maintain a publicly accessible website.

(6) OPEN MEETINGS.—Meetings of the board of directors of the Corporation, including any committee of the board, shall be open to the public. The board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(7) MAJOR CAMPAIGNS.—The board may not authorize the Corporation to obligate or expend more than $25,000,000 on any advertising campaign, promotion, or related effort unless—

(A) the obligation or expenditure is approved by an affirmative vote of at least 2/3 of the members of the board present at the meeting;

(B) at least 6 members of the board are present at the meeting at which it is approved; and

(C) each member of the board has been given at least 3 days advance notice of the meeting at which the vote is to be taken and the matters to be voted upon at that meeting.

(8) FISCAL ACCOUNTABILITY.—

(A) FISCAL YEAR.—The Corporation shall establish as its fiscal year the 12-month period beginning on October 1.

(B) BUDGET.—The Corporation shall adopt a budget for each fiscal year.

(C) ANNUAL AUDITS.—The Corporation shall engage an independent accounting firm to conduct an annual financial audit of the Corporation's operations and shall publish the results of the audit. The Comptroller General of the United States may review any audit of a financial statement conducted under this paragraph by an independent accounting firm and may audit the Corporation's operations at the discretion of the Comptroller General. The Comptroller General and the Congress shall have full and complete access to the books and records of the Corporation.

(D) PROGRAM AUDITS.—Not later than 2 years after the date of enactment of this section, the Comptroller General shall conduct a review of the programmatic activities of the Corporation for Travel Promotion. This report shall be provided to appropriate congressional committees.

(c) ACCOUNTABILITY MEASURES.—

(1) OBJECTIVES.—The Board shall establish annual objectives for the Corporation for each fiscal year subject to approval by the Secretary of Commerce (after consultation with the Secretary of Homeland Security and the Secretary of State). The Corporation shall establish a marketing plan for each fiscal year not less than 60 days before the beginning of that year and provide a copy of the plan, and any revisions thereof, to the Secretary.

(2) BUDGET.—The board shall transmit a copy of the Corporation's budget for the forthcoming fiscal year to the Secretary not less than 60 days before the beginning of each fiscal year, together with an explanation of any expenditure provided for by the budget in excess of $5,000,000 for the fiscal year. The Corporation shall make a copy of the budget and the explanation available to the public and shall provide public access to the budget and explanation on the Corporation's website.

(3) ANNUAL REPORT TO CONGRESS.—The Corporation shall submit an annual report for the preceding fiscal year to the Secretary of Commerce for transmittal to the Congress on or before the 15th day of May of each year. The report shall include—

(A) a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this section;

(B) a comprehensive and detailed inventory of amounts obligated or expended by the Corporation during the preceding fiscal year;

(C) a detailed description of each in-kind contribution, its fair market value, the individual or organization responsible for contributing, its specific use, and a justification for its use within the context of the Corporation's mission;

(D) an objective and quantifiable measurement of its progress, on an objective-by-objective basis, in meeting the objectives established by the board;

(E) an explanation of the reason for any failure to achieve an objective established by the board and any revisions or alterations to the Corporation's objectives under paragraph (1);

(F) a comprehensive and detailed report of the Corporation's operations and activities to promote tourism in rural and urban areas; and

(G) such recommendations as the Corporation deems appropriate.

(4) LIMITATION ON USE OF FUNDS.—Amounts deposited in the Fund may not be used for any purpose inconsistent with carrying out the objectives, budget, and report described in this subsection.

(d) MATCHING PUBLIC AND PRIVATE FUNDING.—

(1) ESTABLISHMENT OF TRAVEL PROMOTION FUND.—There is hereby established in the Treasury a fund which shall be known as the Travel Promotion Fund.

(2) FUNDING.—

(A) START-UP EXPENSES.—For fiscal year 2010, the Secretary of the Treasury shall make available to the Corporation such sums as may be necessary, but not to exceed $10,000,000, from amounts deposited in the general fund of the Treasury from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I)) to cover the Corporation's initial expenses and activities under this section. Transfers shall be made at least quarterly, beginning on January 1, 2010, on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(B) SUBSEQUENT YEARS.—For each of fiscal years 2011 through 2014, from amounts deposited in the general fund of the Treasury during the preceding fiscal year from fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(B)(i)(I)), the Secretary of the Treasury shall transfer not more than $100,000,000 to the Fund, which shall be made available to the Corporation, subject to paragraph (3) of this subsection, to carry out its functions under this section. Transfers shall be made at least quarterly on the basis of estimates by the Secretary, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess or less than the amounts required to be transferred.

(3) MATCHING REQUIREMENT.—

(A) IN GENERAL.—No amounts may be made available to the Corporation under this subsection after fiscal year 2010, except to the extent that—

(i) for fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 50 percent or more of the amount transferred to the Fund under paragraph (2); and

(ii) for any fiscal year after fiscal year 2011, the Corporation provides matching amounts from non-Federal sources equal in the aggregate to 100 percent of the amount transferred to the Fund under paragraph (2) for the fiscal year.

(B) GOODS AND SERVICES.—For the purpose of determining the amount received from non-Federal sources by the Corporation, other than money—

(i) the fair market value of goods and services (including advertising) contributed to the Corporation for use under this section may be included in the determination; but

(ii) the fair market value of such goods and services may not account for more than 80 percent of the matching requirement under subparagraph (A) for the Corporation in any fiscal year.

(C) RIGHT OF REFUSAL.—The Corporation may decline to accept any contribution in-kind that it determines to be inappropriate, not useful, or commercially worthless.

(D) LIMITATION.—The Corporation may not obligate or expend funds in excess of the total amount received by the Corporation for a fiscal year from Federal and non-Federal sources.

(4) CARRYFORWARD.—

(A) FEDERAL FUNDS.—Amounts transferred to the Fund under paragraph (2)(B) shall remain available until expended.

(B) MATCHING FUNDS.—Any amount received by the Corporation from non-Federal sources in fiscal year 2010, 2011, 2012, 2013, or 2014 that cannot be used to meet the matching requirement under paragraph (3)(A) for the fiscal year in which amount was collected may be carried forward and treated as having been received in the succeeding fiscal year for purposes of meeting the matching requirement of paragraph (3)(A) in such succeeding fiscal year.

(e) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as follows:

''(B) FEES.—

''(i) IN GENERAL.—No later than 6 months after the date of enactment of the Travel Promotion Act of 2009, the Secretary of Homeland Security shall establish a fee for the use of the System and begin assessment and collection of that fee. The initial fee shall be the sum of—

''(I) $10 per travel authorization; and

''(II) an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected under clause (i)(I) shall be credited to the Travel Promotion Fund established by subsection (d) of section 11 of the Travel Promotion Act of 2009. Amounts collected under clause (i)(II) shall be transferred to the general fund of the Treasury and made available to pay the costs incurred to administer the System.

''(iii) SUNSET OF TRAVEL PROMOTION FUND FEE.—The Secretary may not collect the fee authorized by clause (i)(I) for fiscal years beginning after September 30, 2014.''.

(f) ASSESSMENT AUTHORITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Corporation may impose an annual assessment on United States members of the international travel and tourism industry (other than those described in subsection (b)(2)(A)(iii) or (H)) represented on the Board in proportion to their share of the aggregate international travel and tourism revenue of the industry. The Corporation shall be responsible for verifying, implementing, and collecting the assessment authorized by this subsection.

(2) INITIAL ASSESSMENT LIMITED.—The Corporation may establish the initial assessment after the date of enactment of this section at no greater, in the aggregate, than $20,000,000.

(3) REFERENDA.—

(A) IN GENERAL.—The Corporation may not impose an annual assessment unless—

(i) the Corporation submits the proposed annual assessment to members of the industry in a referendum; and

(ii) the assessment is approved by a majority of those voting in the referendum.

(B) PROCEDURAL REQUIREMENTS.—In conducting a referendum under this paragraph, the Corporation shall—

(i) provide written or electronic notice not less than 60 days before the date of the referendum;

(ii) describe the proposed assessment or increase and explain the reasons for the referendum in the notice; and

(iii) determine the results of the referendum on the basis of weighted voting apportioned according to each business entity's relative share of the aggregate annual United States international travel and tourism revenue for the industry per business entity, treating all related entities as a single entity.

(4) COLLECTION.—

(A) IN GENERAL.—The Corporation shall establish a means of collecting the assessment that it finds to be efficient and effective. The

Corporation may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Corporation any amount assessed by the Corporation under this section.

(B) ENFORCEMENT.—The Corporation may bring suit in Federal court to compel compliance with an assessment levied by the Corporation under this section.

(5) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Corporation may invest funds collected through assessments, and any other funds received by the Corporation, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(g) OFFICE OF TRAVEL PROMOTION.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended by inserting after section 201 the following:

"SEC. 202. OFFICE OF TRAVEL PROMOTION.

''(a) OFFICE ESTABLISHED.—There is established within the Department of Commerce an office to be known as the Office of Travel Promotion.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the Secretary.

''(2) QUALIFICATIONS.—The Director shall be a citizen of the United States and have experience in a field directly related to the promotion of travel to and within the United States.

''(3) DUTIES.—The Director shall be responsible for ensuring the office is carrying out its functions effectively and shall report to the Secretary.

''(c) FUNCTIONS.—The Office shall—

''(1) serve as liaison to the Corporation for Travel Promotion established by subsection (b) of section 11 of the Travel Promotion Act of 2009 and support and encourage the development of programs to increase the number of international visitors to the United States for business, leisure, educational, medical, exchange, and other purposes;

''(2) work with the Corporation, the Secretary of State and the Secretary of Homeland Security—

''(A) to disseminate information more effectively to potential international visitors about documentation and procedures required for admission to the United States as a visitor;

''(B) to ensure that arriving international visitors are generally welcomed with accurate information and in an inviting manner;

''(C) to collect accurate data on the total number of international visitors that visit each State; and

''(D) enhance the entry and departure experience for international visitors through the use of advertising, signage, and customer service; and

''(3) support State, regional, and private sector initiatives to promote travel to and within the United States.

''(d) REPORTS TO CONGRESS.—Within a year after the date of enactment of the Travel Promotion Act of 2009, and periodically thereafter as appropriate, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Foreign Relations, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Foreign Affairs describing the Office's work with the Corporation, the Secretary of State and the Secretary of Homeland Security to carry out subsection (c)(2).''.

(h) RESEARCH PROGRAM.—Title II of the International Travel Act of 1961 (22 U.S.C. 2121 et seq.), as amended by subsection (g), is further amended by inserting after section 202 the following:

"SEC. 203. RESEARCH PROGRAM.

''(a) IN GENERAL.—The Office of Travel and Tourism Industries shall expand and continue its research and development activities in connection with the promotion of international travel to the United States, including—

''(1) expanding access to the official Mexican travel surveys data to provide the States with traveler characteristics and visitation estimates for targeted marketing programs;

''(2) expanding the number of inbound air travelers sampled by the Commerce Department's Survey of International Travelers to reach a 1 percent sample size and revising the design and format of questionnaires to accommodate a new survey instrument, improve response rates to at least double the number of States and cities with reliable international visitor estimates and improve market coverage;

''(3) developing estimates of international travel exports (expenditures) on a State-by-State basis to enable each State to compare its comparative position to national totals and other States;

''(4) evaluate the success of the Corporation in achieving its objectives and carrying out the purposes of the Travel Promotion Act of 2009; and

''(5) research to support the annual reports required by section 202(d) of this Act.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2010 through 2014 such sums as may be necessary to carry out this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the measure now under consideration.

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

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on March 31, the House passed H.R. 1299, to make technical corrections to laws governing administration of the Capitol Police. In the weeks since, the Senate Rules Committee has worked with us to improve the bill even further. The results of our joint effort are incorporated into the motion before the House.

I especially want to thank the gentleman from California (Mr. DANIEL E. LUNGREN) and his able staff for their invaluable assistance on this important bill, and I urge an ''aye'' vote.

Mr. Speaker, I now want to yield to the gentlewoman from Florida (Ms. CASTOR) such time as she may consume.

Ms. CASTOR of Florida. I thank my good friend, the gentlewoman from California (Mrs. DAVIS), for yielding me time.

I rise in support of the United States Capitol Police Administrative Technical Corrections Act of 2009. As part of the act, Mr. Speaker, the House will consider Senate bill 1023, the Travel Promotion Act, which is similar to H.R. 2935 by Representative DELAHUNT of Massachusetts, a bill of which I am pleased to be a cosponsor. I would like to thank Congressman DELAHUNT, who is on the floor here this morning, for fighting for jobs for Americans because the Travel Promotion Act is a jobs bill. It's a vital economic development initiative to combat the economic downturn that we've been battling since the spring of 2008.

The Travel Promotion Act establishes a nonprofit corporation for travel promotion to promote tourism in the United States and to provide travel information to people around the world. It is very similar to an initiative in my home State of Florida, and we all know that tourism is especially important to the State of Florida.

Florida is a top travel destination from across the globe. The millions and millions of tourists who travel to warm and sunny Florida support a $57 billion tourism industry and our economy. People come from every nation to visit our beautiful beaches, Bush Gardens, Disney World, Universal Studios, the Everglades, and more. The Florida economy thrives, just like many other States across the Nation, and families have good jobs and a clean industry because of tourism.

Having beaches and attractions often is not enough, however. Florida also communicates to the world about Florida vacations through the Visit Florida tourism advertising campaign. We have a Web site and many outreach efforts, but there is no similar initiative for the United States as a whole internationally. So the intent of the Travel Promotion Act is to create new jobs through growing tourism nationwide.

Unfortunately, there are many misconceptions that the United States is not a friendly place for international tourists. Other nations actively promote international tourism through advertising campaigns and outreach, but some say that we have allowed our image to become an unwelcome one. Nations that project a welcoming image are reaping economic benefits while we run the risk of being left behind.

Overseas travel in the United States has declined by 10 percent in the first quarter of 2009. But we are going to turn that around through this Travel Promotion Act. Our travel bill would let world travelers know that we want them to visit America's great cities and natural wonders. We want the

world to come and share our culture and experience the richness that is the United States of America. Therefore, I urge adoption of the Travel Promotion Act to get our economy moving and create jobs.

Hats off again to Congressman DELAHUNT and the other sponsors of this legislation in the Energy and Commerce Committee. This is an important bipartisan effort.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this resolution, which includes the United States Capitol Police Technical Corrections Act. I am pleased to rise in support of the bill which will enable the Chief of the Capitol Police to exercise the necessary authority to improve operations of the Capitol Police. The bill is an effort to resolve conflicting provisions in existing law and eliminate unnecessary regulations.

This bill is the result of the cooperative effort between the chairman of the full committee as well as the Subcommittee on Capitol Security to facilitate the most efficient framework in which the Capitol Police may operate. I am confident this collaborative approach will continue, resulting in a safer and more effectively managed Capitol complex, and I urge the support of my colleagues.

As was mentioned, this is combined with a bill on travel. And some might say, What do these two separate bills have to do with one another? Absolutely nothing.

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Yet what is allowed on this floor, because we adopted yesterday a rule, is martial law. What's martial law? It means that the majority at any time may bring up any subject whatever, and we suspend all rules. ''Suspending all rules'' means that you can change every word in a bill and can present that on the floor, and we vote on that.

The only reason I bring this to the attention of my colleagues is that some colleagues may not be aware that, sometimes when we bring a bill to the floor which has the same name of a bill they passed in subcommittee and committee, it may be an entirely different bill. We normally have around here a rule of germaneness, but we have a suspension of the rules so we can put completely separate, nongermane bills together, and that's what we have. It's an interesting comment on how we do things here.

With that, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield once again to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank my colleague from California for yielding time.

Mr. Speaker, at this time, I would like to reference the CONGRESSIONAL RECORD of October 7, 2009. On that date, I entered into a colloquy with Congresswoman LORETTA SANCHEZ of the Homeland Security Committee during the House's earlier consideration of S. 1023 as attached to House Resolution 806. That colloquy and its commitments are still valid today as we work again to pass the Tourism Promotion Act.

I would like to enter into the RECORD the letters that were cross-referenced in that colloquy. I would also like to add for the RECORD that we intend to work with Congressman DOYLE of Pennsylvania regarding nonprofit cultural destinations as part of the bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 7, 2009.

Hon. JOHN D. ROCKEFELLER IV,
Chairman, Senate Committee on Commerce, Science, and Transportation.

Hon. AMY KLOBUCHAR,
Chairman, Subcommittee on Competitiveness, Innovation, and Export Promotion.

Hon. BYRON L. DORGAN,
U.S. Senator.

DEAR SENATORS ROCKEFELLER, KLOBUCHAR, AND DORGAN: As the House may consider S. 1023, the Travel Promotion Act of 2009, shortly, we write to clarify your intent with regard to several provisions in the bill.

CREATION OF THE CORPORATION

It is our understanding that the intent of the legislation is for the Department of Commerce to administer grants to the newly created nonprofit, ''Corporation for Travel Promotion.'' It will be left to the judgment of the Secretary of Commerce to transfer sums necessary for the operations of the nonprofit and the administration of the grants. We understand further that the Department of Treasury will hold the separate ''Travel Promotion Fund,'' but will have no substantive role with regard to the Corporation. By having the Department of Commerce issue grants to the Corporation, we can assure the application of Circular A–110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations. A–110 imposes a number of requirements on non-profit entities spending federal dollars, including the requirement that contracts target small businesses owned by women and minorities.

In addition, we appreciate that you share our commitment to diversity on the Corporation Board of Directors. We want to stress that the Secretary of Commerce should make every effort to ensure that the homeland security and small business communities are adequately represented on the Corporation's Board, and that the Board has a balance of gender, ethnicity, and economic status, as well as representatives from both urban and rural areas.

Also, we understand the importance of a functioning Corporation and the decision to allow expenditures to be made when six Board members are present. We would suggest that for expenditures over $25 million, the Board strive to have more than four members support approval of such an expenditure.

Moreover, we would expect the Corporation's campaigns to target travelers from a diverse set of regions of the world and to advertise a wide range of destinations across the United States and its territories.

II. COORDINATION WITH THE FEDERAL GOVERNMENT

Although the legislation creates a requirement that the Corporation consult with the Department of Commerce, we believe that the Corporation should consult regularly with the Departments of State and Homeland Security which also have key responsibilities relating to travel and tourism. For example, it is imperative that the Corporation coordinate on any information it may disseminate regarding entry requirements, required documentation, fees, processes, and information concerning declared public health emergencies and requirements for entering the United States. This coordination is necessary in order to avoid the risk that prospective travelers to the United States could receive conflicting or confusing information regarding entry requirements and processes.

III. TRAVEL PROMOTION FUND FEES

Under the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 100–53), the Secretary of Homeland Security already has authority to charge a fee to cover the cost of administering the Electronic System for Travel Authorization (ESTA), but also has discretion to pay for ESTA with other funds. Similarly, the legislation before us should maintain the Secretary's discretion to determine the most appropriate manner to fund ESTA administration.

The legislation does not specify how funds collected in excess of $100 million or greater than the needs of the Corporation for Travel Promotion should be used. We believe that these funds should be transferred to the Department of Homeland Security to: 1) reinvest in ESTA to support changes necessary to collect the new fee, and 2) enhance critical border security programs such as US-VISIT and Global Entry. Under the Implementing Recommendations of the 9/11 Commission Act of 2007, full implementation of the US-VISIT air exit capability is required for increased flexibility to expand the Visa Waiver Program, which would help increase tourism to the United States.

IV. LIMITATIONS AND ACCOUNTABILITY

Furthermore, we believe it is essential to ensure that the Corporation's funds are invested only in low risk vehicles and that none of the funds provided to the Corporation be used to directly promote or advertise a specific corporation. Finally, we understand that under this bill, Congress has full and complete access to the books and records of the Corporation. We would suggest that the Corporation proactively send its marketing plan to Congress.

V. SUMMARY

While there is strong support in the House for passage of S. 1023, the Travel Promotion Act of 2009, we remain concerned about some aspects of the bill. We look forward to working with you to conduct vigorous oversight of the Travel Promotion Act once it is law and to make any changes to the legislation that may become necessary. Thank you in advance for clarifying your thoughts on the matters discussed in this letter.

Sincerely,

HENRY WAXMAN,
Chairman.

JOHN D. DINGELL,
Chairman Emeritus.

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, October 7, 2009.

Hon. HENRY A. WAXMAN,
Chairman, House Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Chairman Emeritus, House Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN AND CHAIRMAN EMERITUS DINGELL: Thank you for your letter regarding S. 1023, the Travel Promotion

Act of 2009. We appreciate your significant interest in and contributions to this important piece of economic development legislation.

Many members of the Senate have praised this legislation for two main reasons. First, the legislation would stimulate the economy at a time when our country is facing record level job losses and deficits. A study by Oxford Economics showed that a coordinated international travel promotion campaign, such as the type that would be created by S. 1023, could drive as much as $8 billion in new spending and create nearly $1 billion in tax revenues annually. Additionally, the Congressional Budget Office found that enacting S. 1023 would have the added benefit of reducing budget deficits by $425 million over fiscal years 2010–2019. This is the rare bill that stimulates economic growth while reducing the deficit at the same time.

Second, S. 1023 is a broadly bipartisan piece of legislation. Authored by Senators Dorgan and Ensign, 53 senators signed on as co-sponsors to the measure. The Travel Promotion Act of 2009 passed the Senate on September 9, 2009 by a vote of 79–19. While bipartisanship has been difficult to achieve on many issues, the solidarity of support across the aisle shows the Senate's strong commitment to enacting this legislation. The travel industry is crucial to every state and region, and we are excited to join together with you and the members of the House to aid in sending this important bill to President Obama's desk.

Presuming House passage of the Travel Promotion Act of 2009 on Wednesday, October 7, 2009 and the President's signature thereafter, we agree that the efficient and proper implementation of the Act is the cornerstone of a successful and equitable program. As Chairman of the Senate Committee on Commerce, Science, and Transportation, joined by the Chairman of the Subcommittee on Competitiveness, Innovation, and Export Promotion and the author of S. 1023, please find the following statements of intent regarding the Travel Promotion Act of 2009.

Consultation with the Department of Homeland Security and the Department of State: One of the central purposes of the Travel Promotion Act of 2009 is to assist in disseminating information to foreign travelers about documents and procedures required for admission to the United States. While the Office of Travel Promotion and the Corporation would have the mandated responsibility to serve as an outlet for this information, in no way does the Act change the primary responsibilities of the Departments of State and Homeland Security for this function. The Department of Homeland Security has authority over the entry portals to the United States, and the Department of State is responsible for the execution of the visa policy. The Act does not create an express or implied ability for the Department of Commerce to supersede either agency's responsibilities. The purpose of the Office of Travel Promotion is to educate potential foreign tourists regarding the visa and entry policies set by those agencies—not to change visa and entry policies.

It is our expectation that the consultation requirements established in Sections 3 and 7 of the Act will establish an open, ongoing and vigorous line of communication between the Departments of Commerce, Homeland Security and State. The goal is for the Commerce Department and the Office of Travel Promotion to work closely with the other agencies to clearly and accurately communicate visa and entry policies and to improve the entry experience for international arrivals. In that vein, we expect the Departments of Homeland Security and State to work with the Department of Commerce to achieve the goals of the Act, and we would insist that the Department of Commerce, the Office of Travel Promotion, or the Corporation for Travel Promotion not go forward with any communication regarding the entry or visa process without prior consultation with the Departments of State and Homeland Security.

Board of Directors Composition and Guidance: The Secretary of Commerce has the responsibility of appointing the Board of Directors for the Corporation for Travel Promotion, after consultation with the Secretaries of Homeland Security and State. In addition to the mandates regarding the Board expressed in Section 2(a), (b), (c) and (d), we strongly encourage the Secretary of Commerce to select board members that are reflective of the diversity of our country. As with any governmental posting, we would expect the Board to reflect a balance of gender, racial and ethnic diversity.

Section 2(g) limits the Board's ability to obligate or expend more than $25 million without at least 6 members of the Board present. We would strongly suggest that as part of the Board's procedures and rules of corporate governance that at least 5 members be present before the authorization, obligation or expenditure of any funds for campaigns, promotions or related efforts.

Small Business Representation and Diversity of Contractors: Approximately 90 percent of all employers that are part of the travel industry are small businesses. One of the primary purposes of the Act is to craft campaigns to encourage overseas travelers to come to America so these small businesses generate new revenue and create new jobs. Because small businesses play a vital role in the travel industry, we strongly encourage the Secretary of Commerce to select board members who have knowledge and expertise of small businesses. We expect the Board and the Executive Director to strive to make certain that promotional efforts benefit small businesses in every region. In the planning and execution of campaigns, the Corporation should make special efforts in the bidding and contract process to target small businesses and businesses owned by women and minorities.

Considerations for Promotion Campaigns: The Corporation and the Office for Travel Promotion shall plan and execute the promotion campaigns to maximize the return of investment for each advertising dollar expended. The campaigns should be comprehensive in scope and should advertise in all regions of the world to encourage overseas arrivals to the United States.

Per the mandate in Section 2(e)1(D), the Corporation shall develop and execute a plan to generate international tourism benefits for all states and the District of Columbia and to identify opportunities and strategies to encourage tourism to underserved rural and urban areas equally, including areas not traditionally visited by international travelers. It is our intention that U.S. territories are included in the promotional plan along with the states and District of Columbia. We expect the Corporation and the Office of Travel Promotion to vigorously implement and execute this mandate.

Accountability and Oversight: Section 3(c) of the Act mandates that the Secretary of Commerce transmit an annual report to Congress, which shall include a comprehensive and detailed report of the operations, activities, financial condition and accomplishments of the Corporation. To aid in the oversight of the Corporation and the Office of Travel Promotion, we strongly suggest the Corporation submit its marketing plan to the Senate Committee on Commerce. Science, and Transportation and the House Committee on Energy and Commerce.

Corporation for Travel Promotion Funding: The Corporation has the fiduciary duty to collect and ascertain the quality of the private sector contributions, protect the corpus of the fund from undue and unnecessary risks, and to make certain that the funds are not used in a discriminatory fashion.

In-Kind Goods and Services: The Act allows for up to 80 percent of the private sector contribution be fulfilled with in-kind contributions of goods and services that are appropriate to carry out the dictates of the Act. The Corporation shall be very conservative in its acceptance of these goods and services. The contributions must be directly useable for the campaigns, their value assessed at current fair market rates, and they must have true commercial value. In making that evaluation, we suggest that the good or service be able to be sold on the open market and garner the assessed fair market return. As example, but not for the purposes of limiting the discretion of the Corporation, we would consider television air-time or print advertising space to be examples of goods and services that would be appropriate for acceptance and usage.

Protecting the Corpus of the Fund: As part of its fiduciary duties to protect the Fund, the Board of Directors must invest the fund in conservative investment vehicles, such as Unites States Government Treasury Bills. While the Corporation should invest a $200 million dollar corpus to take advantage of the fund's size to benefit American travel businesses and taxpayers, the Fund should not be exposed to undue risk.

Prohibition on Discriminatory Fund Distribution and Campaign Focus: As mandated in Section 2(e), the international travel advertising campaign must benefit all states and the District of Columbia. We read this mandate as strictly forbidding the Corporation from expending funds to promote one specific company. The campaign should promote travel to the United States to provide benefits to multiple regions and businesses. A campaign singling out specific travel related companies would violate Section 3(d) of the Act.

Governmental Responsibilities for Collecting and Distributing Funds: We expect the Departments of Commerce, Homeland Security and Treasury to work together collaboratively to execute the collection and distribution of monies to the Travel Promotion Fund.

Department of Homeland Security and Electronic System for Travel Authorization (ESTA) Funding Discretion: The Travel Promotion Act of 2009 mandates that the Secretary of Homeland Security establish and collect a fee from visa waiver travelers to use the ESTA for the Travel Promotion Fund and an amount to ensure the costs of providing and administering the system. This mandate does not supersede or limit any additional authority or discretion for the Department of Homeland Security to pay for ESTA administration with other funds. The need for this additional ESTA fee is at the determination of the Secretary. If the ESTA system is funded by other means, the Secretary of Homeland Security shall collect the minimum $10 for the Travel Promotion Fund as mandated by the Travel Promotion Act of 2009.

Usage of Fees after seeding the Travel Promotion Fund: The Travel Promotion Fund Fee as established in Section 5 of the Act is to provide the funding level mandated by the year of collection. After the Federal contribution level for the Fund has reached its annual cap, we strongly suggest that any funds collected beyond that level may be used to complete visa waiver system improvements to the ESTA.

The Department of Commerce is the Primary Agency: The Department of Commerce

is responsible for administering the Travel Promotion Fund. As part of the Secretary's duties, which include selecting the Board of Directors of the Corporation, overseeing the Office of Travel Promotion within the Department, and executing the accountability measures mandated by the Act, the Secretary also is responsible for administering the Fund. The Department of the Treasury is not responsible for administering the Travel Promotion Fund; its responsibilities are limited to holding and distributing the funds to the Corporation of Travel Promotion.

Again, we thank you for your consideration and assistance in bringing the Travel Promotion Act of 2009 before the House for a vote. The Senate Committee on Commerce, Science and Transportation will stand with you to execute aggressive and exacting oversight of the implementation and execution of S. 1023. As always, we look forward to working with you on this and other matters before our Committees.

Sincerely,

JOHN D. ROCKEFELLER IV,
Chairman.

AMY KLOBUCHAR,
Chairman, Subcommittee on Competitiveness, Innovation and Export Promotion.

BYRON DORGAN,
U.S. Senator.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of both the Capitol Police Administrative Technical Corrections Act, which is an important bill which is appropriately championed by Mr. BRADY, by Mr. LUNGREN, and by others, and I also hope that whatever the rules are today that they allow us to finally pass the Travel Promotion Act.

I, along with Ms. CASTOR, would refer my colleagues to the comments made on October 7, the colloquies entered into on October 7, which was when the Travel Promotion Act was last considered. My good friend Mr. DELAHUNT and I worked on an act highly similar to this in the last Congress. The House passed it in the last Congress. The House has passed it in this Congress. I look forward to the House's passing it again today.

Again, I want to particularly thank Mr. DELAHUNT for his efforts on this bill. SAM FARR, who is the cochairman, along with me, of the Travel and Tourism Caucus, has been a leader in this as well.

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

Mr. DANIEL E. LUNGREN of California. I yield the gentleman 1 additional minute.

Mr. BLUNT. There are 17 million jobs in the travel and tourism industry, and 200,000 of those jobs have been lost this year already. This bill is a step in the right direction of encouraging foreign travelers to stay longer, as I'm sure I must have said on October 7. They spend more money in their travel than do domestic travelers. Their trips are, on average, longer. Frankly, in virtually every instance, they leave the United States of America understanding us better and liking us better. This is an important diplomatic tool as well as an important economic tool.

Mr. Speaker, I look forward to seeing this bill pass the House and the Senate, and hopefully this year, Mr. DELAHUNT and I, if we're not with the President when he signs the bill, we'll at least know that the President has finally signed this bill into law.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. I thank the gentlewoman.

I just want to take the time to convey my thanks and my gratitude to the gentleman from Missouri. This has been an arduous trip on occasion, but I can't imagine this bill coming at a more propitious time given the news on unemployment.

As Mr. BLUNT said and as Ms. CASTOR said—and let me, too, acknowledge her tremendous leadership in terms of enhancing and promoting tourism, not just in the State of Florida but in this country. This bill will provide a stimulus to an important segment of our economy that has seen, over the course of time, a declining market share of international visitors.

The gentleman from Missouri is correct. This, too, is a diplomatic tool as far as how the United States is perceived by people from abroad and by nations whom we will need in terms of securing our objectives in terms of foreign policy.

Again, thank you, Mr. BLUNT, and thank you, Ms. CASTOR.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, my friend, the gentleman from Massachusetts, said that this is a propitious time for the Travel Promotion bill to be considered on the floor because of the discouraging news we received today about unemployment—10.2 percent. That is the highest unemployment rate experienced in this country in 26 years—10.2 percent.

In my home State of California, we haven't received the most up-to-date figures, but the figures as of last month were 12.2 percent—over 10 percent for the Nation, over 12 percent for my State. My district is even higher than that, I believe. A propitious time to consider this bill since we have lost, by some estimates, as much as 200,000 jobs in the travel industry.

But is this a propitious time for us to be considering a health care bill which, by objective analysis by a number of different observers, will cause us to lose millions of jobs?

I've been home to my district. I realize that, by the Gregorian calendar, we have 12 months out of the year, but by the Pelosian calendar, we only have 11 months out of the year because we have been told to ignore August—it didn't exist—just as we are to ignore those thousands of everyday Americans who showed up yesterday, just as, presumably, the leaders in the AMA are ignoring their rank-and-file doctors who are today bringing forward a vote of ''no confidence'' against their board of directors for supporting the health care bill that is going to be presented to us sometime this week.

That's the bill that we were going to vote on in June, July, August, September, October, November, yesterday, today, tomorrow, maybe the next day. The President of the United States was going to come up here and, we understand, speak to our colleagues on the majority side yesterday, then today. We understand now it's going to be tomorrow.

The reason I bring this up is that, when I speak to my folks back home—and I was on a tele-town hall meeting last night and spoke with thousands of them—the first thing on their minds are jobs. The first thing on their minds is the economy. The first thing on their minds is whether or not they can take care of their families. At this time, at this propitious time, at this time when we have received with a thud the report that the unemployment rate is 10.2 percent, we have decided that we must consider a bill with very few, if any, amendments allowed, creating a new government takeover of health care that's going to cost trillions of dollars.

Someone on my tele-town hall last night said, Congressman, can you explain to me why in the bill that you're going to vote on this week the so-called benefits in it are not going to take place for several years?

I had to explain it's because you want to bring the costs down when you explain it to the public, so you're going to start the taxes in year one, but you're not going to start the benefits from the program until year four or five, so at the end of 10 years, the net costs will be less than they would be if it were fully implemented.

Now, maybe I take this a little personally because part of what they have in here is a 2.5 percent tax on medical instruments, on medical equipment, including, by the way, new hips. So now, in this country, if you have a new hip, as I did a year ago, you will be taxed for the privilege of having that operation done in the United States, 2.5 percent. I thought we were concerned about bringing costs down. For a wheelchair, you're going to have an extra tax on that. I don't understand why we are doing this. Oh, yes. We're going to have taxes of huge amounts on business. Small businesses and medium-sized businesses are going to have taxes imposed on them in the hundreds of millions of dollars.

So, as the gentleman from Massachusetts said, this is a propitious moment. We are being confronted with the magnitude of the economic downturn that affects each and every one of our constituents. So what are we giving them in return?

We have a bill that is going to create 111 new programs, boards, bureaucracies, and commissions. I have had town hall after town hall, tele-town hall after tele-town hall. Not a single member of my constituency, not a single, average, everyday American has said, Please create 111 new programs. Please create 111 new boards, bureaucracies, and commissions. Please put another $1 trillion or $2 trillion on our backs. Please add new taxes. By the way, that doesn't include the $200 billion doc fix that's going to be put in another bill so that we pretend it is not there.

A 2.5 percent tax on individuals who fail to purchase health insurance. A 2.5 percent excise tax on medical devices. A 5.4 percent surtax on ''high-income'' filers, over 50 percent of which are small businesses and which file as individuals. An 8 percent tax on employers who cannot afford to purchase government-approved health care benefits.

A propitious time, yes.

Now, I happen to represent a district in which we have 42,000 seniors—people over 65—who have made the voluntary decision to sign up for Medicare Advantage. There are 42,000 seniors in my district alone, and there are millions around the country. This bill cuts over $150 billion from that program; $150 billion from that program. When I speak to people in my district, they tell me it will gut that program.

So, as we consider a bill here dealing with travel at the propitious time of confronting the unemployment rate, one has to ask oneself: Why would we be forced to vote on a bill that will have an immediate short-term and long-term impact of killing jobs in this country? It does not make sense.

I also wonder whether any bill has had more uses of the word ''shall'' than the bill we are going to consider this week. By my count, there are 3,425 uses of the word ''shall'' in the bill that we are to be presented. Now, for those who don't fully appreciate statutory construction, the word ''shall'' means ''mandate.'' It means ''you must.'' There is no discretion.

□ 1130

Then 3,425 times, this bill, if it becomes law, will command people, including average everyday American citizens to do something. They will have no discretion about it. They will be required to do that; 3,425 instances of that.

And so, Mr. Speaker, as we all, I hope, support the bill that is before us at this time, providing direction for the Capitol Police in a more efficient operation of their force, and as we have combined it with the travel promotion authority, which many people believe will help us deal with the loss of jobs in the travel industry, I still have to ask, Why would we be running pell-mell towards voting for a bill that will take over one-sixth of the economy of the United States and, by outside objective analysis, will result in the loss of millions of jobs in this country, primarily in the small business community? It defies logic. And while the majority is allowed to bring up anything on the floor under the prevailing rule for these several days called martial law, it doesn't have to be germane with anything else, you would hope that there would at least be the concept of consistency if we are truly concerned about the unemployed in America; if we know that 10.2 percent is much more than a number, that it reflects real live human beings who have lost their jobs. Remember, this doesn't count the hundreds of thousands of discouraged workers, those who are so discouraged by the current economic situation they are no longer looking for jobs and, therefore, they are not counted in this number. We know we have lost hundreds of thousands of those people as well. They are people with children, people with wives, people with husbands, people with grandparents and parents, people who have bills to pay, these are the people who are hurting. And for us to do something in this House which is going to even cause them more difficulty is beyond me.

So I would just ask this: If this is a propitious time for us to consider a travel promotion bill because of the unemployment that's faced by that particular segment of our society, is it not a propitious time for us to acknowledge that maybe we ought to withdraw, go back to the drawing board and come up with a bill that deals with the concerns, the legitimate concerns about the shortcomings of our health care system but that does not at the same time destroy jobs? That may be a rhetorical question, but the answer to that question is very real to the people back home.

Once again, Mr. Speaker, I want to thank my colleagues on the majority side for having worked so closely with us on this bill that's before us now.

I would urge support for this bill.

With that, Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. My colleague from California, I certainly appreciate the work that we have done together on the Administration Committee. He speaks of this propitious time for trade, for travel promotion, and what we are trying to speak to here today.

I would suggest to him that it's also a propitious time, as it was on travel promotion, to work together in a bipartisan fashion and to try to work out the details of this kind of legislation over a period of time. It's been that same kind of propitious time that we would have liked to have worked on health care in that way, to have had people come together and really want to try and solve these issues for the American people.

What we have tried to do is keep the American people in the center of this discussion, to keep consumer protections for the American people in the center of this discussion. We saw that Consumers Union recently endorsed the health care proposal. People trust Consumers Union. When they are going to purchase something, a major purchase, they want to look it up in Consumer Reports, and they want to see what they are saying about it. I think it speaks well to what we have brought together here that Consumers Union is supportive of our efforts. It is a propitious time.

It's too bad that we weren't able to work together in the way that my colleagues were able to work on this trade promotion. But I have to think about the people in my district who have become bankrupt because of their health care bills. I have to think about the people who know that they are just an illness away from losing their insurance; that preexisting conditions can even be a pregnancy in some cases. That's wrong.

We're focusing on the American people, on consumers, on people who would love to be able to even change a job that they have been in, that they know they can do better, they can innovate, they can change. They can't do that today because they are too afraid of losing their health insurance.

Mr. Speaker, I am pleased that we are able to address the issues governing the administration of the Capitol Police here today. I am very pleased as a Californian and as a San Diegan that we are addressing these issues on trade promotion today. That is very important. It is a propitious time to do that. But we also acknowledge that it's a propitious time for us to work together on the issues that the American people care about. That's what we are trying to do.

I urge an ''aye'' vote on this legislation.

Mr. WELCH. Mr. Speaker, I want to thank Representative DELAHUNT for working diligently to ensure the passage of the Travel Promotion Act of 2009. As the U.S. slips further behind other countries in attracting international visitors, we must take a look at how we are promoting and marketing our country, and find innovative solutions to strengthen the travel industry. I am proud to be a sponsor of this legislation in House.

The Travel Promotion Act addresses some of the important strategies that will provide greater outreach to international tourists and find ways to bring them here—to visit, to spend, and to learn about our country.

In my state of Vermont, our tourism economy is one of the most precious and valuable economic development engines we have. From our small bed and breakfast sector, to our crafts, and our cultural festivals, to being the home of Ben & Jerry's and some of the best skiing in the country—Vermont is a tourist destination, and this legislation will help it grow.

However, I want to also point out the importance of supporting cultural tourism in this country. This legislation and its implementation should remember that not all states have a major theme park or world-class resorts. But all states have cultural and heritage resources that are valuable and critical to tourism. I hope

that when this legislation is implemented, cultural tourism will be strengthened through it.

I urge my colleagues on both sides of the aisle to join me in supporting this important legislation.

Ms. BERKLEY. Mr. Speaker, I rise today once again in strong support of the Travel Promotion Act. In these difficult economic times, this bill is vital for our Nation's economy.

Last year the U.S. lost nearly 200,000 travel-related jobs. In my district, we have been hit particularly hard, with one of the highest unemployment rates in the country and a hotel occupancy rate among the lowest we've ever seen.

The Travel Promotion Act would help bring back those jobs and put Americans back to work. Independent economists have said that every dollar spent on this program will bring in three dollars in increased revenue—from the added jobs and economic growth that we will see from increased tourism to our country. And this can all be accomplished without adding to the Nation's debt.

Every State in our Nation benefits from tourism—whether you have mountains, beaches, amusement parks, vineyards, ballparks, historic monuments or casinos, we all benefit from this bill.

This is a common sense piece of legislation that will help energize our economy at a time when we need it most. I urge support for the bill.

Mrs. DAVIS of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 896.

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

A motion to reconsider was laid on the table.

NATIONAL SCHOOL PSYCHOLOGY WEEK

Mr. LOEBSACK. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 700) expressing support for designation of the week beginning on November 9, 2009, as National School Psychology Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 700

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if they work to meet the needs of each student;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention in a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lowers barriers to learning and allows teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decisionmaking, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entitities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools;

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of the Nation's children; and

Whereas the week beginning on November 9, 2009, would be an appropriate week to designate as National School Psychology Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students develop into successful and productive members of society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LOEBSACK) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LOEBSACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material on H. Res. 700 into the RECORD.

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

There was no objection.

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

I am honored to speak in support of House Resolution 700, which I introduced with my colleague, Representative EHLERS, to designate the week of November 9, 2009, as National School Psychology Week. I want to thank Mr. EHLERS in particular for his work on this resolution and his dedication to the mental health needs of students in America. Mr. EHLERS has been a leader on these issues, and it is always a pleasure to work with him.

As a former college teacher and a husband to a former second grade teacher, I have seen firsthand that the educational success of a student is based on many different factors, including their social and emotional health. Many children come to school with concerns for themselves, their family, and their loved ones. These students often face difficult home lives and the challenges they face at home follow them into the classroom, causing attention issues, behavior issues, poor grades and potentially lower educational success.

In fact, research shows one in five children and adolescents will experience a significant mental health problem that can interfere with their educational achievement during their school years. The more than 35,000 psychologists in our schools today have one priority—to help students in need.

They are trained to identify and address barriers to learning. School psychologists collaborate with teachers, school administrators and families in the classroom and even in the home. School psychologists also work to address potential barriers to learning before they arise by screening and testing for educational and developmental problems.

In addition, school psychologists work to ensure students' safety while attending school. They work to properly assess possible threats from students that could do harm to themselves or others. They also sit on school crisis teams that plan, and if called upon, act in the case of a serious crisis.

School psychologists are an integral part of the dedicated team of professionals working in our schools every day to ensure that every student in America has an opportunity for academic success and reaching his or her full potential. I am glad that we are recognizing their good work by designating next week as National School Psychology Week.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of House Resolution 700, expressing the support for the designation of the week beginning November 9, 2009, as National School Psychology Week.

National School Psychology Week takes place from November 9 to November 13 this year. Recognizing National School Psychology Week promotes the importance of providing support for children to help create a healthy, safe and positive learning environment.

The theme of this year's National School Psychology week is ''See the possibilities in you. We do!'' This theme focuses on highlighting the positive work school psychologists do to promote the endless possibilities for academic and personal success in the lives of the students they serve. School psychologists assist the students they serve by helping to remove academic and personal barriers to learning and

by assisting school administrators and teachers in improving the learning environment.

By recognizing National School Psychology Week we show our support for the work school psychologists do to help create a healthy, safe and positive learning environment and to address barriers that prevent learning.

I applaud the gentleman from Iowa (Mr. LOEBSACK) for authoring and bringing this resolution to the floor. I also commend the gentleman from Michigan (Mr. EHLERS) for cosponsoring the bill. I am honored to support this resolution and ask my colleagues to join me in voting ''yes.''

I yield back the balance of my time.

Mr. LOEBSACK. Mr. Speaker, I again want to thank Mr. EHLERS for his work on this resolution and Mrs. BIGGERT as well for her comments. I thank all the cosponsors for their support and work.

I again urge my colleagues to vote in favor of this resolution designating the week of November 9, 2009, as National School Psychology Week.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 700, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

HONORING VICTIMS OF FORT HOOD ATTACK

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 895) honoring the lives of the brave soldiers and civilians of the United States Army who died or were wounded in the tragic attack of November 5, 2009 at Fort Hood, Texas.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 895

Resolved, That the House of Representatives honors the lives of the brave soldiers and civilians of the United States Army who died or were wounded in the tragic attack of November 5, 2009, at Fort Hood, Texas. The American people share the pain and grief of this tragic loss. Our thoughts and prayers will continue to be with the families of those who were so unfortunately taken from them.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Texas (Mr. MCCAUL) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this resolution.

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

There was no objection.

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

Less than 24 hours ago our Nation was shocked to learn that a shooting had taken place at Fort Hood, Texas, one of the largest military bases in our country. Over the course of these initial news reports, we were saddened to learn that at least 13 soldiers were killed or have died and more than 30 were wounded, including the alleged assailant and the officer who was instrumental in bringing an end to the shooting.

□ 1145

What was shocking to most Americans is that a fellow member is alleged to have carried out this vicious attack on his comrades in arms. Yesterday, as these soldiers were in the midst of preparing for combat overseas, a fellow soldier opened fire on these unsuspecting patriots and those civilians and soldiers who were supporting them.

While many of those who were there were spared from the flying bullets, a number of these courageous soldiers and civilians were wounded, and they will face months, perhaps even years, recovering from their wounds. The heartache for these individuals and their families will be compounded by the fact that they will face these challenges knowing they were injured in the line of duty by an individual from within their own ranks. In the following days and months to come, these individuals and their families will need both emotional and physical sustainment and encouragement. It is our responsibility to ensure that they and their families have the resources they need to make a full and complete recovery.

Our prayers are with those who have lost a loved one in this senseless killing. These military families are already stressed with the thought of their family member deploying to Afghanistan or Iraq for a year, of the holidays and special moments that they would not share because of this deployment. And now their world has been turned upside down. Those last days prior to deployment when many families often make special plans to spend those few precious moments together have been taken away.

This morning, they will awaken to the realization that time will not bring their family member home to their welcoming arms. These families will need much love and support in the coming days; and we, as Americans, will be there with them and for them in their time of need.

Mr. Speaker, there is an ongoing investigation into this incident, and it is not appropriate for us to speculate on the motivations and why this occurrence happened. The investigation should be allowed to be completed without intervention as quickly as possible so it can bring closure to those who were tragically impacted by this event.

My thoughts and my prayers go out to those who have lost a loved one and to those who have been wounded, but I also want to reach out to all of our military families who are stationed around the world, who each understandably are touched by the heartbreaking events of yesterday at Fort Hood.

Mr. Speaker, I am extremely saddened by this occurrence. All of us in this body are extremely saddened by this occurrence.

I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I rise in support of House Resolution 895. I appreciate the leadership of Congressman MIKE MCCAUL of Texas, a proven friend of military families.

Yesterday marked a dark and painful chapter in the history of Fort Hood, Texas. The Nation's largest military installation was devastated when the soldiers and civilians of the United States Army were heinously attacked by the least likely of assailants, a murderer who benefited from the American dream of unlimited opportunity, attending medical school at military expense, and a person given trust as a high rank in our military. He cowardly then committed treason.

In the aftermath, we have learned that 13 of our bravest and finest Americans were killed and several dozen more were wounded. This senseless act of horror betrays our respect and dignity for human life. Our deepest thoughts and prayers are with each of the families affected by this great tragedy.

My constituents are shocked and saddened. In discussing today this tragedy with Carl Gooding of WDOG radio of Allendale, South Carolina, I know firsthand the Lowcountry of South Carolina is praying for the Fort Hood families.

Amidst this tragedy, there are reports that many soldiers in the immediate vicinity of the attack provided heroic aid to their fellow soldiers who had been wounded, several of them already wounded themselves. These selfless acts undoubtedly saved the lives of several and mitigated what was already a terrible tragedy. Many have come forward to donate much-needed blood and offer themselves to help at

this needed time. This bravery and determination is a testimony to our servicemen and -women, the new greatest generation, and stands in bold opposition to the horror of yesterday's events.

Military installations are the last place our servicemen and -women should fear for their safety. Over the last few years, we have made great effort to ensure the security of our military personnel, but still there is work to be done.

I know of the great efforts our military police and protective services who are making a difference at bases I represent, Fort Jackson in Columbia, Parris Island Marine Base, the Marine Corps Air Station in Beaufort, and the Beaufort Naval Hospital.

Today, as Fort Hood observes a day of mourning, we also offer our prayers to all those touched by this tragedy, including our soldiers, civilians, military families, and the Central Texas community.

As the son of a World War II Army veteran, as a 31-year Army Reserve and National Guard veteran myself, as the father of four sons serving today in the American military, with a nephew serving in Baghdad, I know military members support each other as family.

America's extended military family across the world deeply cares for our fellow family members at Fort Hood. I urge my colleagues to support H. Res. 895.

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. EDWARDS) be permitted to control the remainder of my time.

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

There was no objection.

Mr. EDWARDS of Texas. Mr. Speaker, I yield 1 minute to my friend and colleague, the chairman of the Subcommittee on Readiness of the House Armed Services Committee, the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, today, I rise in honor of those servicemembers who gave the ultimate sacrifice in support of our Nation. My thoughts and prayers are with the families of the 12 soldiers and one civilian who were killed yesterday at Fort Hood and with the 30 who were wounded. I am very familiar with Fort Hood. Not only is it in Texas, but this is where I went through my basic training many years ago.

At this time, we must not judge. Instead, it is imperative that we understand. We must understand what prompted a psychiatrist who has helped so many of his fellow soldiers in the past to take their lives yesterday. We must realize that no one is above the need for mental health counseling, and we must help to ensure that this is readily available to all.

The Army as a whole is under significant stress in support of the Nation's operations overseas. This stress manifests itself in many ways, and we must do more to understand those stresses and support the servicemembers and their families for the sacrifices they make on a daily basis.

I join my colleagues in offering my sincere condolences to our brave soldiers and their families at Fort Hood, especially those who paid the ultimate sacrifice.

Mr. MCCAUL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding time.

Fort Hood, Texas, has a long, long history. It is right in the center of the State of Texas, and many of us from the State of Texas have connections with that institution.

It is named after a Confederate general, John Bell Hood, who was in charge of the 4th Texas during the War Between the States. After the war was over with, it became a military installation for the United States Army, the biggest Army installation in the world. Those from every State, every territory, from all over the U.S., come and serve at Fort Hood, Texas; and it has been that way for a great number of years.

My father, who served in the great World War II when he was an 18-year-old did basic training in Texas and came back home in 1945, was sent to Fort Hood, Texas, to be re-equipped for the invasion of Japan. That, fortunately, never took place. But he met my mom there in Temple, Texas. They got married, and that is why I was born in Temple, Texas, and have a great affection for that institution and all those that have served with the United States Army at that location.

It is now the deployment post for individuals who go overseas to represent the rest of us. They go to Iraq. They go to Afghanistan. They go to Kosovo. They go all over the world. They are being deployed at this time to represent our country and the values that we have. Many of them have served multiple tours of duty, some of them up to four tours of duty in Iraq. But yet they are all volunteers, they continue to serve, and they continue proudly to wear the United States uniform.

Approximately 40,000 people are associated with the base at Fort Hood, Texas. And not only the soldiers, but their families are there. We must remember as Americans, when troops go to war, their families go to war, too; only they stay home. Those Blue Star Moms and those Gold Star Moms, they stay here and they support our troops.

This event that occurred yesterday at Fort Hood, is an attack that was done by one of their own, someone who had been apparently radicalized, who was opposed to the war. He will be held accountable to the law for his actions. Hopefully, he will be tried by the State of Texas for his actions. But what makes this a tragedy, are the 13 that were killed, and the 30 that were wounded.

Yet, as my friend Mr. WILSON has pointed out, the people at the base, civilians and military, came to the rescue to help others, even though it endangered their own lives. And, today, this morning, not far from Fort Hood, Texas, in Temple, Texas, at Scott and White, many of those 30 are still there, receiving treatment because of their injuries; and the whole community and the whole Nation needs to understand the importance of taking care of the survivors and the families who have lost those loved ones.

We owe a great deal to our military. Next week is Veterans Day, where we celebrate the end of the great World War I and honor the veterans that have served since that time. While we celebrate our veterans and honor them next week, we should continue to honor those who continue to serve and are in the military today, including those who have given their lives and those that have been injured because by some act of criminal activity against them.

So our hearts, our prayers, and our thoughts are for them, those brave few, those noble few, that rare breed, that unique breed, the American breed, who volunteer to represent the United States wherever they are assigned, somewhere in the world.

And that's just the way it is.

Mr. EDWARDS of Texas. Mr. Speaker, I yield 2 minutes to my friend and colleague from Texas (Mr. REYES), a senior member of the Armed Services Committee and the chairman of the House Intelligence Committee.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to join with my colleagues in expressing our deepest condolences to the families, friends, and colleagues of those killed and wounded in yesterday's tragic shooting at Fort Hood. While there are no words that perhaps we can say here today on the floor of the House that will lessen the grief of the entire Army family, we do want them to know that our Nation mourns with them.

As a Congress, we must work to understand why this attack occurred; and we must pledge to do everything within our power to prevent any future tragedies from happening so other families do not know and have to share the pain and suffering that is going on today at Fort Hood. But, for now, I want them to know that they are in our thoughts and in our prayers. The days and months ahead will be difficult, but we will persevere together.

To the families of those who perished, please accept our deepest appreciation on behalf of all Americans for their willingness to volunteer for service to our Nation. You have stepped forward to answer the call of our country, to put yourselves in harm's way to defend us, and we owe all of you a tremendous debt of gratitude.

To our men and women at Fort Hood, military and civilian alike, you are not

alone. Our thoughts, prayers and blessings are with you. We will get through this together.

□ 1200

Mr. MCCAUL. Mr. Speaker, yesterday marked a dark and painful chapter in American history and for the State of Texas. People all across this Nation were devastated when they heard the news that soldiers and civilians of the United States Army at Fort Hood, Texas, were attacked by the least likely of assailants. It wasn't short an act of treason.

I want to first thank my colleague and good friend, JOHN CARTER of Texas, who represents Fort Hood in his district, for introducing this legislation to give all Members of Congress the opportunity to stand here today in support of the brave men and women at Fort Hood and their families in such a time of trial. Fort Hood lies just north of my district, just north of Austin. It's in central Texas. Many of us all across this Nation have constituents who have gone through Fort Hood to train for the wars in Iraq and Afghanistan. I have had many of my constituents trained at Fort Hood.

But yesterday was a dark chapter; and in the aftermath, we learned that 13 of our finest Americans were killed, and several dozen more were wounded. This senseless act of horror betrays our respect and deepest dignity for life. Our deepest thoughts and prayers are with each of the families affected by this great tragedy. During this tragedy, there were reports that many soldiers provided heroic aid to their fellow soldiers who had been wounded, several of them already wounded themselves. These selfless acts saved the lives of many, and so many in central Texas have come forward to donate much-needed blood and offer themselves to help in this time of need.

This selfless service and determination is a testament to our servicemen and -women and stands in bold opposition to the horror of yesterday's events. And today as Fort Hood observes a day of mourning, we offer our prayers and support in this hallowed Chamber in the Congress to all those touched by this tragedy, including our soldiers, civilians, military families and the central Texas community.

Mr. Hasan, the suspect responsible for these acts of violence, these senseless acts of violence, was reported to have yelled out, ''Allahu Akbar,'' as he murdered innocents, as he wounded innocents. Translated that means God is great. To me, that's very disturbing. That is not my God. That is not our God. That is not the God of our fathers and Founding Fathers who have served in the military. May our God reach out to the families and the victims. May our God provide comfort in this great time of need. May our God hold them in the palm of his hand.

I reserve the balance of my time.

Mr. EDWARDS of Texas. Mr. Speaker, I now yield 2 minutes to my friend and colleague, the gentlewoman from California (Mrs. DAVIS), the chairwoman of the Subcommittee on Military Personnel.

Mrs. DAVIS of California. Mr. Speaker, like my colleagues, I rise to express my deepest sympathies for the families and loved ones of all affected in the tragedy that occurred at Fort Hood. They are certainly in our thoughts and in our hearts. As someone whose committee works hard to look out for and care for our servicemembers who dedicate themselves to our country, news like this, of course, is devastating.

As the stories unfolded yesterday, I could only think of the fact that we had sent so many of our men and women to the most dangerous places in the world; and here they were, probably in what they might have thought was the safest place in the world.

We also have to think about our mental health providers today as well because we know that we have mental health care professionals who are very professional, providing the most highly demanding, specialized, emotional and invaluable care to our servicemembers; and it's important to emphasize at these rare times that the actions of one individual certainly don't reflect on all those serving in the profession. It would only add to the tragedy if we let this tarnish those working in the very profession that provide so much help to our troops and their families.

Mr. Speaker, I would like to say, having spoken to so many families, that a tiny percentage serve, and often families don't believe that the American people really understand what they go through. Today in a tragedy like this, we must do our best. We must make certain this does not happen again and that we reach out to the families and let them know we are listening. We will try harder.

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

Mr. EDWARDS of Texas. Mr. Speaker, I would like to yield myself such time as I may consume.

One of the greatest privileges of my lifetime was to represent the soldiers and families of Fort Hood for 14 years in the U.S. Congress. On behalf of all Americans, we rise today to express our deepest respect and heartfelt sorrow to the soldiers and families of Fort Hood. These great Americans who have sacrificed so much in service to country now face a tragedy that one day ago would have seemed unimaginable. In the hours, days and months ahead, I hope the Fort Hood family knows that the thoughts and prayers of the American people are with them.

It is a tragedy beyond words that young Americans who are willing to risk their lives for our country in combat abroad ended up losing their lives here at home. While these soldiers did not die in combat, they surely gave their lives in service to country. And for that, we will always consider them as heroes. The spouses, children, and families of the fallen may not have worn our Nation's uniform; but they have served our Nation through their deep personal sacrifice. Let us be clear today, we will never, ever forget that sacrifice. We cannot bring back their loved ones, but I hope they will forever feel the collective love, gratitude, and prayers of millions of their fellow Americans.

To the wounded and their loved ones, our Nation's fervent hopes and prayers are with you in these difficult moments. Please know that you are not alone. Mr. Speaker, in the days ahead, Fort Hood will become known to the world as a place of unspeakable tragedy, but I know it is a place of great triumph, a place where service to country isn't an ideal. It is a way of life, a place where the American spirit is alive and well, even amidst this tragedy.

I hope the world will see the Fort Hood I saw as its Representative. When I think of Fort Hood, I think of the 29-year-old Army widow who asked me not long after her husband's death in Iraq, not how I could help her but, rather, how she could help others who had lost their loved ones in combat. When I think of Fort Hood, I think of the young soldier I met at a welcome home ceremony. It was just 3 days before my wife gave birth to our first child. And when I saw him with his wife and his newborn baby, I told him how excited I was, the thought of becoming a father and being there when our son came into the world. Without complaining, he looked at me and said, Sir, I missed the birth of my first child because I was in Iraq, and I missed the birth of my second child while I was deployed to Bosnia. When I think of Fort Hood, I think of the parents I met there this summer who lost their two sons in combat in Iraq just 9 days apart.

How can the Nation measure the depth of that kind of sacrifice? When I think of Fort Hood, I think of soldiers, families and their neighbors in nearby communities who care for each other and are proud to serve and, yes, even sacrifice for our Nation's freedom. Fort Hood is known as ''the great place.'' That's what they call it. That's what it is—past, present and future—and the actions of one deranged person should not and will not change that fact.

But with the support and prayers of the American family, Fort Hood will recover from this terrible tragedy. The servicemen and -women at Fort Hood, their families and the neighboring communities are a very special and unique family. They make Fort Hood what it is, a shining star in our Nation's defense, a star that will burn brightly for many years to come. From this tragedy, just days before Veterans Day, I pray that Americans will be reminded how blessed we are to live in a land where a special few, our servicemen and -women and their families, are willing to give up so much for country.

Let us all rededicate ourselves to honoring our troops, our veterans, and

their families. Let us remember them not just on Veterans Day and Memorial Day or on a day of tragedy but every day. As we ask God's blessings on those whose lives we honor with this resolution, let us remember that we are the land of the free because we are still the home of the brave.

I reserve the balance of my time.

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

Mr. EDWARDS of Texas. Mr. Speaker, I now yield 2 minutes to my friend and colleague, the gentleman from Alabama (Mr. BRIGHT), a valued member of the Committee on Armed Services here in the House.

Mr. BRIGHT. I would like to thank my colleague. Mr. Speaker, I rise today in support of the resolution, honoring the soldiers who lost their lives at Fort Hood. As someone who represents two military bases, I can only imagine the profound sense of loss the great Fort Hood community must feel today. This is not just a loss for central Texas. This is a loss for our entire country. Military bases are not walled off from their surroundings. They are vital parts of our communities. When I served as mayor of Montgomery, Alabama, the airmen at Maxwell-Gunter Air Force Base were upstanding citizens who went above and beyond to improve and advance our city. As a Congressman from southeast Alabama, I have seen the brave soldiers at Fort Rucker rush to the aid of nearby towns in the wake of tragedy and crisis. Now it's time for us to show our appreciation to these bases and their families and stand with them as we mourn the tragic and senseless loss at Fort Hood. Our thoughts and prayers are with the families of those who died and also with the ones who are wounded.

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

Mr. EDWARDS of Texas. Mr. Speaker, I now yield 1 minute to my friend and colleague, the gentleman from Texas (Mr. RODRIGUEZ), who served on the House Armed Services Committee for 8 years.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank Congressman CHET EDWARDS for allowing me this opportunity to speak this morning on this tragic shooting that occurred at Fort Hood, Texas, yesterday. The most important thing that we can do right now is to make ourselves available to the families and friends of those who were killed and wounded. I wish to express my condolences to the families at Fort Hood who lost their loved ones. Our prayers are with you all as you try to make sense of it all.

This tragedy, once again, raises the extreme importance of providing true quality in our mental health care services and the need for thorough mental health assessments not only for our veterans but also for those that are in the service at the present time, for those members notified of deployment as well as those returning from deployment. This must also be a time to take into consideration the medication needs, the financial difficulties, and the coping mechanisms that our soldiers are having to go through. These also highlight the need for our family and friends and peers to stand up to get their friends help when they need it. The signs of suicide, homicide and extreme behavior are almost always there.

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

Mr. EDWARDS of Texas. I yield 1 additional minute to the gentleman from Texas, Mr. Speaker.

Mr. RODRIGUEZ. In the military, of all places, each individual must be aware of what is being said or done by their peers and friends and recognize when those behaviors or statements may not be consistent with a healthy mindset. In the military, these behaviors absolutely must be identified to the unit commander so he can review the servicemember and get the member appropriate help. I believe that we can all learn from this tragic incident to not take things too lightly and for leaders to be proactive in their efforts to ensure the mental health of the troops. Hopefully, we can reach out to help as many as we can.

I will close by expressing my condolences, once again, to the family and friends of those who have been wounded and those who have lost their lives.

Mr. MCCAUL. Mr. Speaker, I yield as much time as she may consume to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding. Mr. Speaker, my heart goes out to all of the families and friends, to all of those who lost loved ones during the senseless shooting that occurred yesterday at Fort Hood. Nothing can really prepare you for a tragedy like this, especially when the lives of such dedicated young men and women are cut short by unthinkable violence right here on American soil. And one of those young men, Private First Class Michael Pearson, was from a family that lives in my district, Bolingbrook. He served his country with distinction and honor, and his life and sacrifice will be remembered always here in Bolingbrook and across the Nation.

□ 1215

And to his parents and family I offer my deepest thoughts and prayers at this difficult time.

Mr. EDWARDS of Texas. Mr. Speaker, I yield 1 minute to my friend and colleague, the distinguished Speaker of the House of Representatives, the gentlewoman from California (Ms. PELOSI), who has been a champion as a Speaker of this House on behalf of a better quality of life, educational benefits, and health care for America's veterans, our service men and women, and their families.

Ms. PELOSI. I thank the gentleman for his kind remarks, and I accept them on behalf of the entire House because we have worked in a bipartisan way on behalf of our men and women in uniform and our veterans. I particularly want to salute Chairman EDWARDS' outstanding leadership in that regard in his position as Chair of the Military Construction, Veterans Affairs Subcommittee of Appropriations.

Mr. Speaker, words fail when a tragedy of this magnitude comes in such an unexpected way, that someone who had the confidence of the military, within its own walls, would perpetrate such a tragedy on people whose lives are dedicated to protecting the American people. It was an unspeakable tragedy, of course, for the families, soldiers, civilians, and support staff on the base at Fort Hood. But it was also a wound to our country.

Our brave men and women in uniform train day in and day out to preserve our security. They should never have to face or fear the forces of violence here at home.

At Fort Hood yesterday, ordinary citizens performed extraordinary acts when they were called upon. They were heroes. In the face of great cowardice on behalf of the perpetrator, Americans demonstrated great bravery from stopping the gunman from causing more loss of life to coming to the aid of those who were wounded and protecting the lives of others.

The entire Nation and this Congress stands with the members of the military every day. I hope it is a comfort to the families affected by this, and everyone in America has been affected by this, but those who have lost their loved ones and the families of those who are seriously wounded and those who have been shaken at Fort Hood, that our entire country mourns the losses of those who were killed and are praying for them at this very, very sad time.

I said to Mr. CARTER, Congressman CARTER, who represents Fort Hood, and Mr. EDWARDS, who had represented Fort Hood and many of his constituents worked at Fort Hood, that whatever this Congress can do to ease the pain, to help the recovery, we stand ready to do. And we do that on both sides of the aisle.

I thank you, Mr. EDWARDS, for the opportunity to extend my condolences and that of the Congress to the families affected.

Mr. MCCAUL. Mr. Speaker, I yield to the gentleman from California (Mr. MCKEON) such time as he may consume.

Mr. MCKEON. Mr. Speaker, today I rise to join my colleagues in honoring the lives of the brave soldiers and civilians who were killed or wounded in the tragic attack at Fort Hood yesterday.

I know the country was riveted by the news, watching their TVs yesterday, trying to understand, trying to comprehend the tragedy that we saw.

We expect much of the men and women in our military and their families. We never expect to have violence

appear on their front steps. I was listening to General Cone yesterday as he was trying to brief the Nation on the tragedy. One of the questions was, Well, aren't the military armed?

And he said, This is our home. We do not carry weapons in our home.

So they were unprepared to defend themselves against a dastardly attack from the inside from someone that they never would have thought would attack them, would come at them when they were least prepared.

Mr. Speaker, I join with my colleagues to express my deepest condolences to the families who lost loved ones, to the survivors, the Fort Hood family, and the entire United States Army. Also, I would like to thank those first responders, all those in the cities surrounding Fort Hood, the civilians that came to their aid and, as General Cone said, have offered so much to be of assistance. I think there are many that we need to remember in our prayers this day, and I thank all those for all that they have given.

Mr. EDWARDS of Texas. Mr. Speaker, I now yield 2 minutes to my friend and colleague, the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, one can't help but feel grief and anger and desperation in all of what went on at Fort Hood.

But the larger issue here, and I think the one we must not lose sight of, is what Dr. Hasan was dealing with was posttraumatic stress disorder. I sat for 2 years at the Long Beach Naval Station and listened to these stories from young men and women coming back from Vietnam day after day after day, and I can tell you the impact is huge.

The biggest loss from this event will be if we do not deal with the fact that stigma about going to see mental health professionals prevents many of our people from getting the help they need.

I had dinner the other night with the Vice Chief of Staff of the United States Army, General Chiarelli, who has made it his goal to deal with posttraumatic stress disorder for the people of Iraq and Afghanistan wars.

This issue, because we sort of say, well, you're supposed to be tough and pull yourself together and never admit you've got a problem, is with all kinds of people in the military. A military psychiatrist is as vulnerable to it as is a grunt out on the field dealing with war at every corner. And as we talk about this today, I don't want people to draw conclusions and make decisions about why this happened and all the rest. It's human breakdown. It happens to people all the time in the military. When you put people in the kind of stress that we put those people in and send them back again and again and again, leave their families, see the awful things of it, you cannot expect everybody to be able to keep it together. We need to be sympathetic and put the money up for the help that these people need.

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

Mr. EDWARDS of Texas. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Georgia (Mr. BISHOP).

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

Mr. Speaker, I am stunned and saddened by the tragic events that occurred yesterday at Fort Hood, and I want to express my deepest sympathies to the families and the friends of those who were harmed in this horrific and senseless act that defies explanation.

I have the privilege of representing Fort Benning in Columbus, Georgia, and the Marine Corps Logistics Base in Albany, Georgia, and I know that the many servicemen and -women there are mourning the loss of their friends and colleagues in Texas.

The units and the families at Fort Hood, home of the 1st Cavalry Division, 4th Infantry Division, 3rd Corps Headquarters, have long served as models of honor and selfless service to our country. We thank them today for their noble service and we grieve with them over their tremendous loss.

As the Fort Hood community struggles to find answers in the wake of this tragedy, I pledge the continued prayers and support of all the people in Georgia's 2nd District and, indeed, all of our servicemen and -women and military families who are stationed in bases throughout Georgia.

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

Mr. EDWARDS of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. FARR), who is the vice chairman of the Appropriations Subcommittee on Military Construction and Veterans Affairs in the House.

Mr. FARR. I thank my Chair, CHET EDWARDS, for yielding.

I rise today on the eve of Veterans Day recess in support of the condolence resolution. I fought all of my political career trying to get State, local, and Federal governments, including the Department of Defense, to seriously take the invisible wounds of war into consideration. This tragic loss of innocent lives to mental breakdowns is not new, so why should it be so hard to treat this illness?

As we have to pay condolences in this resolution, let's not forget that the other House has on hold S. 1963, the Caregivers and Veterans Omnibus Health Care Services Act of 2009. Until Congress is willing to support the funding of mental health, we will not be able to fully assure safety for all in all our communities, be they civilian or military.

I urge we support one with our hearts and the other with our minds in our vote.

Mr. MCCAUL. Mr. Speaker, in closing, I'd just like to say, when things like this happen, you have to ask the question, many ask the question, why? Why did this have to happen? Why such a senseless act of violence that killed 13 people and wounded 30? Why did they have to die, our men and women serving in uniform? And there will be an investigation into why, what was the motivation of Mr. Hasan, but that's for a later day.

Today we honor these fallen heroes. And when I think about them, I think about the mothers and fathers and brothers and sisters who have lost their loved ones both in Iraq and Afghanistan. I think the hardest thing we have to do as Members of Congress is to comfort these families who have lost their loved ones and try to make some sense out of it. They know that they have died for a just and noble cause. And, as Mr. EDWARDS knows, my good friend and colleague from Texas who knows so many people from the State of Texas that have gone through this training facility, one of the greatest in the world, the largest military installation in the United States, they are brave.

I know there are many families at home today, many families watching the television, some maybe watching this on C–SPAN who are in tears, whose hearts are broken, who know that they can't get back what they lost. But to those families, know that we in the Congress hear their tears. We hear their cries. This resolution stands in strong support of them. We emotionally stand behind them, that we have passed legislation for both the veterans and active-duty servicemen, in addition to posttraumatic disorder.

There are many issues regarding our veterans and our active-duty men and women. We are addressing those in this Congress. We are taking care of them. In my view, our most solemn obligation under the Constitution is for the Congress to not only take care of our veterans returning home but to fully support our active men and women serving both in the United States and abroad.

With that, let me end by saying God bless them and God bless the United States of America.

Mr. AL GREEN of Texas. Mr. Speaker, I am deeply saddened about the tragic incident that occurred yesterday at the Army base in Fort Hood, Texas, that has taken the lives of 12 brave American soldiers, 1 civilian, and wounded 30 more.

My condolences and support go to the families of the fallen and the wounded. Our service members and their families make enormous sacrifices for the sake of freedom in this country and we owe them a special debt of gratitude. During this difficult time my thoughts and prayers go out to each of them.

Fort Hood represents a crucial post for the U.S. Military and the fact that this tragedy has taken place in my home state of Texas just makes my lament even stronger.

I am hopeful the thorough investigation of the incident that the federal government has already announced will clarify what has happened and will bring justice.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to honor the Fort Sam Houston Memorial Services Detachment.

The Fort Sam Houston Memorial Services Detachment was formed in 1990 to fill the void left when the Department of Defense determined that it was no longer able to perform full military burial honors for veterans of the Armed Forces. The Memorial Services Detachment is comprised of about 80 veterans, with and average age of 75, from World War II, Korea, Vietnam, and the gulf war. These selfless veterans volunteer their time, on rotating shifts throughout the week, to ensure the traditional military honors of the 3-volley-salute and the playing of ''Taps'' are provided to every veteran buried at the Fort Sam Houston National Cemetery. Since 1990 the Memorial Services Detachment has performed services for over 25,000 deceased veterans.

The veterans of the Memorial Services Detachment have touched the lives of countless family and friends by their dedicated service under the simple motto of ''Veterans Serving Veterans.'' They are a lasting reminder of what is best about our country and about those that have served our Nation in its defense.

Mr. LANGEVIN. Mr. Speaker, I rise today to express my shock and sadness in the wake of yesterday's tragedy at Fort Hood.

This type of senseless violence is tragic in any circumstance, but it is especially painful to have it strike at our men and women serving in uniform, who sacrifice so much for their country.

It is crucial that we work to protect not only our forces deployed overseas from road-side bombs or insurgent attacks, but also the safety of those who are serving at home on bases around the nation.

My thoughts and prayers are with the entire Fort Hood community, and especially the families, friends and colleagues of those killed and wounded in this tragedy.

Mr. NEIL ABERCROMBE. Mr. Speaker, I rise today in support of H. Res. 895, which honors the lives of the soldiers and civilians wounded or killed in the horrific tragedy at Fort Hood, Texas, on November 5, 2009. As chairman of the Air and Land Forces Subcommittee of the House Armed Services Committee, I am profoundly saddened by the loss of life at Fort Hood. I extend my condolences to the injured and the families of those who were killed.

The most appropriate course for the Air Land Subcommittee, however, is to continue to provide the most effective force protection possible for our military personnel—the proper vehicles, the best counter-improvised explosive device capability, the proper body armor and helmets, and best weapons.

And of course, I will continue to work with Chairwoman DAVIS and Ranking Member WILSON to support their activities of the Military Personnel Subcommittee to ensure that our men and women in uniform are provided the proper health care and are fully prepared for their overseas assignments.

Mr. BARTLETT. Mr. Speaker, I rise today in support of H. Res. 895, which honors the lives of the soldiers and civilians wounded or killed in the horrific tragedy at Fort Hood, Texas on November 5, 2009. NEIL ABERCROMBIE and I, as chairman and ranking member of the Air and Land Forces Subcommittee of the House Armed Services Committee are profoundly saddened by the loss of life at Fort Hood. We extend our condolences to the injured and the families of those who were killed.

The most appropriate course for us, however, is to continue to provide the most effective force protection possible for our military personnel—the proper vehicles, the best counter-improvised explosive device capability, the proper body armor and helmets, and best weapons.

And of course, we will continue to work with Chairwoman DAVIS and Ranking Member WILSON to support their activities of the Military Personnel Subcommittee to ensure that oar men and women in uniform are provided the proper health care and are fully prepared for their overseas assignments.

Ms. JACKSON-LEE of Texas. Mr. Speaker, Fort Hood is the largest active duty armored post in the United States, and is the only post in the United States that is capable of supporting two full armored divisions and covers 339 square miles. Home to about 52,000 troops as of earlier this year, the sprawling base is located halfway between Austin and Waco, Texas.

I am deeply saddened by the tragic shooting that took the lives of 13 soldiers and wounded 31 others. This is one of the worst soldier-on-soldier violence in U.S. history. It is a great misfortune that our nation has lost 13 brave soldiers who have dedicated their lives to serving our country.

The gunfire broke out around 1:30 p.m. at the Soldier Readiness Center, where soldiers who are about to be deployed or who are returning undergo medical screening. Nearby, some soldiers were readying to head into a graduation ceremony for troops and families who had recently earned degrees. The suspected shooter, Maj. Nidal Malik Hasan, was shot four times and authorities believed they had killed him, only to discover later that he had survived. Military officials are starting to piece together what may have pushed this Army psychiatrist trained to help soldiers in distress, turn on his comrades in a shooting rampage.

I want to commend the soldiers at Fort Hood for their valiant and selfless acts of bravery. Soldiers rushed to treat their injured colleagues by ripping their uniforms into makeshift bandages. The top commander at Fort Hood is crediting a civilian police officer, Sgt. Kimberly Munley, for stopping the shooting. Fort Hood police Sgt. Kimberly Munley and her partner responded within 3 minutes of reported gunfire Thursday afternoon. Munley shot the gunman four times despite being shot herself.

Another story of heroism is that of 19-year-old Amber Bahr. The nutritionist put a tourniquet on a wounded soldier and carried him out to medical care. And only after she had taken care of others did she realize she had been shot. Both women heroically intervened despite being shot.

I would like to express my deepest sympathies for the loss of these 13 soldiers. My thoughts and prayers go out to their families during their time of bereavement. It is unacceptable that soldiers should fear attacks on American soil. I want the military and their families to always be protected as they are the backbone of American society. It is not only our soldiers who make sacrifices to protect our great Nation, but their families as well. I am deeply saddened and troubled by the shootings at Fort Hood, especially because soldiers and their families from my own district are there.

Mr. SESSIONS. Mr. Speaker, I rise today in memory of the armed service members whose lives were taken from us yesterday at Fort Hood.

I am deeply saddened over the unspeakable violence that has shattered the lives of brave and honorable soldiers at Fort Hood. This senseless shooting will no doubt be met with the justice and goodness of America, and I stand ready to support the Fort Hood family in any way possible.

The fallen and wounded soldiers represent the best of America. In the coming days and weeks, we will learn about their dreams, love of country, and acts of bravery that will engrave their honorable legacy in service of our country. They will be greatly missed. May the peace of God be with the victims and their loved ones. My thoughts and prayers remain with them.

Mr. HINOJOSA. Mr. Speaker I rise today to express my deepest condolences to the families and friends of the soldiers and civilians who were killed in yesterday's attack on our Army military base in Fort Hood, Texas.

The senseless and cowardly act by one has inflicted a terrible wound in our military family. But I want the Ft. Hood family to know that we stand with them today and offer them all of our love and support.

We in Texas, in the Nation and around the world grieve and pray for the families of the 13 lives who were taken so violently. We pray for the swift and full recovery of the more than 30 wounded who are holding on to life.

The sacrifices our troops make are already so great. It is particularly tragic that after surviving the dangers of combat, they lost their lives back home where they should have been safe. Today and every day we stand with them as they stand for us, as they stand always and forever for our country.

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

□ 1230

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the resolution, H. Res. 895.

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. MCCAUL. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. EDWARDS of Texas. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 210) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 210

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Friday,

November 6, 2009, through Tuesday, November 10, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 16, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 6, 2009, through Tuesday, November 10, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon n Monday, November 16, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The concurrent resolution is not debatable.

The question is on the concurrent resolution.

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

Mr. MCCAUL. 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 Concurrent Resolution 210 will be followed by 5-minute votes on motions to suspend the rules relating to: H. Res. 873; H.R. 3788; and S. 211.

The vote was taken by electronic device, and there were—yeas 235, nays 179, not voting 19, as follows:

[Roll No. 865]

YEAS—235

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

NAYS—179

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

NOT VOTING—19

Aderholt
Broun (GA)
Carter
Cassidy
Chandler
Clay
Conaway
Conyers
Ehlers
Johnson (GA)
McGovern
Moore (WI)
Murphy, Patrick
Nunes
Perriello
Rogers (MI)
Sánchez, Linda T.
Stupak
Wasserman Schultz

□ 1257

Messrs. TAYLOR, SHIMKUS, PAULSEN, PRICE of Georgia, DONNELLY of Indiana, and Ms. JENKINS changed their vote from ''yea'' to ''nay.''

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

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING THE NEW YORK YANKEES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 893, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 893.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 17, answered ''present'' 11, not voting 19, as follows:

[Roll No. 866]

YEAS—386

Abercrombie
Ackerman
Akin
Alexander
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
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)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)

Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
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
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
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)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—17

Adler (NJ)
Altmire
Berry
Braley (IA)
Campbell
Delahunt
Filner
Hunter
Kaptur
Lungren, Daniel E.
Murphy (CT)
Radanovich
Rahall
Rohrabacher
Rooney
Schwartz
Sensenbrenner

ANSWERED ''PRESENT''—11

DeFazio
Driehaus
Hodes
Kagen
Langevin
Marshall
Oberstar
Olver
Souder
Tsongas
Welch

NOT VOTING—19

Aderholt
Broun (GA)
Carter
Cassidy
Chandler
Clay
Conaway
Conyers
Davis (KY)
Ehlers
Gohmert
McGovern
Moore (WI)
Murphy, Patrick
Nunes
Posey
Rogers (MI)
Sánchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1305

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I was unable to make the following votes today. If I were present I would vote "yea" to: H. Con. Res. 210—Providing for the House, upon completion of the Affordable Health Care of America Act, to adjourn until November 16, 2009 and H. Res. 893—Congratulating the 2009 Major League Baseball World Series Champions, the New York Yankees.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 5, 2009.

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

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Todd D. Valentine and Mr. Robert A. Brehm, Co-Executive Directors of the New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held November 3, 2009, the Honorable William L. Owens was elected Representative to Congress for the Twenty-Third Congressional District, State of New York.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE OF NEW YORK,
STATE BOARD OF ELECTIONS,
Albany, NY, November 5, 2009.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise that the unofficial results of the Special Election held on Tuesday, November 3, 2009 for Representative in Congress from the Twenty-Third Congressional District of New York show that, as of the close of polls on election day, the returns for that office show William L. Owens received 66,698 votes, Douglas Hoffman received 63,672 votes, and Dede Scozzafava received 6,485 votes.

As soon as the official results are certified to this office by all county boards in the Twenty-Third Congressional District in New York an official Certification of Election will be prepared for transmittal as required by law.

Sincerely,

ROBERT A. BREHM,
Co-Executive Director.
TODD D. VALENTINE,
Co-Executive Director.

SWEARING IN OF THE HONORABLE WILLIAM L. OWENS, OF NEW YORK, AS A MEMBER OF THE HOUSE

Mr. RANGEL. Madam Speaker, I ask unanimous consent that the gentleman from New York, the Honorable William L. Owens, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Will Representative-elect Owens and the members of the New York delegation present themselves in the well?

Mr. Owens appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 111th Congress.

WELCOMING THE HONORABLE WILLIAM L. OWENS TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from New York is recognized for 1 minute.

There was no objection.

Mr. RANGEL. Madam Speaker and my colleagues, on behalf of the delegation of the great State of New York, I have the honor to present to you this outstanding member of New York, this outstanding member of our great country.

BILL OWENS was born in Brooklyn, raised in Long Island, and conducted his business life and service to this great country in upstate New York. As a retired United States Air Force captain, he has a beautiful wife, who is

with him today. He has three children and two superstar grandchildren, and it's my understanding that another addition will be added to this group.

BILL is a hardworking lawyer and a businessman from upstate New York. He is a job creator. At the former Air Force base in Plattsburgh, he was able to bring some creative activity, bring together businesses, and as a result of that, was able to bring 2,000 jobs to the great State of New York, most of them from Canada.

He comes here today as a supporter of education, as a supporter, naturally, of jobs, as a supporter of making this country all that she can be, and certainly as someone who would like to see all American citizens have access to health care, as most of you, I know, do.

So, BILL, we will be working with you and working for you. Congratulations. Our heartbeat is heavy for your victory, which we know is the Congress' victory and our Nation's victory.

Mr. KING of New York. Will the gentleman yield?

Mr. RANGEL. I yield to my friend, the minority leader of the State of New York, and welcome him joining in with us, Congressman PETER KING.

Mr. KING of New York. I thank Chairman RANGEL for yielding.

Speaking on behalf of myself and on behalf of the entire New York Republican delegation of myself and Congressman LEE—a very powerful two-man delegation against 27—seriously, Congressman OWENS, it is a privilege to welcome you to the House of Representatives.

Thank you for your years of service to your country. We look forward to working with you. You will find, whether it's 27–2 or 18–13—or whatever it was a few years ago—we in the New York delegation do work across the aisle and work with each other, and I wish you the very best.

Mr. RANGEL. My colleagues, Congressman BILL OWENS.

Mr. OWENS. Thank you. Like all of my speeches, it will be brief.

Madam Speaker, I am honored to be here with you all today and to join in continuing our effort to build a better, stronger America.

This is a proud day for me and my family, but it is also a sad day for our country. The shooting at Fort Hood last night that claimed the lives of 13 fine Americans is a stunning reminder of how quickly the peace we enjoy here at home can turn to violence and how much we rely on our brave men and women to keep us free from harm. My thoughts and prayers are with the families of the victims and with our soldiers to whom we owe our safety and our freedom.

I would like to thank my family for being with me and for standing behind me every step of the way.

To my wife, Jane; my three children, Tara, Jenna, and Brendan, and their spouses; and my three grandchildren, Caroline, Tommy, and Tess, I know that I would never have made it without you, and I am grateful for your support and for all the laughs we had along the way.

I most especially want to thank the people of New York's 23rd Congressional District, whose work I begin today. Conscious of the challenges that face us, I am eager to join my colleagues in finding bipartisan solutions to health care, energy, our farm crisis, and getting our economy back up and running.

My family and I came to Plattsburgh when I was transferred to Plattsburgh Air Force Base. When I left the Air Force, we decided to stay and make it our home, which we've done, but I remain committed to serving my country and my community. That's why I have tried throughout my life in upstate New York to do the right thing by my community, and it is the reason that I ran for Congress.

□ 1315

I am proud to begin a new chapter of service to my country and remain hopeful that if we can continue seeking bipartisan solutions to the problems that face us, we can build a brighter future for our children and grandchildren. I pledge to work hard every day, and I am honored to serve each of my constituents and to move the country and my district forward.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from New York, the whole number of the House is 435.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SALAZAR). Without objection, 5-minute voting will continue.

There was no objection.

CORPORAL JOSEPH A. TOMCI POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3788, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3788.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 18, as follows:

[Roll No. 867]

YEAS—415

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
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
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
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, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
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)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
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—1

Berry

NOT VOTING—18

Aderholt
Broun (GA)
Carter
Cassidy
Chandler
Clay
Conaway
Dicks
Ehlers
Gordon (TN)
Kagen
McGovern
McKeon
Murphy, Patrick
Nunes
Rogers (MI)
Sánchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1324

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.

Stated for:

Mr. BERRY. Mr. Speaker, on November 6, 2009, I made a mistake and voted "nay" on H.R. 3788 (rollcall vote 867). I meant to vote "yea" on H.R. 3788. I have the highest respect and appreciation for Corporal Joseph A. Tomci and his family, and I apologize for any anguish my vote may have caused them. His service is greatly appreciated, and this honor is a fitting tribute to him and his family.

MOMENT OF SILENCE FOR THE VICTIMS OF VIOLENCE IN ORLANDO, FLORIDA

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. CORRINE BROWN of Florida. Madam Speaker, I am extremely sad to announce a tragedy in Orlando, Florida, today. Early reports are saying that at least two people are dead and six have been wounded in a mass shooting at an office building in downtown Orlando. Seven people were taken to Orlando Regional Medical Center and one to Florida Hospital South.

My thoughts and prayers go out to the family and the victims. Madam Speaker, would you please ask the House to stand. These are two tragic back-to-back days in our country. Let's ask to pray for our country and for the families and the victims.

The SPEAKER. Will all Members rise and observe a moment of silence for the victims of violence in Orlando, Florida.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Without objection, 5-minute voting will continue.

There was no objection.

JACK F. KEMP POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, S. 1211, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, S. 1211.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 868]

YEAS—408

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
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
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
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, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
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
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—26

Aderholt
Broun (GA)
Carter
Cassidy
Chandler
Coffman (CO)
Conaway
Crowley
Dicks
Ehlers
Ellison
Frank (MA)
Gordon (TN)
Larsen (WA)
Lofgren, Zoe
McGovern
Murphy, Patrick
Nunes

Rangel
Rogers (MI)
Sánchez, Linda T.
Sanchez, Loretta
Schock
Slaughter
Westmoreland
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

□ 1335

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.

CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 885 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2868.

□ 1335

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes, with Mr. SALAZAR (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, November 5, 2009, all time for general debate had expired.

In lieu of the amendments in the nature of a substitute recommended by the Committees on Homeland Security and Energy and Commerce printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 111–327 shall be considered as an original bill for purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2868

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 ''Chemical and Water Security Act of 2009''.

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

Sec. 1. Short title; table of contents.

TITLE I—CHEMICAL FACILITY SECURITY

Sec. 101. Short title.
Sec. 102. Findings and purpose.
Sec. 103. Extension, modification, and recodification of authority of Secretary of Homeland Security to regulate security practices at chemical facilities.

TITLE II—DRINKING WATER SECURITY

Sec. 201. Short title.
Sec. 202. Intentional acts affecting the security of covered water systems.
Sec. 203. Study to assess the threat of contamination of drinking water distribution systems.

TITLE III—WASTEWATER TREATMENT WORKS SECURITY

Sec. 301. Short title.
Sec. 302. Wastewater treatment works security.

TITLE I—CHEMICAL FACILITY SECURITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Chemical Facility Anti-Terrorism Act of 2009''.

SEC. 102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Nation's chemical sector represents a target that terrorists could exploit to cause consequences, including death, injury, or serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy.

(2) Chemical facilities that pose such potential consequences and that are vulnerable to terrorist attacks must be protected.

(3) The Secretary of Homeland Security has statutory authority pursuant to section 550 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) to regulate the security practices at chemical facilities that are at significant risk of being terrorist targets.

(4) The Secretary of Homeland Security issued interim final regulations called the Chemical Facility Anti-Terrorism Standards, which became effective on June 8, 2007.

(b) PURPOSE.—The purpose of this title is to modify and make permanent the authority of the Secretary of Homeland Security to regulate security practices at chemical facilities.

SEC. 103. EXTENSION, MODIFICATION, AND RECODIFICATION OF AUTHORITY OF SECRETARY OF HOMELAND SECURITY TO REGULATE SECURITY PRACTICES AT CHEMICAL FACILITIES.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following new title:

''TITLE XXI—REGULATION OF SECURITY PRACTICES AT CHEMICAL FACILITIES

''SEC. 2101. DEFINITIONS.

''In this title, the following definitions apply:

''(1) The term 'chemical facility' means any facility—

''(A) at which the owner or operator of the facility possesses or plans to possess at any relevant point in time a substance of concern; or

''(B) that meets other risk-related criteria identified by the Secretary.

''(2) The term 'chemical facility security performance standards' means risk-based standards established by the Secretary to ensure or enhance the security of a chemical facility against a chemical facility terrorist incident that are designed to address the following:

''(A) Restricting the area perimeter.

''(B) Securing site assets.

''(C) Screening and controlling access to the facility and to restricted areas within the facility by screening or inspecting individuals and vehicles as they enter, including—

''(i) measures to deter the unauthorized introduction of dangerous substances and devices that may facilitate a chemical facility terrorist incident or actions having serious negative consequences for the population surrounding the chemical facility; and

''(ii) measures implementing a regularly updated identification system that checks the identification of chemical facility personnel and other persons seeking access to the chemical facility and that discourages abuse through established disciplinary measures.

''(D) Methods to deter, detect, and delay a chemical facility terrorist incident, creating sufficient time between detection of a chemical facility terrorist incident and the point at which the chemical facility terrorist incident becomes successful, including measures to—

''(i) deter vehicles from penetrating the chemical facility perimeter, gaining unauthorized access to restricted areas, or otherwise presenting a hazard to potentially critical targets;

''(ii) deter chemical facility terrorist incidents through visible, professional, well-maintained security measures and systems, including security personnel, detection systems, barriers and barricades, and hardened or reduced value targets;

''(iii) detect chemical facility terrorist incidents at early stages through counter surveillance, frustration of opportunity to observe potential targets, surveillance and sensing systems, and barriers and barricades; and

''(iv) delay a chemical facility terrorist incident for a sufficient period of time so as to allow appropriate response through on-site security response, barriers and barricades, hardened targets, and well-coordinated response planning.

''(E) Securing and monitoring the shipping, receipt, and storage of a substance of concern for the chemical facility.

''(F) Deterring theft or diversion of a substance of concern.

''(G) Deterring insider sabotage.

''(H) Deterring cyber sabotage, including by preventing unauthorized onsite or remote access to critical process controls, including supervisory control and data acquisition systems, distributed control systems, process control systems, industrial control systems, critical business systems, and other sensitive computerized systems.

''(I) Developing and exercising an internal emergency plan for owners, operators, and covered individuals of a covered chemical facility for responding to chemical facility terrorist incidents at the facility. Any such plan shall include the provision of appropriate information to any local emergency planning committee, local law enforcement officials, and emergency response providers to ensure an effective, collective response to terrorist incidents.

''(J) Maintaining effective monitoring, communications, and warning systems, including—

''(i) measures designed to ensure that security systems and equipment are in good working order and inspected, tested, calibrated, and otherwise maintained;

''(ii) measures designed to regularly test security systems, note deficiencies, correct for detected deficiencies, and record results so that they are available for inspection by the Department; and

''(iii) measures to allow the chemical facility to promptly identify and respond to security system and equipment failures or malfunctions.

''(K) Ensuring mandatory annual security training, exercises, and drills of chemical facility personnel appropriate to their roles, responsibilities, and access to chemicals, including participation by local law enforcement, local emergency response providers, appropriate supervisory and non-supervisory facility employees and their employee representatives, if any.

''(L) Performing personnel surety for individuals with access to restricted areas or critical assets by conducting appropriate

background checks and ensuring appropriate credentials for unescorted visitors and chemical facility personnel, including permanent and part-time personnel, temporary personnel, and contract personnel, including—

''(i) measures designed to verify and validate identity;

''(ii) measures designed to check criminal history;

''(iii) measures designed to verify and validate legal authorization to work; and

''(iv) measures designed to identify people with terrorist ties.

''(M) Escalating the level of protective measures for periods of elevated threat.

''(N) Specific threats, vulnerabilities, or risks identified by the Secretary for that chemical facility.

''(O) Reporting of significant security incidents to the Department and to appropriate local law enforcement officials.

''(P) Identifying, investigating, reporting, and maintaining records of significant security incidents and suspicious activities in or near the site.

''(Q) Establishing one or more officials and an organization responsible for—

''(i) security;

''(ii) compliance with the standards under this paragraph;

''(iii) serving as the point of contact for incident management purposes with Federal, State, local, and tribal agencies, law enforcement, and emergency response providers; and

''(iv) coordination with Federal, State, local, and tribal agencies, law enforcement, and emergency response providers regarding plans and security measures for the collective response to a chemical facility terrorist incident.

''(R) Maintaining appropriate records relating to the security of the facility, including a copy of the most recent security vulnerability assessment and site security plan at the chemical facility.

''(S) Assessing and, as appropriate, utilizing methods to reduce the consequences of a terrorist attack.

''(T) Methods to recover or mitigate the release of a substance of concern in the event of a chemical facility terrorist incident.

''(U) Any additional security performance standards the Secretary may specify.

''(3) The term 'chemical facility terrorist incident' means any act or attempted act of terrorism or terrorist activity committed at, near, or against a chemical facility, including—

''(A) the release of a substance of concern from a chemical facility;

''(B) the theft, misappropriation, or misuse of a substance of concern from a chemical facility; or

''(C) the sabotage of a chemical facility or a substance of concern at a chemical facility.

''(4) The term 'employee representative' means the representative of the certified or recognized bargaining agent engaged in a collective bargaining relationship with a private or public owner or operator of a chemical facility.

''(5) The term 'covered individual' means a permanent, temporary, full-time, or part-time employee of a covered chemical facility or an employee of an entity with which the covered chemical facility has entered into a contract who is performing responsibilities at the facility pursuant to the contract.

''(6) The term 'covered chemical facility' means a chemical facility that meets the criteria of section 2102(b)(1).

''(7) The term 'environment' means—

''(A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); and

''(B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

''(8) The term 'owner or operator' with respect to a facility means any of the following:

''(A) The person who owns the facility.

''(B) The person who has responsibility for daily operation of the facility.

''(C) The person who leases the facility.

''(9) The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each department, agency, and instrumentality of the United States.

''(10) The term 'release' means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).

''(11) The term 'substance of concern' means a chemical substance in quantity and form that is so designated by the Secretary under section 2102(a).

''(12) The term 'method to reduce the consequences of a terrorist attack' means a measure used at a chemical facility that reduces or eliminates the potential consequences of a chemical facility terrorist incident, including—

''(A) the elimination or reduction in the amount of a substance of concern possessed or planned to be possessed by an owner or operator of a covered chemical facility through the use of alternate substances, formulations, or processes;

''(B) the modification of pressures, temperatures, or concentrations of a substance of concern; and

''(C) the reduction or elimination of onsite handling of a substance of concern through improvement of inventory control or chemical use efficiency.

''SEC. 2102. RISK-BASED DESIGNATION AND RANKING OF CHEMICAL FACILITIES.

''(a) SUBSTANCES OF CONCERN.—

''(1) DESIGNATION BY THE SECRETARY.—The Secretary may designate any chemical substance as a substance of concern and establish the threshold quantity for each such substance of concern.

''(2) MATTERS FOR CONSIDERATION.—In designating a chemical substance or establishing or adjusting the threshold quantity for a chemical substance under paragraph (1), the Secretary shall consider the potential extent of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy that could result from a chemical facility terrorist incident.

''(b) LIST OF COVERED CHEMICAL FACILITIES.—

''(1) CRITERIA FOR LIST OF FACILITIES.—The Secretary shall maintain a list of covered chemical facilities that the Secretary determines are of sufficient security risk for inclusion on the list based on the following criteria:

''(A) The potential threat or likelihood that the chemical facility will be the target of a chemical facility terrorist incident.

''(B) The potential extent and likelihood of death, injury, or serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy that could result from a chemical facility terrorist incident.

''(C) The proximity of the chemical facility to large population centers.

''(2) SUBMISSION OF INFORMATION.—The Secretary may require the submission of information with respect to the quantities of substances of concern that an owner or operator of a chemical facility possesses or plans to possess in order to determine whether to designate a chemical facility as a covered chemical facility for purposes of this title.

''(c) ASSIGNMENT OF CHEMICAL FACILITIES TO RISK-BASED TIERS.—

''(1) ASSIGNMENT.—The Secretary shall assign each covered chemical facility to one of four risk-based tiers established by the Secretary, with tier one representing the highest degree of risk and tier four the lowest degree of risk.

''(2) PROVISION OF INFORMATION.—The Secretary may request, and the owner or operator of a covered chemical facility shall provide, any additional information beyond any information required to be submitted under subsection (b)(2) that may be necessary for the Secretary to assign the chemical facility to the appropriate tier under paragraph (1).

''(3) NOTIFICATION.—Not later than 60 days after the date on which the Secretary determines that a chemical facility is a covered chemical facility or is no longer a covered chemical facility or changes the tier assignment under paragraph (1) of a covered chemical facility, the Secretary shall notify the owner or operator of that chemical facility of that determination or change together with the reason for the determination or change and, upon the request of the owner or operator of a covered chemical facility, provide to the owner or operator of the covered chemical facility the following information:

''(A) The number of individuals at risk of death, injury, or severe adverse effects to human health as a result of a worst case chemical facility terrorist incident at the covered chemical facility.

''(B) Information related to the criticality of the covered chemical facility.

''(C) The proximity or interrelationship of the covered chemical facility to other critical infrastructure.

''(d) REQUIREMENT FOR REVIEW.—The Secretary—

''(1) shall periodically review—

''(A) the designation of a substance of concern and the threshold quantity under subsection (a)(1); and

''(B) the criteria under subsection (b)(1); and

''(2) may at any time determine whether a chemical facility is a covered chemical facility or change the tier to which such a facility is assigned under subsection (c)(1).

''(e) PROVISION OF THREAT-RELATED INFORMATION.—In order to effectively assess the vulnerabilities to a covered chemical facility, the Secretary shall provide to the owner, operator, or security officer of a covered chemical facility threat information regarding probable threats to the facility and methods that could be used in a chemical facility terrorist incident.

''SEC. 2103. SECURITY VULNERABILITY ASSESSMENTS AND SITE SECURITY PLANS.

''(a) IN GENERAL.—

''(1) REQUIREMENT.—The Secretary shall—

''(A) establish standards, protocols, and procedures for security vulnerability assessments and site security plans to be required for covered chemical facilities;

''(B) require the owner or operator of each covered chemical facility to—

''(i) conduct an assessment of the vulnerability of the covered chemical facility to a range of chemical facility terrorist incidents, including an incident that results in a worst-case release of a substance of concern

and submit such assessment to the Secretary;

''(ii) prepare and implement a site security plan for that covered chemical facility that addresses the security vulnerability assessment and meets the risk-based chemical security performance standards under subsection (c) and submit such plan to the Secretary;

''(iii) include at least one supervisory and at least one non-supervisory employee of the covered chemical facility, and at least one employee representative, from each bargaining agent at the covered chemical facility, if any, in developing the security vulnerability assessment and site security plan required under this section; and

''(iv) include, with the submission of a security vulnerability assessment and the site security plan of the covered chemical facility under this title, a signed statement by the owner or operator of the covered chemical facility that certifies that the submission is provided to the Secretary with knowledge of the penalty provisions under section 2107;

''(C) set deadlines, by tier, for the completion of security vulnerability assessments and site security plans;

''(D) upon request, as necessary, and to the extent that resources permit, provide technical assistance to a covered chemical facility conducting a vulnerability assessment or site security plan required under this section;

''(E) establish specific deadlines and requirements for the submission by a covered chemical facility of information describing—

''(i) any change in the use by the covered chemical facility of more than a threshold amount of any substance of concern that may affect the requirements of the chemical facility under this title; or

''(ii) any material modification to a covered chemical facility's operations or site that may affect the security vulnerability assessment or site security plan submitted by the covered chemical facility;

''(F) require the owner or operator of a covered chemical facility to review and resubmit a security vulnerability assessment or site security plan not less frequently than once every 5 years; and

''(G) not later than 180 days after the date on which the Secretary receives a security vulnerability assessment or site security plan under this title, review and approve or disapprove such assessment or plan and notify the covered chemical facility of such approval or disapproval.

''(2) INHERENTLY GOVERNMENTAL FUNCTION.—The approval or disapproval of a security vulnerability assessment or site security plan under this section is an inherently governmental function.

''(b) PARTICIPATION IN PREPARATION OF SECURITY VULNERABILITY ASSESSMENTS OR SITE SECURITY PLANS.—Any person selected by the owner or operator of a covered chemical facility or by a certified or recognized bargaining agent of a covered chemical facility to participate in the development of the security vulnerability assessment or site security plan required under this section for such covered chemical facility shall be permitted to participate if the person possesses knowledge, experience, training, or education relevant to the portion of the security vulnerability assessment or site security plan on which the person is participating.

''(c) RISK-BASED CHEMICAL SECURITY PERFORMANCE STANDARDS.—The Secretary shall establish risk-based chemical security performance standards for the site security plans required to be prepared by covered chemical facilities. In establishing such standards, the Secretary shall—

''(1) require separate and, as appropriate, increasingly stringent risk-based chemical security performance standards for site security plans as the level of risk associated with the tier increases; and

''(2) permit each covered chemical facility submitting a site security plan to select a combination of security measures that satisfy the risk-based chemical security performance standards established by the Secretary under this subsection.

''(d) CO-LOCATED CHEMICAL FACILITIES.—The Secretary may allow an owner or operator of a covered chemical facility that is located geographically close to another covered chemical facility to develop and implement coordinated security vulnerability assessments and site security plans.

''(e) ALTERNATE SECURITY PROGRAMS SATISFYING REQUIREMENTS FOR SECURITY VULNERABILITY ASSESSMENT AND SITE SECURITY PLAN.—

''(1) ACCEPTANCE OF PROGRAM.—In response to a request by an owner or operator of a covered chemical facility, the Secretary may accept an alternate security program submitted by the owner or operator of the facility as a component of the security vulnerability assessment or site security plan required under this section, if the Secretary determines that such alternate security program, in combination with other components of the security vulnerability assessment and site security plan submitted by the owner or operator of the facility—

''(A) meets the requirements of this title and the regulations promulgated pursuant to this title;

''(B) provides an equivalent level of security to the level of security established pursuant to the regulations promulgated under this title; and

''(C) includes employee participation as required under subsection (a)(1)(B)(iii).

''(2) SECRETARIAL REVIEW REQUIRED.—Nothing in this subsection shall relieve the Secretary of the obligation—

''(A) to review a security vulnerability assessment and site security plan submitted by a covered chemical facility under this section; and

''(B) to approve or disapprove each such assessment or plan on an individual basis according to the deadlines established under subsection (a).

''(3) COVERED FACILITY'S OBLIGATIONS UNAFFECTED.—Nothing in this subsection shall relieve any covered chemical facility of the obligation and responsibility to comply with all of the requirements of this title.

''(4) PERSONNEL SURETY ALTERNATE SECURITY PROGRAM.—In response to an application from a non-profit, personnel surety accrediting organization acting on behalf of, and with written authorization from, the owner or operator of a covered chemical facility, the Secretary may accept a personnel surety alternate security program that meets the requirements of section 2115 and provides for a background check process that is—

''(A) expedited, affordable, reliable, and accurate;

''(B) fully protective of the rights of covered individuals through procedures that are consistent with the privacy protections available under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); and

''(C) is a single background check consistent with a risk-based tiered program.

''(f) OTHER AUTHORITIES.—

''(1) REGULATION OF MARITIME FACILITIES.—

''(A) RISK-BASED TIERING.—Notwithstanding any other provision of law, the owner or operator of a chemical facility required to submit a facility security plan under section 70103(c) of title 46, United States Code, shall be required to submit information to the Secretary necessary to determine whether to designate such a facility as a covered chemical facility and to assign the facility to a risk-based tier under section 2102 of this title.

''(B) ADDITIONAL MEASURES.—In the case of a facility designated as a covered chemical facility under this title for which a facility security plan is required to be submitted under section 70103(c) of title 46, United States Code, the Commandant of the Coast Guard, after consultation with the Secretary, shall require the owner or operator of such facility to update the vulnerability assessments and facility security plans required under that section, if necessary, to ensure an equivalent level of security for substances of concern, including the requirements under section 2111, in the same manner as other covered chemical facilities in this title.

''(C) PERSONNEL SURETY.—

''(i) EXCEPTION.—A facility designated as a covered chemical facility under this title that has had its facility security plan approved under section 70103(c) of title 46, United States Code, shall not be required to update or amend such plan in order to meet the requirements of section 2115 of this title.

''(ii) EQUIVALENT ACCESS.—An individual described in section 2115(a)(1)(B) who has been granted access to restricted areas or critical assets by the owner or operator of a facility for which a security plan is required to be submitted under section 70103(c) of title 46, United States Code, may be considered by that owner or operator to have satisfied the requirement for passing a security background check otherwise required under section 2115 for purposes of granting the individual access to restricted areas or critical assets of a covered chemical facility that is owned or operated by the same owner or operator.

''(D) INFORMATION SHARING AND PROTECTION.—Notwithstanding section 70103(d) of title 46, United States Code, the Commandant of the Coast Guard, after consultation with the Secretary, shall apply the information sharing and protection requirements in section 2110 of this title to a facility described in subparagraph (B).

''(E) ENFORCEMENT.—The Secretary shall establish, by rulemaking, procedures to ensure that an owner or operator of a covered chemical facility required to update the vulnerability assessment and facility security plan for the facility under subparagraph (B) is in compliance with the requirements of this title.

''(F) FORMAL AGREEMENT.—The Secretary shall—

''(i) require the Office of Infrastructure Protection and the Coast Guard to enter into a formal agreement detailing their respective roles and responsibilities in carrying out the requirements of this title, which shall ensure that the enforcement and compliance requirements under this title and section 70103 of title 46, United States Code, are not conflicting or duplicative; and

''(ii) designate the agency responsible for enforcing the requirements of this title with respect to covered chemical facilities for which facility security plans are required to be submitted under section 70103(c) of title 46, United States Code, consistent with the requirements of subparagraphs (B) and (D).

''(2) COORDINATION OF STORAGE LICENSING OR PERMITTING REQUIREMENT.—In the case of any storage required to be licensed or permitted under chapter 40 of title 18, United States Code, the Secretary shall prescribe the rules and regulations for the implementation of this section with the concurrence of the Attorney General and avoid unnecessary duplication of regulatory requirements.

''(g) ROLE OF EMPLOYEES.—

''(1) DESCRIPTION OF ROLE REQUIRED.—Site security plans required under this section shall describe the roles or responsibilities that covered individuals are expected to perform to deter or respond to a chemical facility terrorist incident.

''(2) ANNUAL TRAINING FOR EMPLOYEES.—The owner or operator of a covered chemical facility required to submit a site security plan under this section shall annually provide each covered individual with a role or responsibility referred to in paragraph (1) at the facility with a minimum of 8 hours of training. Such training shall, as relevant to the role or responsibility of such covered individual—

''(A) include an identification and discussion of substances of concern;

''(B) include a discussion of possible consequences of a chemical facility terrorist incident;

''(C) review and exercise the covered chemical facility's site security plan, including any requirements for differing threat levels;

''(D) include a review of information protection requirements;

''(E) include a discussion of physical and cyber security equipment, systems, and methods used to achieve chemical security performance standards;

''(F) allow training with other relevant participants, including Federal, State, local, and tribal authorities, and first responders, where appropriate;

''(G) use existing national voluntary consensus standards, chosen jointly with employee representatives, if any;

''(H) allow instruction through government training programs, chemical facilities, academic institutions, nonprofit organizations, industry and private organizations, employee organizations, and other relevant entities that provide such training;

''(I) use multiple training media and methods; and

''(J) include a discussion of appropriate emergency response procedures, including procedures to mitigate the effects of a chemical facility terrorist incident.

''(3) EQUIVALENT TRAINING.—During any year, with respect to any covered individual with roles or responsibilities under paragraph (1), an owner or operator of a covered chemical facility may satisfy any of the training requirements for such covered individual under subparagraphs (A), (B), (C), (D), (E), or (J) of paragraph (2) through training that such owner or operator certifies, in a manner prescribed by the Secretary, is equivalent.

''(4) WORKER TRAINING GRANT PROGRAM.—

''(A) AUTHORITY.—The Secretary shall establish a grant program to award grants to or enter into cooperative agreements with eligible entities to provide for the training and education of covered individuals with roles or responsibilities described in paragraph (1) and first responders and emergency response providers that would respond to a chemical facility terrorist incident.

''(B) ADMINISTRATION.—The Secretary shall seek to enter into an agreement with the Director of the National Institute for Environmental Health Sciences, or with the head of another Federal or State agency, to make and administer grants or cooperative agreements under this paragraph.

''(C) USE OF FUNDS.—The recipient of funds under this paragraph shall use such funds to provide for the training and education of covered individuals with roles or responsibilities described in paragraph (1), first responders, and emergency response providers, including—

''(i) the annual mandatory training specified in paragraph (2); and

''(ii) other appropriate training to protect nearby persons, property, critical infrastructure, or the environment from the effects of a chemical facility terrorist incident.

''(D) ELIGIBLE ENTITIES.—For purposes of this paragraph, an eligible entity is a nonprofit organization with demonstrated experience in implementing and operating successful worker or first responder health and safety or security training programs.

''(h) STATE, REGIONAL, OR LOCAL GOVERNMENTAL ENTITIES.—No covered chemical facility shall be required under State, local, or tribal law to provide a vulnerability assessment or site security plan described under this title to any State, regional, local, or tribal government entity solely by reason of the requirement under subsection (a) that the covered chemical facility submit such an assessment and plan to the Secretary.

''SEC. 2104. SITE INSPECTIONS.

''(a) RIGHT OF ENTRY.—For purposes of carrying out this title, the Secretary shall have, at a reasonable time and on presentation of credentials, a right of entry to, on, or through any property of a covered chemical facility or any property on which any record required to be maintained under this section is located.

''(b) INSPECTIONS AND VERIFICATIONS.—

''(1) IN GENERAL.—The Secretary shall, at such time and place as the Secretary determines to be reasonable and appropriate, conduct chemical facility security inspections and verifications.

''(2) REQUIREMENTS.—To ensure and evaluate compliance with this title, including any regulations or requirements adopted by the Secretary in furtherance of the purposes of this title, in conducting an inspection or verification under paragraph (1), the Secretary shall have access to the owners, operators, employees, and employee representatives, if any, of a covered chemical facility.

''(c) UNANNOUNCED INSPECTIONS.—In addition to any inspection conducted pursuant to subsection (b), the Secretary shall require covered chemical facilities assigned to tier 1 and tier 2 under section 2102(c)(1) to undergo unannounced facility inspections. The inspections required under this subsection shall be—

''(1) conducted without prior notice to the facility;

''(2) designed to evaluate at the chemical facility undergoing inspection—

''(A) the ability of the chemical facility to prevent a chemical facility terrorist incident that the site security plan of the facility is intended to prevent;

''(B) the ability of the chemical facility to protect against security threats that are required to be addressed by the site security plan of the facility; and

''(C) any weaknesses in the site security plan of the chemical facility;

''(3) conducted so as not to affect the actual security, physical integrity, safety, or regular operations of the chemical facility or its employees while the inspection is conducted; and

''(4) conducted—

''(A) every two years in the case of a covered chemical facility assigned to tier 1; and

''(B) every four years in the case of a covered chemical facility assigned to tier 2.

''(d) CHEMICAL FACILITY INSPECTORS AUTHORIZED.—During the period of fiscal years 2011 and 2012, subject to the availability of appropriations for such purpose, the Secretary shall increase by not fewer than 100 the total number of chemical facility inspectors within the Department to ensure compliance with this title.

''(e) CONFIDENTIAL COMMUNICATIONS.—The Secretary shall offer non-supervisory employees the opportunity to confidentially communicate information relevant to the employer's compliance or non-compliance with this title, including compliance or noncompliance with any regulation or requirement adopted by the Secretary in furtherance of the purposes of this title. An employee representative of each certified or recognized bargaining agent at the covered chemical facility, if any, or, if none, a nonsupervisory employee, shall be given the opportunity to accompany the Secretary during a physical inspection of such covered chemical facility for the purpose of aiding in such inspection, if representatives of the owner or operator of the covered chemical facility will also be accompanying the Secretary on such inspection.

''SEC. 2105. RECORDS.

''(a) REQUEST FOR RECORDS.—In carrying out this title, the Secretary may require submission of, or on presentation of credentials may at reasonable times obtain access to and copy, any records, including any records maintained in electronic format, necessary for—

''(1) reviewing or analyzing a security vulnerability assessment or site security plan submitted under section 2103; or

''(2) assessing the implementation of such a site security plan.

''(b) PROPER HANDLING OF RECORDS.—In accessing or copying any records under subsection (a), the Secretary shall ensure that such records are handled and secured appropriately in accordance with section 2110.

''SEC. 2106. TIMELY SHARING OF THREAT INFORMATION.

''(a) RESPONSIBILITIES OF SECRETARY.—Upon the receipt of information concerning a threat that is relevant to a certain covered chemical facility, the Secretary shall provide such information in a timely manner, to the maximum extent practicable under applicable authority and in the interests of national security, to the owner, operator, or security officer of that covered chemical facility, to a representative of each recognized or certified bargaining agent at the facility, if any, and to relevant State, local, and tribal authorities, including the State Homeland Security Advisor, if any.

''(b) RESPONSIBILITIES OF OWNER OR OPERATOR.—The Secretary shall require the owner or operator of a covered chemical facility to provide information concerning a threat in a timely manner about any significant security incident or threat to the covered chemical facility or any intentional or unauthorized penetration of the physical security or cyber security of the covered chemical facility whether successful or unsuccessful.

''SEC. 2107. ENFORCEMENT.

''(a) REVIEW OF SECURITY VULNERABILITY ASSESSMENT AND SITE SECURITY PLAN.—

''(1) DISAPPROVAL.—The Secretary shall disapprove a security vulnerability assessment or site security plan submitted under this title if the Secretary determines, in his or her discretion, that—

''(A) the security vulnerability assessment or site security plan does not comply with the standards, protocols, or procedures under section 2103(a)(1)(A); or

''(B) in the case of a site security plan—

''(i) the plan or the implementation of the plan is insufficient to address vulnerabilities identified in a security vulnerability assessment, site inspection, or unannounced inspection of the covered chemical facility; or

''(ii) the plan fails to meet all applicable chemical facility security performance standards.

''(2) NOTIFICATION OF DISAPPROVAL.—If the Secretary disapproves the security vulnerability assessment or site security plan submitted by a covered chemical facility under this title or the implementation of a site security plan by such a chemical facility, the

Secretary shall provide the owner or operator of the covered chemical facility a written notification of the disapproval not later than 14 days after the date on which the Secretary disapproves such assessment or plan, that—

''(A) includes a clear explanation of deficiencies in the assessment, plan, or implementation of the plan; and

''(B) requires the owner or operator of the covered chemical facility to revise the assessment or plan to address any deficiencies and, by such date as the Secretary determines is appropriate, to submit to the Secretary the revised assessment or plan.

''(b) REMEDIES.—

''(1) ORDER FOR COMPLIANCE.—Whenever the Secretary determines that the owner or operator of a covered chemical facility has violated or is in violation of any requirement of this title or has failed or is failing to address any deficiencies in the assessment, plan, or implementation of the plan by such date as the Secretary determines to be appropriate, the Secretary may—

''(A) after providing notice to the owner or operator of the covered chemical facility and an opportunity, pursuant to the regulations issued under this title, for such owner or operator to seek review within the Department of the Secretary's determination, issue an order assessing an administrative penalty of not more than $25,000 for each day on which a past or current violation occurs or a failure to comply continues, requiring compliance immediately or within a specified time period, or both; or

''(B) in a civil action, obtain appropriate equitable relief, a civil penalty of not more than $25,000 for each day on which a past or current violation occurs or a failure to comply continues, or both.

''(2) ORDER TO CEASE OPERATIONS.—Whenever the Secretary determines that the owner or operator of a covered chemical facility continues to be in noncompliance after an order for compliance is issued under paragraph (1), the Secretary may issue an order to the owner or operator to cease operations at the facility until compliance is achieved to the satisfaction of the Secretary.

''(c) APPLICABILITY OF PENALTIES.—A penalty under subsection (b)(1) may be awarded for any violation of this title, including a violation of the whistleblower protections under section 2108.

''SEC. 2108. WHISTLEBLOWER PROTECTIONS.

''(a) ESTABLISHMENT.—The Secretary shall establish and provide information to the public regarding a process by which any person may submit a report to the Secretary regarding problems, deficiencies, or vulnerabilities at a covered chemical facility associated with the risk of a chemical facility terrorist incident.

''(b) CONFIDENTIALITY.—The Secretary shall keep confidential the identity of a person that submits a report under subsection (a) and any such report shall be treated as protected information under section 2110 to the extent that it does not consist of publicly available information.

''(c) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under subsection (a) identifies the person submitting the report, the Secretary shall respond promptly to such person to acknowledge receipt of the report.

''(d) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review and consider the information provided in any report submitted under subsection (a) and shall, as necessary, take appropriate steps under this title to address any problem, deficiency, or vulnerability identified in the report.

''(e) RETALIATION PROHIBITED.—

''(1) PROHIBITION.—No owner or operator of a covered chemical facility, profit or not-for-profit corporation, association, or any contractor, subcontractor or agent thereof, may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or other privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(A) notified the Secretary, the owner or operator of a covered chemical facility, or the employee's employer of an alleged violation of this title, including notification of such an alleged violation through communications related to carrying out the employee's job duties;

''(B) refused to participate in any conduct that the employee reasonably believes is in noncompliance with a requirement of this title, if the employee has identified the alleged noncompliance to the employer;

''(C) testified before or otherwise provided information relevant for Congress or for any Federal or State proceeding regarding any provision (or proposed provision) of this title;

''(D) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this title;

''(E) testified or is about to testify in any such proceeding; or

''(F) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other manner in such a proceeding or in any other action to carry out the purposes of this title.

''(2) ENFORCEMENT ACTION.—Any employee covered by this section who alleges discrimination by an employer in violation of paragraph (1) may bring an action governed by the rules and procedures, legal burdens of proof, and remedies applicable under subsections (d) through (h) of section 20109 of title 49, United States Code. A party may seek district court review as set forth in subsection (d)(3) of such section not later than 90 days after receiving a written final determination by the Secretary of Labor.

''(3) PROHIBITED PERSONNEL PRACTICES AFFECTING THE DEPARTMENT.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Department shall be covered by—

''(i) paragraphs (1), (8), and (9) of section 2302(b) of title 5, United States Code;

''(ii) any provision of law implementing any of such paragraphs by providing any right or remedy available to an employee or applicant for employment in the civil service; and

''(iii) any rule or regulation prescribed under any such paragraph.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect any rights, apart from those referred to in subparagraph (A), to which an individual described in that subparagraph might otherwise be entitled to under law.

''SEC. 2109. FEDERAL PREEMPTION.

''This title does not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to a covered chemical facility that is more stringent than a regulation, requirement, or standard of performance issued under this title, or otherwise impair any right or jurisdiction of any State or political subdivision thereof with respect to covered chemical facilities within that State or political subdivision thereof.

''SEC. 2110. PROTECTION OF INFORMATION.

''(a) PROHIBITION OF PUBLIC DISCLOSURE OF PROTECTED INFORMATION.—Protected information, as described in subsection (g)—

''(1) shall be exempt from disclosure under section 552 of title 5, United States Code; and

''(2) shall not be made available pursuant to any State, local, or tribal law requiring disclosure of information or records.

''(b) INFORMATION SHARING.—

''(1) IN GENERAL.—The Secretary shall prescribe such regulations, and may issue such orders, as necessary to prohibit the unauthorized disclosure of protected information, as described in subsection (g).

''(2) SHARING OF PROTECTED INFORMATION.—The regulations under paragraph (1) shall provide standards for and facilitate the appropriate sharing of protected information with and between Federal, State, local, and tribal authorities, emergency response providers, law enforcement officials, designated supervisory and nonsupervisory covered chemical facility personnel with security, operational, or fiduciary responsibility for the facility, and designated facility employee representatives, if any. Such standards shall include procedures for the sharing of all portions of a covered chemical facility's vulnerability assessment and site security plan relating to the roles and responsibilities of covered individuals under section 2103(g)(1) with a representative of each certified or recognized bargaining agent representing such covered individuals, if any, or, if none, with at least one supervisory and at least one non-supervisory employee with roles or responsibilities under section 2103(g)(1).

''(3) PENALTIES.—Protected information, as described in subsection (g), shall not be shared except in accordance with the regulations under paragraph (1). Whoever discloses protected information in knowing violation of the regulations and orders issued under paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than one year, or both, and, in the case of a Federal officeholder or employee, shall be removed from Federal office or employment.

''(c) TREATMENT OF INFORMATION IN ADJUDICATIVE PROCEEDINGS.—In any judicial or administrative proceeding, protected information described in subsection (g) shall be treated in a manner consistent with the treatment of sensitive security information under section 525 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1381).

''(d) OTHER OBLIGATIONS UNAFFECTED.—Except as provided in section 2103(h), nothing in this section affects any obligation of the owner or operator of a chemical facility under any other law to submit or make available information required by such other law to facility employees, employee organizations, or a Federal, State, tribal, or local government.

''(e) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this title shall permit or authorize the withholding of information from Congress or any committee or subcommittee thereof.

''(f) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this title shall affect any authority or obligation of a Federal, State, local, or tribal government agency to protect or disclose any record or information that the Federal, State, local, or tribal government agency obtains from a chemical facility under any other law.

''(g) PROTECTED INFORMATION.—

''(1) IN GENERAL.—For purposes of this title, protected information is any of the following:

''(A) Security vulnerability assessments and site security plans, including any assessment required under section 2111.

''(B) Portions of the following documents, records, orders, notices, or letters that the Secretary determines would be detrimental to chemical facility security if disclosed and that are developed by the Secretary or the owner or operator of a covered chemical facility for the purposes of this title:

''(i) Documents directly related to the Secretary's review and approval or disapproval of vulnerability assessments and site security plans under this title.

''(ii) Documents directly related to inspections and audits under this title.

''(iii) Orders, notices, or letters regarding the compliance of a covered chemical facility with the requirements of this title.

''(iv) Information, documents, or records required to be provided to or created by the Secretary under subsection (b) or (c) of section 2102.

''(v) Documents directly related to security drills and training exercises, security threats and breaches of security, and maintenance, calibration, and testing of security equipment.

''(C) Other information, documents, or records developed exclusively for the purposes of this title that the Secretary has determined by regulation would, if disclosed, be detrimental to chemical facility security.

''(2) EXCLUSIONS.—For purposes of this section, protected information does not include—

''(A) information that is otherwise publicly available, including information that is required to be made publicly available under any law;

''(B) information that a chemical facility has lawfully disclosed other than in accordance with this title; or

''(C) information that, if disclosed, would not be detrimental to the security of a chemical facility, including aggregate regulatory data that the Secretary has determined by regulation to be appropriate to describe facility compliance with the requirements of this title and the Secretary's implementation of such requirements.

''SEC. 2111. METHODS TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.

''(a) ASSESSMENT REQUIRED.—

''(1) ASSESSMENT.—The owner or operator of a covered chemical facility shall include in the site security plan conducted pursuant to section 2103, an assessment of methods to reduce the consequences of a terrorist attack on that chemical facility, including—

''(A) a description of the methods to reduce the consequences of a terrorist attack implemented and considered for implementation by the covered chemical facility;

''(B) the degree to which each method to reduce the consequences of a terrorist attack, if already implemented, has reduced, or, if implemented, could reduce, the potential extent of death, injury, or serious adverse effects to human health resulting from a release of a substance of concern;

''(C) the technical feasibility, costs, avoided costs (including liabilities), personnel implications, savings, and applicability of implementing each method to reduce the consequences of a terrorist attack; and

''(D) any other information that the owner or operator of the covered chemical facility considered in conducting the assessment.

''(2) FEASIBLE.—For the purposes of this section, the term 'feasible' means feasible with the use of best technology, techniques, and other means that the Secretary finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available for use at the covered chemical facility.

''(b) IMPLEMENTATION.—

''(1) IMPLEMENTATION.—

''(A) IN GENERAL.—The owner or operator of a covered chemical facility that is assigned to tier 1 or tier 2 because of the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from a release of a substance of concern at the covered chemical facility, shall implement methods to reduce the consequences of a terrorist attack on the chemical facility if the Director of the Office of Chemical Facility Security determines, in his or her discretion, using the assessment conducted pursuant to subsection (a), that the implementation of such methods at the facility—

''(i) would significantly reduce the risk of death, injury, or serious adverse effects to human health resulting from a chemical facility terrorist incident but—

''(I) would not increase the interim storage of a substance of concern outside the facility;

''(II) would not directly result in the creation of a new covered chemical facility assigned to tier 1 or tier 2 because of the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from a release of a substance of concern at the covered chemical facility;

''(III) would not result in the reassignment of an existing covered chemical facility from tier 3 or tier 4 to tier 1 or tier 2 because of the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from a release of a substance of concern at the covered chemical facility; and

''(IV) would not significantly increase the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from a release of a substance of concern due to a terrorist attack on the transportation infrastructure of the United States;

''(ii) can feasibly be incorporated into the operation of the covered chemical facility; and

''(iii) would not significantly and demonstrably impair the ability of the owner or operator of the covered chemical facility to continue the business of the facility at its location.

''(B) WRITTEN DETERMINATION.—A determination by the Director of the Office of Chemical Facility Security pursuant to subparagraph (A) shall be made in writing and include the basis and reasons for such determination, including the Director's analysis of the covered chemical facility's assessment of the technical feasibility, costs, avoided costs (including liabilities), personnel implications, savings, and applicability of implementing each method to reduce the consequences of a terrorist attack.

''(C) MARITIME FACILITIES.—With respect to a covered chemical facility for which a security plan is required under section 70103(c) of title 46, United States Code, a written determination pursuant to subparagraph (A) shall be made only after consultation with the Captain of the Port for the area in which the covered chemical facility is located.

''(2) REVIEW OF INABILITY TO COMPLY.—

''(A) IN GENERAL.—An owner or operator of a covered chemical facility who is unable to comply with the Director's determination under paragraph (1) shall, within 120 days of receipt of the Director's determination, provide to the Secretary a written explanation that includes the reasons therefor. Such written explanation shall specify whether the owner or operator's inability to comply arises under clause (ii) or (iii) of paragraph (1)(A), or both.

''(B) REVIEW.—Not later than 120 days of receipt of an explanation submitted under subparagraph (A), the Secretary, after consulting with the owner or operator of the covered chemical facility who submitted such explanation, as well as experts in the subjects of environmental health and safety, security, chemistry, design and engineering, process controls and implementation, maintenance, production and operations, chemical process safety, and occupational health, as appropriate, shall provide to the owner or operator a written determination, in his or her discretion, of whether implementation shall be required pursuant to paragraph (1). If the Secretary determines that implementation is required, the Secretary shall issue an order that establishes the basis for such determination, including the findings of the relevant experts, the specific methods selected for implementation, and a schedule for implementation of the methods at the facility.

''(c) SECTORAL IMPACTS.—

''(1) GUIDANCE FOR FARM SUPPLIES MERCHANT WHOLESALERS.—The Secretary shall provide guidance and, as appropriate, tools, methodologies or computer software, to assist farm supplies merchant wholesalers in complying with the requirements of this section. The Secretary may award grants to farm supplies merchant wholesalers to assist with compliance with subsection (a), and in awarding such grants, shall give priority to farm supplies merchant wholesalers that have the greatest need for such grants.

''(2) ASSESSMENT OF IMPACTS OF COMPLIANCE.—Not later than 6 months after the date of the enactment of this title, the Secretary shall transmit an assessment of the potential impacts of compliance with provisions of this section regarding the assessment and, as appropriate, implementation, of methods to reduce the consequences of a terrorist attack by manufacturers, retailers, aerial commercial applicators, and distributors of pesticide and fertilizer to the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. Such assessment shall be conducted by the Secretary in consultation with other appropriate Federal agencies and shall include the following:

''(A) Data on the scope of facilities covered by this title, including the number and type of manufacturers, retailers, aerial commercial applicators and distributors of pesticide and fertilizer required to assess methods to reduce the consequences of a terrorist attack under subsection (a) and the number and type of manufacturers, retailers, aerial commercial applicators and distributors of pesticide and fertilizer assigned to tier 1 or tier 2 by the Secretary because of the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from the release of a substance of concern at the facility.

''(B) A survey of known methods, processes or practices, other than elimination of or cessation of manufacture of the pesticide or fertilizer, that manufacturers, retailers, aerial commercial applicators, and distributors of pesticide and fertilizer could use to reduce the consequences of a terrorist attack, including an assessment of the costs and technical feasibility of each such method, process, or practice.

''(C) An analysis of how the assessment of methods to reduce the consequences of a terrorist attack under subsection (a) by manufacturers, retailers, aerial commercial applicators, and distributors of pesticide and

fertilizer, and, as appropriate, the implementation of methods to reduce the consequences of a terrorist attack by such manufacturers, retailers, aerial commercial applicators, and distributors of pesticide and fertilizer subject to subsection (b), are likely to impact other sectors engaged in commerce.

''(D) Recommendations for how to mitigate any adverse impacts identified pursuant to subparagraph (C).

''(3) FARM SUPPLIES MERCHANT WHOLESALER.—In this subsection, the term 'farm supplies merchant wholesaler' means a covered chemical facility that is primarily engaged in the merchant wholesale distribution of farm supplies, such as animal feeds, fertilizers, agricultural chemicals, pesticides, plant seeds, and plant bulbs.

''(d) ASSESSMENT OF IMPACTS ON SMALL COVERED CHEMICAL FACILITIES.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this title, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the potential effects on small covered chemical facilities of compliance with provisions of this section regarding the assessment and, as appropriate, implementation, of methods to reduce the consequences of a terrorist attack. Such assessment shall include—

''(A) data on the scope of facilities covered by this title, including the number and type of small covered chemical facilities that are required to assess methods to reduce the consequences of a terrorist attack under subsection (a) and the number and type of small covered chemical facilities assigned to tier 1 or tier 2 under section 2102(c)(1) by the Secretary because of the potential extent and likelihood of death, injury, and serious adverse effects to human health, the environment, critical infrastructure, public health, homeland security, national security, and the national economy from the release of a substance of concern at the facility; and

''(B) a discussion of how the Secretary plans to apply the requirement that before requiring a small covered chemical facility that is required to implement methods to reduce the consequences of a terrorist attack under subsection (b) the Secretary shall first determine that the implementation of such methods at the small covered chemical facility not significantly and demonstrably impair the ability of the owner or operator of the covered chemical facility to continue the business of the facility at its location.

''(2) DEFINITION.—For purposes of this subsection, the term 'small covered chemical facility' means a covered chemical facility that has fewer than 350 employees employed at the covered chemical facility, and is not a branch or subsidiary of another entity.

''(e) PROVISION OF INFORMATION ON ALTERNATIVE APPROACHES.—

''(1) IN GENERAL.—The Secretary shall make available information on the use and availability of methods to reduce the consequences of a chemical facility terrorist incident.

''(2) INFORMATION TO BE INCLUDED.—The information under paragraph (1) may include information about—

''(A) general and specific types of such methods;

''(B) combinations of chemical sources, substances of concern, and hazardous processes or conditions for which such methods could be appropriate;

''(C) the availability of specific methods to reduce the consequences of a terrorist attack;

''(D) the costs and cost savings resulting from the use of such methods;

''(E) emerging technologies that could be transferred from research models or prototypes to practical applications;

''(F) the availability of technical assistance and best practices; and

''(G) such other matters that the Secretary determines are appropriate.

''(3) PUBLIC AVAILABILITY.—Information made available under this subsection shall not identify any specific chemical facility, violate the protection of information provisions under section 2110, or disclose any proprietary information.

''(f) FUNDING FOR METHODS TO REDUCE THE CONSEQUENCES OF A TERRORIST ATTACK.—The Secretary may make funds available to help defray the cost of implementing methods to reduce the consequences of a terrorist attack to covered chemical facilities that are required by the Secretary to implement such methods.

''SEC. 2112. APPLICABILITY.

''This title shall not apply to—

''(1) any chemical facility that is owned and operated by the Secretary of Defense;

''(2) the transportation in commerce, including incidental storage, of any substance of concern regulated as a hazardous material under chapter 51 of title 49, United States Code;

''(3) all or a specified portion of any chemical facility that—

''(A) is subject to regulation by the Nuclear Regulatory Commission (hereinafter in this paragraph referred to as the 'Commission') or a State that has entered into an agreement with the Commission under section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021 b.);

''(B) has had security controls imposed by the Commission or State, whichever has the regulatory authority, on the entire facility or the specified portion of the facility; and

''(C) has been designated by the Commission, after consultation with the State, if any, that regulates the facility, and the Secretary, as excluded from the application of this title;

''(4) any public water system subject to the Safe Drinking Water Act (42 U.S.C. 300f et seq.); or

''(5) any treatment works, as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

''SEC. 2113. SAVINGS CLAUSE.

''(a) IN GENERAL.—Nothing in this title shall affect or modify in any way any obligation or liability of any person under any other Federal law, including section 112 of the Clean Air Act (42 U.S.C. 7412), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Occupational Safety and Health Act (29 U.S.C. 651 et seq.), the National Labor Relations Act (29 U.S.C. 151 et seq.), the Emergency Planning and Community Right to Know Act of 1996 (42 U.S.C. 11001 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Maritime Transportation Security Act of 2002 (Public Law 107–295), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

''(b) OTHER REQUIREMENTS.—Nothing in this title shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance relating to environmental protection, health, or safety.

''(c) ACCESS.—Nothing in this title shall abridge or deny access to a chemical facility site to any person where required or permitted under any other law or regulation.

''SEC. 2114. OFFICE OF CHEMICAL FACILITY SECURITY.

''(a) IN GENERAL.—There is established in the Department an Office of Chemical Facility Security, headed by a Director, who shall be a member of the Senior Executive Service in accordance with subchapter VI of chapter 53 of title 5, United States Code, under section 5382 of that title, and who shall be responsible for carrying out the responsibilities of the Secretary under this title.

''(b) PROFESSIONAL QUALIFICATIONS.—The individual selected by the Secretary as the Director of the Office of Chemical Facility Security shall have professional qualifications and experience necessary for effectively directing the Office of Chemical Facility Security and carrying out the requirements of this title, including a demonstrated knowledge of physical infrastructure protection, cybersecurity, chemical facility security, hazard analysis, chemical process engineering, chemical process safety reviews, or other such qualifications that the Secretary determines to be necessary.

''(c) SELECTION PROCESS.—The Secretary shall make a reasonable effort to select an individual to serve as the Director from among a group of candidates that is diverse with respect to race, ethnicity, age, gender, and disability characteristics and submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the selection process, including details on efforts to assure diversity among the candidates considered for this position.

''SEC. 2115. SECURITY BACKGROUND CHECKS OF COVERED INDIVIDUALS AT CERTAIN CHEMICAL FACILITIES.

''(a) REGULATIONS ISSUED BY THE SECRETARY.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—The Secretary shall issue regulations to require covered chemical facilities to establish personnel surety for individuals described in subparagraph (B) by conducting appropriate security background checks and ensuring appropriate credentials for unescorted visitors and chemical facility personnel, including permanent and part-time personnel, temporary personnel, and contract personnel, including—

''(i) measures designed to verify and validate identity;

''(ii) measures designed to check criminal history;

''(iii) measures designed to verify and validate legal authorization to work; and

''(iv) measures designed to identify people with terrorist ties.

''(B) INDIVIDUALS DESCRIBED.—For purposes of subparagraph (A), an individual described in this subparagraph is—

''(i) a covered individual who has unescorted access to restricted areas or critical assets or who is provided with a copy of a security vulnerability assessment or site security plan;

''(ii) a person associated with a covered chemical facility, including any designated employee representative, who is provided with a copy of a security vulnerability assessment or site security plan; or

''(iii) a person who is determined by the Secretary to require a security background check based on chemical facility security performance standards.

''(2) REGULATIONS.—The regulations required by paragraph (1) shall set forth—

''(A) the scope of the security background checks, including the types of disqualifying offenses and the time period covered for each person subject to a security background check under paragraph (1);

''(B) the processes to conduct the security background checks;

''(C) the necessary biographical information and other data required in order to conduct the security background checks;

''(D) a redress process for an adversely-affected person consistent with subsections (b) and (c); and

''(E) a prohibition on an owner or operator of a covered chemical facility misrepresenting to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check.

''(b) MISREPRESENTATION OF ADVERSE EMPLOYMENT DECISIONS.—The regulations required by subsection (a)(1) shall set forth that it shall be a misrepresentation under subsection (a)(2)(E) to attribute an adverse employment decision, including removal or suspension of the employee, to such regulations unless the owner or operator finds, after opportunity for appropriate redress under the processes provided under subsection (c)(1) and (c)(2), that the person subject to such adverse employment decision—

''(1) has been convicted of, has been found not guilty of by reason of insanity, or is under want, warrant, or indictment for, a permanent disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations;

''(2) was convicted of, or found not guilty of by reason of insanity, an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, within 7 years of the date on which the covered chemical facility performs the security background check;

''(3) was incarcerated for an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, and released from incarceration within 5 years of the date that the chemical facility performs the security background check;

''(4) is determined by the Secretary to be on the consolidated terrorist watchlist; or

''(5) is determined, as a result of the security background check, not to be legally authorized to work in the United States.

''(c) REDRESS PROCESSES.—Upon the issuance of regulations under subsection (a), the Secretary shall—

''(1) require the owner or operator to provide an adequate and prompt redress process for a person subject to a security background check under subsection (a)(1) who is subjected to an adverse employment decision, including removal or suspension of the employee, due to such regulations that is consistent with the appeals process established for employees subject to consumer reports under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), as in force on the date of the enactment of this title;

''(2) provide an adequate and prompt redress process for a person subject to a security background check under subsection (a)(1) who is subjected to an adverse employment decision, including removal or suspension of the employee, due to a determination by the Secretary under subsection (b)(4), that is consistent with the appeals process established under section 70105(c) of title 46, United States Code, including all rights to hearings before an administrative law judge, scope of review, and a review of an unclassified summary of classified evidence equivalent to the summary provided in part 1515 of title 49, Code of Federal Regulations;

''(3) provide an adequate and prompt redress process for a person subject to a security background check under subsection (a)(1) who is subjected to an adverse employment decision, including removal or suspension of the employee, due to a violation of subsection (a)(2)(E), which shall not preclude the exercise of any other rights available under collective bargaining agreements or applicable laws;

''(4) establish a reconsideration process described in subsection (d) for a person subject to an adverse employment decision that was attributed by an owner or operator to the regulations required by subsection (a)(1);

''(5) have the authority to order an appropriate remedy, including reinstatement of the person subject to a security background check under subsection (a)(1), if the Secretary determines that the adverse employment decision was made in violation of the regulations required under subsection (a)(1) or as a result of an erroneous determination by the Secretary under subsection (b)(4);

''(6) ensure that the redress processes required under paragraphs (1), (2), or (3) afford to the person a full disclosure of any public-record event covered by subsection (b) that provides the basis for an adverse employment decision; and

''(7) ensure that the person subject to a security background check under subsection (a)(1) receives the person's full wages and benefits until all redress processes under this subsection are exhausted.

''(d) RECONSIDERATION PROCESS.—

''(1) IN GENERAL.—The reconsideration process required under subsection (c)(4) shall—

''(A) require the Secretary to determine, within 30 days after receiving a petition submitted by a person subject to an adverse employment decision that was attributed by an owner or operator to the regulations required by subsection (a)(1), whether such person poses a security risk to the covered chemical facility; and

''(B) include procedures consistent with section 70105(c) of title 46, United States Code, including all rights to hearings before an administrative law judge, scope of review, and a review of an unclassified summary of classified evidence equivalent to the summary provided in part 1515 of title 49, Code of Federal Regulations.

''(2) DETERMINATION BY THE SECRETARY.—In making a determination described under paragraph (1)(A), the Secretary shall—

''(A) give consideration to the circumstance of any disqualifying act or offense, restitution made by the person, Federal and State mitigation remedies, and other factors from which it may be concluded that the person does not pose a security risk to the covered chemical facility; and

''(B) provide his or her determination as to whether such person poses a security risk to the covered chemical facility to the petitioner and to the owner or operator of the covered chemical facility.

''(3) OWNER OR OPERATOR RECONSIDERATION.—If the Secretary determines pursuant to paragraph (1)(A) that the person does not pose a security risk to the covered chemical facility, it shall thereafter constitute a prohibited misrepresentation for the owner or operator of the covered chemical facility to continue to attribute the adverse employment decision to the regulations under subsection (a)(1).

''(e) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—Information obtained under this section by the Secretary or the owner or operator of a covered chemical facility shall be handled as follows:

''(1) Such information may not be made available to the public.

''(2) Such information may not be accessed by employees of the facility except for such employees who are directly involved with collecting the information or conducting or evaluating security background checks.

''(3) Such information shall be maintained confidentially by the facility and the Secretary and may be used only for making determinations under this section.

''(4) The Secretary may share such information with other Federal, State, local, and tribal law enforcement agencies.

''(f) SAVINGS CLAUSE.—

''(1) RIGHTS AND RESPONSIBILITIES.—Nothing in this section shall be construed to abridge any right or responsibility of a person subject to a security background check under subsection (a)(1) or an owner or operator of a covered chemical facility under any other Federal, State, local, or tribal law or collective bargaining agreement.

''(2) EXISTING RIGHTS.—Nothing in this section shall be construed as creating any new right or modifying any existing right of an individual to appeal a determination by the Secretary as a result of a check against a terrorist watch list.

''(g) PREEMPTION.—Nothing in this section shall be construed to preempt, alter, or affect a Federal, State, local, or tribal law that requires criminal history background checks, checks on the authorization of an individual to work in the United States, or other background checks of persons subject to security background checks under subsection (a)(1).

''(h) DEFINITION OF SECURITY BACKGROUND CHECK.—The term 'security background check' means a review at no cost to any person subject to a security background check under subsection (a)(1) of the following for the purpose of identifying individuals who may pose a threat to chemical facility security, to national security, or of terrorism:

''(1) Relevant databases to verify and validate identity.

''(2) Relevant criminal history databases.

''(3) In the case of an alien (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))), the relevant databases to determine the status of the alien under the immigration laws of the United States.

''(4) The consolidated terrorist watchlist.

''(5) Other relevant information or databases, as determined by the Secretary.

''(i) DEPARTMENT-CONDUCTED SECURITY BACKGROUND CHECK.—The regulations under subsection (a)(1) shall set forth a process by which the Secretary, on an ongoing basis, shall determine whether alternate security background checks conducted by the Department are sufficient to meet the requirements of this section such that no additional security background check under this section is required for an individual for whom such a qualifying alternate security background check was conducted. The Secretary may require the owner or operator of a covered chemical facility to which the individual will have unescorted access to sensitive or restricted areas to submit identifying information about the individual and the alternate security background check conducted for that individual to the Secretary in order to enable the Secretary to verify the validity of the alternate security background check. Such regulations shall provide that no security background check under this section is required for an individual holding a transportation security card issued under section 70105 of title 46, United States Code.

''(j) TERMINATION OF EMPLOYMENT.—If, as the result of a security background check, an owner or operator of a covered chemical facility finds that a covered individual is not legally authorized to work in the United States, the owner or operator shall cease to employ the covered individual, subject to the appropriate redress processes available to such individual under this section.

"SEC. 2116. CITIZEN ENFORCEMENT.

''(a) IN GENERAL.—Except as provided in subsection (c), any person may commence a civil action on such person's own behalf—

''(1) against any governmental entity (including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution, and any federally owned-contractor operated facility) alleged to be in violation of any order that has become effective pursuant to this title; or

''(2) against the Secretary, for an alleged failure to perform any act or duty under this title that is not discretionary for the Secretary.

''(b) COURT OF JURISDICTION.—

''(1) IN GENERAL.—Any action under subsection (a)(1) shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under subsection (a)(2) may be brought in the district court for the district in which the alleged violation occurred or in the United States District Court for the District of Columbia.

''(2) RELIEF.—The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties to enforce the order referred to in subsection (a)(1), to order such governmental entity to take such action as may be necessary, or both, or, in an action commenced under subsection (a)(2), to order the Secretary to perform the non-discretionary act or duty, and to order any civil penalties, as appropriate, under section 2107.

''(c) ACTIONS PROHIBITED.—No action may be commenced under subsection (a) prior to 60 days after the date on which the person commencing the action has given notice of the alleged violation to—

''(1) the Secretary; and

''(2) in the case of an action under subsection (a)(1), any governmental entity alleged to be in violation of an order.

''(d) NOTICE.—Notice under this section shall be given in such manner as the Secretary shall prescribe by regulation.

''(e) INTERVENTION.—In any action under this section, the Secretary, if not a party, may intervene as a matter of right.

''(f) COSTS; BOND.—The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(g) OTHER RIGHTS PRESERVED.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law.

"SEC. 2117. CITIZEN PETITIONS.

''(a) REGULATIONS.—The Secretary shall issue regulations to establish a citizen petition process for petitions described in subsection (b). Such regulations shall include—

''(1) the format for such petitions;

''(2) the procedure for investigation of petitions;

''(3) the procedure for response to such petitions, including timelines; and

''(4) the procedure for referral to and review by the Office of the Inspector General of the Department without deference to the Secretary's determination with respect to the petition; and

''(5) the procedure for rejection or acceptance by the Secretary of the recommendation of the Office of the Inspector General.

''(b) PETITIONS.—The regulations issued pursuant to subsection (a) shall allow any person to file a petition with the Secretary—

''(1) identifying any person (including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) alleged to be in violation of any standard, regulation, condition, requirement, prohibition, plan, or order that has become effective under this title; and

''(2) describing the alleged violation of any standard, regulation, condition, requirement, prohibition, plan, or order that has become effective under this title by that person.

''(c) REQUIREMENTS.—Upon issuance of regulations under subsection (a), the Secretary shall—

''(1) accept all petitions described under subsection (b) that meet the requirements of the regulations promulgated under subsection (a);

''(2) investigate all allegations contained in accepted petitions;

''(3) determine whether enforcement action will be taken concerning the alleged violation or violations;

''(4) respond to all accepted petitions promptly and in writing;

''(5) include in all responses to petitions a brief and concise statement, to the extent permitted under section 2110, of the allegations, the steps taken to investigate, the determination made, and the reasons for such determination;

''(6) maintain an internal record including all protected information related to the determination; and

''(7) with respect to any petition for which the Secretary has not made a timely response or the Secretary's response is unsatisfactory to the petitioner, provide the petitioner with the opportunity to request—

''(A) a review of the full record by the Inspector General of the Department, including a review of protected information; and

''(B) the formulation of recommendations by the Inspector General and submittal of such recommendations to the Secretary and, to the extent permitted under section 2110, to the petitioner; and

''(8) respond to a recommendation submitted by the Inspector General under paragraph (7) by adopting or rejecting the recommendation.

"SEC. 2118. NOTIFICATION SYSTEM TO ADDRESS PUBLIC CONCERNS.

''(a) ESTABLISHMENT.—The Secretary shall establish a notification system, which shall provide any individual the ability to report a suspected security deficiency or suspected non-compliance with this title. Such notification system shall provide for the ability to report the suspected security deficiency or non-compliance via telephonic and Internet-based means.

''(b) ACKNOWLEDGMENT.—When the Secretary receives a report through the notification system established under subsection (a), the Secretary shall respond to such report in a timely manner, but in no case shall the Secretary respond to such a report later than 30 days after receipt of the report.

''(c) STEPS TO ADDRESS PROBLEMS.—The Secretary shall review each report received through the notification system established under subsection (a) and shall, as necessary, take appropriate enforcement action under section 2107.

''(d) FEEDBACK REQUIRED.—Upon request, the Secretary shall provide the individual who reported the suspected security deficiency or non-compliance through the notification system established under subsection (a) a written response that includes the Secretary's findings with respect to the report submitted by the individual and what, if any, compliance action was taken in response to such report.

''(e) INSPECTOR GENERAL REPORT REQUIRED.—The Inspector General of the Department shall submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report on the reports received under the notification system established under subsection (a) and the Secretary's disposition of such reports.

"SEC. 2119. ANNUAL REPORT TO CONGRESS.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this title, annually thereafter for the next four years, and biennially thereafter, the Secretary shall submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on progress in achieving compliance with this title. Each such report shall include the following:

''(1) A qualitative discussion of how covered chemical facilities, differentiated by tier, have reduced the risks of chemical facility terrorist incidents at such facilities, including—

''(A) a generalized summary of measures implemented by covered chemical facilities in order to meet each risk-based chemical facility performance standard established by this title, and those that the facilities already had in place—

''(i) in the case of the first report under this section, before the issuance of the final rule implementing the regulations known as the 'Chemical Facility Anti-Terrorism Standards', issued on April 9, 2007; and

''(ii) in the case of each subsequent report, since the submittal of the most recent report submitted under this section; and

''(B) any other generalized summary the Secretary deems appropriate to describe the measures covered chemical facilities are implementing to comply with the requirements of this title.

''(2) A quantitative summary of how the covered chemical facilities, differentiated by tier, are complying with the requirements of this title during the period covered by the report and how the Secretary is implementing and enforcing such requirements during such period, including—

''(A) the number of chemical facilities that provided the Secretary with information about possessing substances of concern, as described in section 2102(b)(2);

''(B) the number of covered chemical facilities assigned to each tier;

''(C) the number of security vulnerability assessments and site security plans submitted by covered chemical facilities;

''(D) the number of security vulnerability assessments and site security plans approved and disapproved by the Secretary;

''(E) the number of covered chemical facilities without approved security vulnerability assessments or site security plans;

''(F) the number of chemical facilities that have been assigned to a different tier or are no longer regulated by the Secretary due to implementation of a method to reduce the consequences of a terrorist attack and a description of such implemented methods;

''(G) the number of orders for compliance issued by the Secretary;

''(H) the administrative penalties assessed by the Secretary for non-compliance with the requirements of this title;

''(I) the civil penalties assessed by the court for non-compliance with the requirements of this title;

''(J) the number of terrorist watchlist checks conducted by the Secretary in order to comply with the requirements of this title, the number of appeals conducted by the Secretary pursuant to the processes described under paragraphs (2), (3) and (4) of

section 2115(c), aggregate information regarding the time taken for such appeals, aggregate information regarding the manner in which such appeals were resolved, and, based on information provided to the Secretary annually by each owner or operator of a covered chemical facility, the number of persons subjected to adverse employment decisions that were attributed by the owner or operator to the regulations required by section 2115; and

''(K) any other regulatory data the Secretary deems appropriate to describe facility compliance with the requirements of this title and the Secretary's implementation of such requirements.

''(b) PUBLIC AVAILABILITY.—A report submitted under this section shall be made publicly available.

''SEC. 2120. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Secretary of Homeland Security to carry out this title—

''(1) $325,000,000 for fiscal year 2011, of which $100,000,000 shall be made available to provide funding for methods to reduce the consequences of a terrorist attack, of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1);

''(2) $300,000,000 for fiscal year 2012, of which $75,000,000 shall be made available to provide funding for methods to reduce the consequences of a terrorist attack, of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1); and

''(3) $275,000,000 for fiscal year 2013, of which $50,000,000 shall be made available to provide funding for methods to reduce the consequences of a terrorist attack, of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following:

''TITLE XXI—REGULATION OF SECURITY PRACTICES AT CHEMICAL FACILITIES

''Sec. 2101. Definitions.
''Sec. 2102. Risk-based designation and ranking of chemical facilities.
''Sec. 2103. Security vulnerability assessments and site security plans.
''Sec. 2104. Site inspections.
''Sec. 2105. Records.
''Sec. 2106. Timely sharing of threat information.
''Sec. 2107. Enforcement.
''Sec. 2108. Whistleblower protections.
''Sec. 2109. Federal preemption.
''Sec. 2110. Protection of information.
''Sec. 2111. Methods to reduce the consequences of a terrorist attack.
''Sec. 2112. Applicability.
''Sec. 2113. Savings clause.
''Sec. 2114. Office of Chemical Facility Security.
''Sec. 2115. Security background checks of covered individuals at certain chemical facilities.
''Sec. 2116. Citizen enforcement.
''Sec. 2117. Citizen petitions.
''Sec. 2118. Notification system to address public concerns.
''Sec. 2119. Annual report to Congress.
''Sec. 2120. Authorization of appropriations.''.

(c) CONFORMING REPEAL.—

(1) REPEAL.—The Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) is amended by striking section 550.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this title.

(d) REGULATIONS.—

(1) DEADLINE.—The Secretary shall issue proposed rules to carry out title XXI of the Homeland Security Act of 2002, as added by subsection (a), by not later than 6 months after the date of the enactment of this Act, and shall issue final rules to carry out such title by not later than 18 months after the date of the enactment of this Act.

(2) CONSULTATION.—In developing and implementing the rules required under paragraph (1), the Secretary shall consult with the Administrator of the Environmental Protection Agency, and other persons, as appropriate, regarding—

(A) the designation of substances of concern;

(B) methods to reduce the consequences of a terrorist attack;

(C) security at drinking water facilities and wastewater treatment works;

(D) the treatment of protected information; and

(E) such other matters as the Secretary determines necessary.

(3) SENSE OF CONGRESS REGARDING CFATS.—It is the sense of Congress that the Secretary of Homeland Security was granted statutory authority under section 550 of the Department of Homeland Security Appropriations Act (Public Law 109–295) to regulate security practices at chemical facilities until October 1, 2009. Pursuant to that section the Secretary prescribed regulations known as the Chemical Facility Anti-Terrorism Standards, or ''CFATS'' (referred to in this section as ''CFATS regulations'').

(4) INTERIM USE AND AMENDMENT OF CFATS.—Until the final rules prescribed pursuant to paragraph (1) take effect, in carrying out title XXI of the Homeland Security Act of 2002, as added by subsection (a), the Secretary may, to the extent the Secretary determines appropriate—

(A) continue to carry out the CFATS regulations, as in effect immediately before the date of the enactment of this title;

(B) amend any of such regulations as may be necessary to ensure that such regulations are consistent with the requirements of this title and the amendments made by this title; and

(C) continue using any tools developed for purposes of such regulations, including the list of substances of concern, usually referred to as ''Appendix A'', and the chemical security assessment tool (which includes facility registration, a top-screen questionnaire, a security vulnerability assessment tool, a site security plan template, and a chemical vulnerability information repository).

(5) UPDATE OF FACILITY PLANS ASSESSMENTS AND PLANS PREPARED UNDER CFATS.—The owner or operator of a covered chemical facility, who, before the effective date of the final regulations issued under title XXI of the Homeland Security Act of 2002, as added by subsection (a), submits a security vulnerability assessment or site security plan under the CFATS regulations, shall be required to update or amend the facility's security vulnerability assessment and site security plan to reflect any additional requirements of this title or the amendments made by this title, according to a timeline established by the Secretary.

(e) REVIEW OF DESIGNATION OF SODIUM FLUOROACETATE AS A SUBSTANCE OF CONCERN.—The Secretary of Homeland Security shall review the designation of sodium fluoroacetate as a substance of concern pursuant to subsection (d) of section 2102 of the Homeland Security Act of 2002, as added by subsection (a), by the earlier of the following dates:

(1) The date of the first periodic review conducted pursuant to such subsection after the date of the enactment of this title.

(2) The date that is one year after the date of the enactment of this title.

TITLE II—DRINKING WATER SECURITY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Drinking Water System Security Act of 2009''.

SEC. 202. INTENTIONAL ACTS AFFECTING THE SECURITY OF COVERED WATER SYSTEMS.

(a) AMENDMENT OF SAFE DRINKING WATER ACT.—Section 1433 of the Safe Drinking Water Act (42 U.S.C. 300i–2) is amended to read as follows:

''SEC. 1433. INTENTIONAL ACTS.

''(a) RISK-BASED PERFORMANCE STANDARDS; VULNERABILITY ASSESSMENTS; SITE SECURITY PLANS; EMERGENCY RESPONSE PLANS.—

''(1) IN GENERAL.—The Administrator shall issue regulations—

''(A) establishing risk-based performance standards for the security of covered water systems; and

''(B) establishing requirements and deadlines for each covered water system—

''(i) to conduct a vulnerability assessment or, if the system already has a vulnerability assessment, to revise the assessment to be in accordance with this section, and submit such assessment to the Administrator;

''(ii) to update the vulnerability assessment not less than every 5 years and promptly after any change at the system that could cause the reassignment of the system to a different risk-based tier under subsection (d);

''(iii) to develop, implement, and, as appropriate, revise a site security plan not less than every 5 years and promptly after a revision to the vulnerability assessment and submit such plan to the Administrator;

''(iv) to develop an emergency response plan (or, if the system has already developed an emergency response plan, to revise the plan to be in accordance with this section) and revise the plan not less than every 5 years thereafter; and

''(v) to provide annual training to employees and contractor employees of covered water systems on implementing site security plans and emergency response plans.

''(2) COVERED WATER SYSTEMS.—For purposes of this section, the term 'covered water system' means a public water system that—

''(A) is a community water system serving a population greater than 3,300; or

''(B) in the discretion of the Administrator, presents a security risk making regulation under this section appropriate.

''(3) CONSULTATION WITH STATE AUTHORITIES.—In developing and carrying out the regulations under paragraph (1), the Administrator shall consult with States exercising primary enforcement responsibility for public water systems.

''(4) CONSULTATION WITH OTHER PERSONS.—In developing and carrying out the regulations under paragraph (1), the Administrator shall consult with the Secretary of Homeland Security, and, as appropriate, other persons regarding—

''(A) provision of threat-related and other baseline information to covered water systems;

''(B) designation of substances of concern;

''(C) development of risk-based performance standards;

''(D) establishment of risk-based tiers and process for the assignment of covered water systems to risk-based tiers;

''(E) process for the development and evaluation of vulnerability assessments, site security plans, and emergency response plans;

''(F) treatment of protected information; and

''(G) such other matters as the Administrator determines necessary.

''(5) SUBSTANCES OF CONCERN.—For purposes of this section, the Administrator, in consultation with the Secretary of Homeland Security—

''(A) may designate any chemical substance as a substance of concern;

''(B) at the time any substance is designated pursuant to subparagraph (A), shall establish by rule a threshold quantity for the release or theft of the substance, taking into account the toxicity, reactivity, volatility, dispersability, combustibility, and flammability of the substance and the amount of the substance that, as a result of a release, is known to cause or may be reasonably anticipated to cause death, injury, or serious adverse effects to human health or the environment; and

''(C) in making such a designation, shall take into account appendix A to part 27 of title 6, Code of Federal Regulations (or any successor regulations).

''(6) BASELINE INFORMATION.—The Administrator, after consultation with appropriate departments and agencies of the Federal Government and with State, local, and tribal governments, shall, for purposes of facilitating compliance with the requirements of this section, promptly after the effective date of the regulations under subsection (a)(1) and as appropriate thereafter, provide baseline information to covered water systems regarding which kinds of intentional acts are the probable threats to—

''(A) substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water;

''(B) cause the release of a substance of concern at the covered water system; or

''(C) cause the theft, misuse, or misappropriation of a substance of concern.

''(b) RISK-BASED PERFORMANCE STANDARDS.—The regulations under subsection (a)(1) shall set forth risk-based performance standards for site security plans required by this section. The standards shall be separate and, as appropriate, increasingly stringent based on the level of risk associated with the covered water system's risk-based tier assignment under subsection (d). In developing such standards, the Administrator shall take into account section 27.230 of title 6, Code of Federal Regulations (or any successor regulations).

''(c) VULNERABILITY ASSESSMENT.—The regulations under subsection (a)(1) shall require each covered water system to assess the system's vulnerability to a range of intentional acts, including an intentional act that results in a release of a substance of concern that is known to cause or may be reasonably anticipated to cause death, injury, or serious adverse effects to human health or the environment. At a minimum, the vulnerability assessment shall include a review of—

''(1) pipes and constructed conveyances;

''(2) physical barriers;

''(3) water collection, pretreatment, treatment, storage, and distribution facilities, including fire hydrants;

''(4) electronic, computer, and other automated systems that are used by the covered water system;

''(5) the use, storage, or handling of various chemicals, including substances of concern;

''(6) the operation and maintenance of the covered water system; and

''(7) the covered water system's resiliency and ability to ensure continuity of operations in the event of a disruption caused by an intentional act.

''(d) RISK-BASED TIERS.—The regulations under subsection (a)(1) shall provide for 4 risk-based tiers applicable to covered water systems, with tier one representing the highest degree of security risk.

''(1) ASSIGNMENT OF RISK-BASED TIERS.—

''(A) SUBMISSION OF INFORMATION.—The Administrator may require a covered water system to submit information in order to determine the appropriate risk-based tier for the covered water system.

''(B) FACTORS TO CONSIDER.—The Administrator shall assign (and reassign when appropriate) each covered water system to one of the risk-based tiers established pursuant to this subsection. In assigning a covered water system to a risk-based tier, the Administrator shall consider the potential consequences (such as death, injury, or serious adverse effects to human health, the environment, critical infrastructure, national security, and the national economy) from—

''(i) an intentional act to cause a release, including a worst-case release, of a substance of concern at the covered water system;

''(ii) an intentional act to introduce a contaminant into the drinking water supply or disrupt the safe and reliable supply of drinking water; and

''(iii) an intentional act to steal, misappropriate, or misuse substances of concern.

''(2) EXPLANATION FOR RISK-BASED TIER ASSIGNMENT.—The Administrator shall provide each covered water system assigned to a risk-based tier with the reasons for the tier assignment and whether such system is required to submit an assessment under subsection (g)(2).

''(e) DEVELOPMENT AND IMPLEMENTATION OF SITE SECURITY PLANS.—The regulations under subsection (a)(1) shall permit each covered water system, in developing and implementing its site security plan required by this section, to select layered security and preparedness measures that, in combination, appropriately—

''(1) address the security risks identified in its vulnerability assessment; and

''(2) comply with the applicable risk-based performance standards required under this section.

''(f) ROLE OF EMPLOYEES.—

''(1) DESCRIPTION OF ROLE.—Site security plans and emergency response plans required under this section shall describe the appropriate roles or responsibilities that employees and contractor employees are expected to perform to deter or respond to the intentional acts described in subsection (d)(1)(B).

''(2) TRAINING FOR EMPLOYEES.—Each covered water system shall annually provide employees and contractor employees with roles or responsibilities described in paragraph (1) with a minimum of 8 hours of training on carrying out those roles or responsibilities.

''(3) EMPLOYEE PARTICIPATION.—In developing, revising, or updating a vulnerability assessment, site security plan, and emergency response plan required under this section, a covered water system shall include—

''(A) at least one supervisory and at least one non-supervisory employee of the covered water system; and

''(B) at least one representative of each certified or recognized bargaining agent representing facility employees or contractor employees with roles or responsibilities described in paragraph (1), if any, in a collective bargaining relationship with the private or public owner or operator of the system or with a contractor to that system.

''(g) METHODS TO REDUCE THE CONSEQUENCES OF A CHEMICAL RELEASE FROM AN INTENTIONAL ACT.—

''(1) DEFINITION.—In this section, the term 'method to reduce the consequences of a chemical release from an intentional act' means a measure at a covered water system that reduces or eliminates the potential consequences of a release of a substance of concern from an intentional act such as—

''(A) the elimination or reduction in the amount of a substance of concern possessed or planned to be possessed by a covered water system through the use of alternate substances, formulations, or processes;

''(B) the modification of pressures, temperatures, or concentrations of a substance of concern; and

''(C) the reduction or elimination of onsite handling of a substance of concern through improvement of inventory control or chemical use efficiency.

''(2) ASSESSMENT.—For each covered water system that possesses or plans to possess a substance of concern in excess of the release threshold quantity set by the Administrator under subsection (a)(5), the regulations under subsection (a)(1) shall require the covered water system to include in its site security plan an assessment of methods to reduce the consequences of a chemical release from an intentional act at the covered water system. The covered water system shall provide such assessment to the Administrator and the State exercising primary enforcement responsibility for the covered water system, if any. The regulations under subsection (a)(1) shall require the system, in preparing the assessment, to consider factors appropriate to the system's security, public health, or environmental mission, and include—

''(A) a description of the methods to reduce the consequences of a chemical release from an intentional act;

''(B) how each described method to reduce the consequences of a chemical release from an intentional act could, if applied, reduce the potential extent of death, injury, or serious adverse effects to human health resulting from a chemical release;

''(C) how each described method to reduce the consequences of a chemical release from an intentional act could, if applied, affect the presence of contaminants in treated water, human health, or the environment;

''(D) whether each described method to reduce the consequences of a chemical release from an intentional act at the covered water system is feasible, as defined in section 1412(b)(4)(D), but not including cost calculations under subparagraph (E);

''(E) the costs (including capital and operational costs) and avoided costs (including savings and liabilities) associated with applying each described method to reduce the consequences of a chemical release from an intentional act at the covered water system;

''(F) any other relevant information that the covered water system relied on in conducting the assessment; and

''(G) a statement of whether the covered water system has implemented or plans to implement one or more methods to reduce the consequences of a chemical release from an intentional act, a description of any such methods, and, in the case of a covered water system described in paragraph (3)(A), an explanation of the reasons for any decision not to implement any such methods.

''(3) REQUIRED METHODS.—

''(A) APPLICATION.—This paragraph applies to a covered water system—

''(i) that is assigned to one of the two highest risk-based tiers under subsection (d); and

''(ii) that possesses or plans to possess a substance of concern in excess of the release threshold quantity set by the Administrator under subsection (a)(5).

''(B) HIGHEST-RISK SYSTEMS.—If, on the basis of its assessment under paragraph (2), a covered water system described in subparagraph (A) decides not to implement methods to reduce the consequences of a chemical release from an intentional act, the State exercising primary enforcement responsibility for the covered water system, if the system is located in such a State, or the Administrator, if the covered water system is not located in such a State, shall, in accordance with a timeline set by the Administrator—

''(i) determine whether to require the covered water system to implement the methods; and

''(ii) for States exercising primary enforcement responsibility, report such determination to the Administrator.

''(C) STATE OR ADMINISTRATOR'S CONSIDERATIONS.—Before requiring, pursuant to subparagraph (B), the implementation of a method to reduce the consequences of a chemical release from an intentional act, the State exercising primary enforcement responsibility for the covered water system, if the system is located in such a State, or the Administrator, if the covered water system is not located in such a State, shall consider factors appropriate to the security, public health, and environmental missions of covered water systems, including an examination of whether the method—

''(i) would significantly reduce the risk of death, injury, or serious adverse effects to human health resulting directly from a chemical release from an intentional act at the covered water system;

''(ii) would not increase the interim storage of a substance of concern by the covered water system;

''(iii) would not render the covered water system unable to comply with other requirements of this Act or drinking water standards established by the State or political subdivision in which the system is located; and

''(iv) is feasible, as defined in section 1412(b)(4)(D), to be incorporated into the operation of the covered water system.

''(D) APPEAL.—Before requiring, pursuant to subparagraph (B), the implementation of a method to reduce the consequences of a chemical release from an intentional act, the State exercising primary enforcement responsibility for the covered water system, if the system is located in such a State, or the Administrator, if the covered water system is not located in such a State, shall provide such covered water system an opportunity to appeal the determination to require such implementation made pursuant to subparagraph (B) by such State or the Administrator.

''(4) INCOMPLETE OR LATE ASSESSMENTS.—

''(A) INCOMPLETE ASSESSMENTS.—If the Administrator finds that the covered water system, in conducting its assessment under paragraph (2), did not meet the requirements of paragraph (2) and the applicable regulations, the Administrator shall, after notifying the covered water system and the State exercising primary enforcement responsibility for that system, if any, require the covered water system to submit a revised assessment not later than 60 days after the Administrator notifies such system. The Administrator may require such additional revisions as are necessary to ensure that the system meets the requirements of paragraph (2) and the applicable regulations.

''(B) LATE ASSESSMENTS.—If the Administrator finds that a covered water system, in conducting its assessment pursuant to paragraph (2), did not complete such assessment in accordance with the deadline set by the Administrator, the Administrator may, after notifying the covered water system and the State exercising primary enforcement responsibility for that system, if any, take appropriate enforcement action under subsection (o).

''(C) REVIEW.—The State exercising primary enforcement responsibility for the covered water system, if the system is located in such a State, or the Administrator, if the system is not located in such a State, shall review a revised assessment that meets the requirements of paragraph (2) and applicable regulations to determine whether the covered water system will be required to implement methods to reduce the consequences of an intentional act pursuant to paragraph (3).

''(5) ENFORCEMENT.—

''(A) FAILURE BY STATE TO MAKE DETERMINATION.—Whenever the Administrator finds that a State exercising primary enforcement responsibility for a covered water system has failed to determine whether to require the covered water system to implement methods to reduce the consequences of a chemical release from an intentional act, as required by paragraph (3)(B), the Administrator shall so notify the State and covered water system. If, beyond the thirtieth day after the Administrator's notification under the preceding sentence, the State has failed to make the determination described in such sentence, the Administrator shall so notify the State and covered water system and shall determine whether to require the covered water system to implement methods to reduce the consequences of a chemical release from an intentional act based on the factors described in paragraph (3)(C).

''(B) FAILURE BY STATE TO BRING ENFORCEMENT ACTION.—If the Administrator finds, with respect to a period in which a State has primary enforcement responsibility for a covered water system, that the system has failed to implement methods to reduce the consequences of a chemical release from an intentional act (as required by the State or the Administrator under paragraph (3)(B) or the Administrator under subparagraph (A)), the Administrator shall so notify the State and the covered water system. If, beyond the thirtieth day after the Administrator's notification under the preceding sentence, the State has not commenced appropriate enforcement action, the Administrator shall so notify the State and may commence an enforcement action against the system, including by seeking or imposing civil penalties under subsection (o), to require implementation of such methods.

''(C) CONSIDERATION OF CONTINUED PRIMARY ENFORCEMENT RESPONSIBILITY.—For a State with primary enforcement responsibility for a covered water system, the Administrator may consider the failure of such State to make a determination as described under subparagraph (A) or to bring enforcement action as described under subparagraph (B) when determining whether a State may retain primary enforcement responsibility under this Act.

''(6) GUIDANCE FOR COVERED WATER SYSTEMS ASSIGNED TO TIER 3 AND TIER 4.—For covered water systems required to conduct an assessment under paragraph (2) and assigned by the Administrator to tier 3 or tier 4 under subsection (d), the Administrator shall issue guidance and, as appropriate, provide or recommend tools, methodologies, or computer software, to assist such covered water systems in complying with the requirements of this section.

''(h) REVIEW BY ADMINISTRATOR.—

''(1) IN GENERAL.—The regulations under subsection (a)(1) shall require each covered water system to submit its vulnerability assessment and site security plan to the Administrator for review according to deadlines set by the Administrator. The Administrator shall review each vulnerability assessment and site security plan submitted under this section and—

''(A) if the assessment or plan has any significant deficiency described in paragraph (2), require the covered water system to correct the deficiency; or

''(B) approve such assessment or plan.

''(2) SIGNIFICANT DEFICIENCIES.—A vulnerability assessment or site security plan of a covered water system has a significant deficiency under this subsection if the Administrator, in consultation, as appropriate, with the State exercising primary enforcement responsibility for such system, if any, determines that—

''(A) such assessment does not comply with the regulations established under section (a)(1); or

''(B) such plan—

''(i) fails to address vulnerabilities identified in a vulnerability assessment; or

''(ii) fails to meet applicable risk-based performance standards.

''(3) STATE, REGIONAL, OR LOCAL GOVERNMENTAL ENTITIES.—No covered water system shall be required under State, local, or tribal law to provide a vulnerability assessment or site security plan described in this section to any State, regional, local, or tribal governmental entity solely by reason of the requirement set forth in paragraph (1) that the system submit such an assessment and plan to the Administrator.

''(i) EMERGENCY RESPONSE PLAN.—

''(1) IN GENERAL.—Each covered water system shall prepare or revise, as appropriate, an emergency response plan that incorporates the results of the system's most current vulnerability assessment and site security plan.

''(2) CERTIFICATION.—Each covered water system shall certify to the Administrator that the system has completed an emergency response plan. The system shall submit such certification to the Administrator not later than 6 months after the system's first completion or revision of a vulnerability assessment under this section and shall submit an additional certification following any update of the emergency response plan.

''(3) CONTENTS.—A covered water system's emergency response plan shall include—

''(A) plans, procedures, and identification of equipment that can be implemented or used in the event of an intentional act at the covered water system; and

''(B) actions, procedures, and identification of equipment that can obviate or significantly lessen the impact of intentional acts on public health and the safety and supply of drinking water provided to communities and individuals.

''(4) COORDINATION.—As part of its emergency response plan, each covered water system shall provide appropriate information to any local emergency planning committee, local law enforcement officials, and local emergency response providers to ensure an effective, collective response.

''(j) MAINTENANCE OF RECORDS.—Each covered water system shall maintain an updated copy of its vulnerability assessment, site security plan, and emergency response plan.

''(k) AUDIT; INSPECTION.—

''(1) IN GENERAL.—Notwithstanding section 1445(b)(2), the Administrator, or duly designated representatives of the Administrator, shall audit and inspect covered water systems, as necessary, for purposes of determining compliance with this section.

''(2) ACCESS.—In conducting an audit or inspection of a covered water system, the Administrator or duly designated representatives of the Administrator, as appropriate, shall have access to the owners, operators, employees and contractor employees, and employee representatives, if any, of such covered water system.

''(3) CONFIDENTIAL COMMUNICATION OF INFORMATION; AIDING INSPECTIONS.—The Administrator, or a duly designated representative of the Administrator, shall offer non-supervisory employees of a covered water system the opportunity confidentially to communicate information relevant to the employer's compliance or noncompliance with this section, including compliance or noncompliance with any regulation or requirement adopted by the Administrator in furtherance

of the purposes of this section. A representative of each certified or recognized bargaining agent described in subsection (f)(3)(B), if any, or, if none, a non-supervisory employee, shall be given an opportunity to accompany the Administrator, or the duly designated representative of the Administrator, during the physical inspection of any covered water system for the purpose of aiding such inspection, if representatives of the covered water system will also be accompanying the Administrator or the duly designated representative of the Administrator on such inspection.

''(l) PROTECTION OF INFORMATION.—

''(1) PROHIBITION OF PUBLIC DISCLOSURE OF PROTECTED INFORMATION.—Protected information shall—

''(A) be exempt from disclosure under section 552 of title 5, United States Code; and

''(B) not be made available pursuant to any State, local, or tribal law requiring disclosure of information or records.

''(2) INFORMATION SHARING.—

''(A) IN GENERAL.—The Administrator shall prescribe such regulations, and may issue such orders, as necessary to prohibit the unauthorized disclosure of protected information, as described in paragraph (7).

''(B) SHARING OF PROTECTED INFORMATION.—The regulations under subparagraph (A) shall provide standards for and facilitate the appropriate sharing of protected information with and between Federal, State, local, and tribal authorities, first responders, law enforcement officials, designated supervisory and non-supervisory covered water system personnel with security, operational, or fiduciary responsibility for the system, and designated facility employee representatives, if any. Such standards shall include procedures for the sharing of all portions of a covered water system's vulnerability assessment and site security plan relating to the roles and responsibilities of system employees or contractor employees under subsection (f)(1) with a representative of each certified or recognized bargaining agent representing such employees, if any, or, if none, with at least one supervisory and at least one non-supervisory employee with roles and responsibilities under subsection (f)(1).

''(C) PENALTIES.—Protected information, as described in paragraph (7), shall not be shared except in accordance with the standards provided by the regulations under subparagraph (A). Whoever discloses protected information in knowing violation of the regulations and orders issued under subparagraph (A) shall be fined under title 18, United States Code, imprisoned for not more than one year, or both, and, in the case of a Federal officeholder or employee, shall be removed from Federal office or employment.

''(3) TREATMENT OF INFORMATION IN ADJUDICATIVE PROCEEDINGS.—In any judicial or administrative proceeding, protected information, as described in paragraph (7), shall be treated in a manner consistent with the treatment of Sensitive Security Information under section 525 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1381).

''(4) OTHER OBLIGATIONS UNAFFECTED.—Except as provided in subsection (h)(3), nothing in this section amends or affects an obligation of a covered water system—

''(A) to submit or make available information to system employees, employee organizations, or a Federal, State, tribal, or local government agency under any other law; or

''(B) to comply with any other law.

''(5) CONGRESSIONAL OVERSIGHT.—Nothing in this section permits or authorizes the withholding of information from Congress or any committee or subcommittee thereof.

''(6) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section amends or affects any authority or obligation of a Federal, State, local, or tribal agency to protect or disclose any record or information that the Federal, State, local, or tribal agency obtains from a covered water system or the Administrator under any other law.

''(7) PROTECTED INFORMATION.—

''(A) IN GENERAL.—For purposes of this section, protected information is any of the following:

''(i) Vulnerability assessments and site security plans under this section, including any assessment developed pursuant to subsection (g)(2).

''(ii) Documents directly related to the Administrator's review of assessments and plans described in clause (i) and, as applicable, the State's review of an assessment prepared under subsection (g)(2).

''(iii) Documents directly related to inspections and audits under this section.

''(iv) Orders, notices, or letters regarding the compliance of a covered water system with the requirements of this section.

''(v) Information, documents, or records required to be provided to or created by, the Administrator under subsection (d).

''(vi) Documents directly related to security drills and training exercises, security threats and breaches of security, and maintenance, calibration, and testing of security equipment.

''(vii) Other information, documents, and records developed exclusively for the purposes of this section that the Administrator determines would be detrimental to the security of one or more covered water systems if disclosed.

''(B) DETRIMENT REQUIREMENT.—For purposes of clauses (ii), (iii), (iv), (v), and (vi) of subparagraph (A), the only portions of documents, records, orders, notices, and letters that shall be considered protected information are those portions that—

''(i) would be detrimental to the security of one or more covered water systems if disclosed; and

''(ii) are developed by the Administrator, the State, or the covered water system for the purposes of this section.

''(C) EXCLUSIONS.—For purposes of this section, protected information does not include—

''(i) information that is otherwise publicly available, including information that is required to be made publicly available under any law;

''(ii) information that a covered water system has lawfully disclosed other than in accordance with this section; and

''(iii) information that, if disclosed, would not be detrimental to the security of one or more covered water systems, including aggregate regulatory data that the Administrator determines appropriate to describe system compliance with the requirements of this section and the Administrator's implementation of such requirements.

''(m) RELATION TO CHEMICAL FACILITY SECURITY REQUIREMENTS.—Title XXI of the Homeland Security Act of 2002 and the amendments made by title I of the Chemical and Water Security Act of 2009 shall not apply to any public water system subject to this Act.

''(n) PREEMPTION.—This section does not preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to a covered water system that is more stringent than a regulation, requirement, or standard of performance under this section.

''(o) VIOLATIONS.—

''(1) IN GENERAL.—A covered water system that violates any requirement of this section, including by not implementing all or part of its site security plan by such date as the Administrator requires, shall be liable for a civil penalty of not more than $25,000 for each day on which the violation occurs.

''(2) PROCEDURE.—When the Administrator determines that a covered water system is subject to a civil penalty under paragraph (1), the Administrator, after consultation with the State, for covered water systems located in a State exercising primary responsibility for the covered water system, and, after considering the severity of the violation or deficiency and the record of the covered water system in carrying out the requirements of this section, may—

''(A) after notice and an opportunity for the covered water system to be heard, issue an order assessing a penalty under such paragraph for any past or current violation, requiring compliance immediately or within a specified time period; or

''(B) commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including temporary or permanent injunction.

''(3) METHODS TO REDUCE THE CONSEQUENCES OF A CHEMICAL RELEASE FROM AN INTENTIONAL ACT.—Except as provided in subsections (g)(4) and (g)(5), if a covered water system is located in a State exercising primary enforcement responsibility for the system, the Administrator may not issue an order or commence a civil action under this section for any deficiency in the content or implementation of the portion of the system's site security plan relating to methods to reduce the consequences of a chemical release from an intentional act (as defined in subsection (g)(1)).

''(p) REPORT TO CONGRESS.—

''(1) PERIODIC REPORT.—Not later than 3 years after the effective date of the regulations under subsection (a)(1), and every 3 years thereafter, the Administrator shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on progress in achieving compliance with this section. Each such report shall include, at a minimum, the following:

''(A) A generalized summary of measures implemented by covered water systems in order to meet each risk-based performance standard established by this section.

''(B) A summary of how the covered water systems, differentiated by risk-based tier assignment, are complying with the requirements of this section during the period covered by the report and how the Administrator is implementing and enforcing such requirements during such period including—

''(i) the number of public water systems that provided the Administrator with information pursuant to subsection (d)(1);

''(ii) the number of covered water systems assigned to each risk-based tier;

''(iii) the number of vulnerability assessments and site security plans submitted by covered water systems;

''(iv) the number of vulnerability assessments and site security plans approved and disapproved by the Administrator;

''(v) the number of covered water systems without approved vulnerability assessments or site security plans;

''(vi) the number of covered water systems that have been assigned to a different risk-based tier due to implementation of a method to reduce the consequences of a chemical release from an intentional act and a description of the types of such implemented methods;

''(vii) the number of audits and inspections conducted by the Administrator or duly designated representatives of the Administrator;

''(viii) the number of orders for compliance issued by the Administrator;

''(ix) the administrative penalties assessed by the Administrator for non-compliance with the requirements of this section;

''(x) the civil penalties assessed by courts for non-compliance with the requirements of this section; and

''(xi) any other regulatory data the Administrator determines appropriate to describe covered water system compliance with the requirements of this section and the Administrator's implementation of such requirements.

''(2) PUBLIC AVAILABILITY.—A report submitted under this section shall be made publicly available.

''(q) GRANT PROGRAMS.—

''(1) IMPLEMENTATION GRANTS TO STATES.—The Administrator may award grants to, or enter into cooperative agreements with, States, based on an allocation formula established by the Administrator, to assist the States in implementing this section.

''(2) RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE GRANTS.—The Administrator may award grants to, or enter into cooperative agreements with, non-profit organizations to provide research, training, and technical assistance to covered water systems to assist them in carrying out their responsibilities under this section.

''(3) PREPARATION GRANTS.—

''(A) GRANTS.—The Administrator may award grants to, or enter into cooperative agreements with, covered water systems to assist such systems in—

''(i) preparing and updating vulnerability assessments, site security plans, and emergency response plans;

''(ii) assessing and implementing methods to reduce the consequences of a release of a substance of concern from an intentional act; and

''(iii) implementing any other security reviews and enhancements necessary to comply with this section.

''(B) PRIORITY.—

''(i) NEED.—The Administrator, in awarding grants or entering into cooperative agreements for purposes described in subparagraph (A)(i), shall give priority to covered water systems that have the greatest need.

''(ii) SECURITY RISK.—The Administrator, in awarding grants or entering into cooperative agreements for purposes described in subparagraph (A)(ii), shall give priority to covered water systems that pose the greatest security risk.

''(4) WORKER TRAINING GRANTS PROGRAM AUTHORITY.—

''(A) IN GENERAL.—The Administrator shall establish a grant program to award grants to eligible entities to provide for training and education of employees and contractor employees with roles or responsibilities described in subsection (f)(1) and first responders and emergency response providers who would respond to an intentional act at a covered water system.

''(B) ADMINISTRATION.—The Administrator shall enter into an agreement with the National Institute of Environmental Health Sciences to make and administer grants under this paragraph.

''(C) USE OF FUNDS.—The recipient of a grant under this paragraph shall use the grant to provide for—

''(i) training and education of employees and contractor employees with roles or responsibilities described in subsection (f)(1), including the annual mandatory training specified in subsection (f)(2) or training for first responders in protecting nearby persons, property, or the environment from the effects of a release of a substance of concern at the covered water system, with priority given to covered water systems assigned to tier one or tier two under subsection (d); and

''(ii) appropriate training for first responders and emergency response providers who would respond to an intentional act at a covered water system.

''(D) ELIGIBLE ENTITIES.—For purposes of this paragraph, an eligible entity is a nonprofit organization with demonstrated experience in implementing and operating successful worker or first responder health and safety or security training programs.

''(r) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated—

''(A) $315,000,000 for fiscal year 2011, of which up to—

''(i) $30,000,000 may be used for administrative costs incurred by the Administrator or the States, as appropriate; and

''(ii) $125,000,000 may be used to implement methods to reduce the consequences of a chemical release from an intentional act at covered water systems with priority given to covered water systems assigned to tier one or tier two under subsection (d); and

''(B) such sums as may be necessary for fiscal years 2012 through 2015.

''(2) SECURITY ENHANCEMENTS.—Funding under this subsection for basic security enhancements shall not include expenditures for personnel costs or monitoring, operation, or maintenance of facilities, equipment, or systems.''.

(b) REGULATIONS; TRANSITION.—

(1) REGULATIONS.—Not later than 2 years after the date of the enactment of this title, the Administrator of the Environmental Protection Agency shall promulgate final regulations to carry out section 1433 of the Safe Drinking Water Act, as amended by subsection (a).

(2) EFFECTIVE DATE.—Until the effective date of the regulations promulgated under paragraph (1), section 1433 of the Safe Drinking Water Act, as in effect on the day before the date of the enactment of this title, shall continue to apply.

(3) SAVINGS PROVISION.—Nothing in this section or the amendment made by this section shall affect the application of section 1433 of the Safe Drinking Water Act, as in effect before the effective date of the regulations promulgated under paragraph (1), to any violation of such section 1433 occurring before such effective date, and the requirements of such section 1433 shall remain in force and effect with respect to such violation until the violation has been corrected or enforcement proceedings completed, whichever is later.

SEC. 203. STUDY TO ASSESS THE THREAT OF CONTAMINATION OF DRINKING WATER DISTRIBUTION SYSTEMS.

Not later than 180 days after the date of the enactment of this title, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Homeland Security, shall—

(1) conduct a study to assess the threat of contamination of drinking water being distributed through public water systems, including fire main systems; and

(2) submit a report to the Congress on the results of such study.

TITLE III—WASTEWATER TREATMENT WORKS SECURITY

SECTION 301. SHORT TITLE.

This title may be cited as the ''Wastewater Treatment Works Security Act of 2009''.

SEC. 302. WASTEWATER TREATMENT WORKS SECURITY.

(a) IN GENERAL.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

''SEC. 222. WASTEWATER TREATMENT WORKS SECURITY.

''(a) ASSESSMENT OF TREATMENT WORKS VULNERABILITY AND IMPLEMENTATION OF SITE SECURITY AND EMERGENCY RESPONSE PLANS.—

''(1) IN GENERAL.—Each owner or operator of a treatment works with either a treatment capacity of at least 2,500,000 gallons per day or, in the discretion of the Administrator, that presents a security risk making coverage under this section appropriate shall, consistent with regulations developed under subsection (b)—

''(A) conduct and, as required, update a vulnerability assessment of its treatment works;

''(B) develop, periodically update, and implement a site security plan for the treatment works; and

''(C) develop and, as required, revise an emergency response plan for the treatment works.

''(2) VULNERABILITY ASSESSMENT.—

''(A) DEFINITION.—In this section, the term 'vulnerability assessment' means an assessment of the vulnerability of a treatment works to intentional acts that may—

''(i) substantially disrupt the ability of the treatment works to safely and reliably operate; or

''(ii) have a substantial adverse effect on critical infrastructure, public health or safety, or the environment.

''(B) REVIEW.—A vulnerability assessment shall include an identification of the vulnerability of the treatment works'—

''(i) facilities, systems, and devices used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes;

''(ii) intercepting sewers, outfall sewers, sewage collection systems, and other constructed conveyances under the control of the owner or operator of the treatment works;

''(iii) electronic, computer, and other automated systems;

''(iv) pumping, power, and other equipment;

''(v) use, storage, and handling of various chemicals, including substances of concern, as identified by the Administrator;

''(vi) operation and maintenance procedures; and

''(vii) ability to ensure continuity of operations.

''(3) SITE SECURITY PLAN.—

''(A) DEFINITION.—In this section, the term 'site security plan' means a process developed by the owner or operator of a treatment works to address security risks identified in a vulnerability assessment developed for the treatment works.

''(B) IDENTIFICATION OF SECURITY ENHANCEMENTS.—A site security plan carried out under paragraph (1)(B) shall identify specific security enhancements, including procedures, countermeasures, or equipment, that, when implemented or utilized, will reduce the vulnerabilities identified in a vulnerability assessment (including the identification of the extent to which implementation or utilization of such security enhancements may impact the operations of the treatment works in meeting the goals and requirements of this Act).

''(b) RULEMAKING AND GUIDANCE DOCUMENTS.—

''(1) IN GENERAL.—Not later than December 31, 2010, the Administrator, after providing notice and an opportunity for public comment, shall issue regulations—

''(A) establishing risk-based performance standards for the security of a treatment works identified under subsection (a)(1); and

''(B) establishing requirements and deadlines for each owner or operator of a treatment works identified under subsection (a)(1)—

''(i) to conduct and submit to the Administrator a vulnerability assessment or, if the owner or operator of a treatment works already has conducted a vulnerability assessment, to revise and submit to the Administrator such assessment in accordance with this section;

''(ii) to update and submit to the Administrator the vulnerability assessment not less than every 5 years and promptly after any change at the treatment works that could cause the reassignment of the treatment works to a different risk-based tier under paragraph (2)(B);

''(iii) to develop and implement a site security plan and to update such plan not less than every 5 years and promptly after an update to the vulnerability assessment;

''(iv) to develop an emergency response plan (or, if the owner or operator of a treatment works has already developed an emergency response plan, to revise the plan to be in accordance with this section) and to revise the plan not less than every 5 years and promptly after an update to the vulnerability assessment; and

''(v) to provide annual training to employees of the treatment works on implementing site security plans and emergency response plans.

''(2) RISK-BASED TIERS AND PERFORMANCE STANDARDS.—

''(A) IN GENERAL.—In developing regulations under this subsection, the Administrator shall—

''(i) provide for 4 risk-based tiers applicable to treatment works identified under subsection (a)(1), with tier one representing the highest degree of security risk; and

''(ii) establish risk-based performance standards for site security plans and emergency response plans required under this section.

''(B) RISK-BASED TIERS.—

''(i) ASSIGNMENT OF RISK-BASED TIERS.—The Administrator shall assign (and reassign when appropriate) each treatment works identified under subsection (a)(1) to one of the risk-based tiers established pursuant to this paragraph.

''(ii) FACTORS TO CONSIDER.—In assigning a treatment works to a risk-based tier, the Administrator shall consider—

''(I) the size of the treatment works;

''(II) the proximity of the treatment works to large population centers;

''(III) the adverse impacts of an intentional act, including a worst-case release of a substance of concern designated under subsection (c), on the operation of the treatment works or on critical infrastructure, public health or safety, or the environment; and

''(IV) any other factor that the Administrator determines to be appropriate.

''(iii) INFORMATION REQUEST FOR TREATMENT WORKS.—The Administrator may require the owner or operator of a treatment works identified under subsection (a)(1) to submit information in order to determine the appropriate risk-based tier for the treatment works.

''(iv) EXPLANATION FOR RISK-BASED TIER ASSIGNMENT.—The Administrator shall provide the owner or operator of each treatment works assigned to a risk-based tier with the reasons for the tier assignment and whether such owner or operator of a treatment works is required to submit an assessment under paragraph (3)(B).

''(C) RISK-BASED PERFORMANCE STANDARDS.—

''(i) CLASSIFICATION.—In establishing risk-based performance standards under subparagraph (A)(ii), the Administrator shall ensure that the standards are separate and, as appropriate, increasingly more stringent based on the level of risk associated with the risk-based tier assignment under subparagraph (B) for the treatment works.

''(ii) CONSIDERATION.—In carrying out this subparagraph, the Administrator shall take into account section 27.230 of title 6, Code of Federal Regulations (or any successor regulation).

''(D) SITE SECURITY PLANS.—

''(i) IN GENERAL.—In developing regulations under this subsection, the Administrator shall permit the owner or operator of a treatment works identified under subsection (a)(1), in developing and implementing a site security plan, to select layered security and preparedness measures that, in combination—

''(I) address the security risks identified in its vulnerability assessment; and

''(II) comply with the applicable risk-based performance standards required by this subsection.

''(3) METHODS TO REDUCE THE CONSEQUENCES OF A CHEMICAL RELEASE FROM AN INTENTIONAL ACT.—

''(A) DEFINITION.—In this section, the term 'method to reduce the consequences of a chemical release from an intentional act' means a measure at a treatment works identified under subsection (a)(1) that reduces or eliminates the potential consequences of a release of a substance of concern designated under subsection (c) from an intentional act, such as—

''(i) the elimination of or a reduction in the amount of a substance of concern possessed or planned to be possessed by a treatment works through the use of alternate substances, formulations, or processes;

''(ii) the modification of pressures, temperatures, or concentrations of a substance of concern; and

''(iii) the reduction or elimination of onsite handling of a substance of concern through the improvement of inventory control or chemical use efficiency.

''(B) ASSESSMENT.—

''(i) IN GENERAL.—In developing the regulations under this subsection, for each treatment works identified under subsection (a)(1) that possesses or plans to possess a substance of concern in excess of the release threshold quantity set by the Administrator under subsection (c)(2), the Administrator shall require the treatment works to include in its site security plan an assessment of methods to reduce the consequences of a chemical release from an intentional act at the treatment works.

''(ii) CONSIDERATIONS FOR ASSESSMENT.—In developing the regulations under this subsection, the Administrator shall require the owner or operator of each treatment works, in preparing the assessment, to consider factors appropriate to address the responsibilities of the treatment works to meet the goals and requirements of this Act and to include—

''(I) a description of the methods to reduce the consequences of a chemical release from an intentional act;

''(II) a description of how each described method to reduce the consequences of a chemical release from an intentional act could, if applied—

''(aa) reduce the extent of death, injury, or serious adverse effects to human health or the environment as a result of a release, theft, or misappropriation of a substance of concern designated under subsection (c); and

''(bb) impact the operations of the treatment works in meeting the goals and requirements of this Act;

''(III) whether each described method to reduce the consequences of a chemical release from an intentional act at the treatment works is feasible, as determined by the Administrator;

''(IV) the costs (including capital and operational costs) and avoided costs (including potential savings) associated with applying each described method to reduce the consequences of a chemical release from an intentional act at the treatment works;

''(V) any other relevant information that the owner or operator of a treatment works relied on in conducting the assessment; and

''(VI) a statement of whether the owner or operator of a treatment works has implemented or plans to implement a method to reduce the consequences of a chemical release from an intentional act, a description of any such method, and, in the case of a treatment works described in subparagraph (C)(i), an explanation of the reasons for any decision not to implement any such method.

''(C) REQUIRED METHODS.—

''(i) APPLICATION.—This subparagraph applies to a treatment works identified under subsection (a)(1) that—

''(I) is assigned to one of the two highest risk-based tiers established under paragraph (2)(A); and

''(II) possesses or plans to possess a substance of concern in excess of the threshold quantity set by the Administrator under subsection (c)(2).

''(ii) HIGHEST-RISK SYSTEMS.—If, on the basis of its assessment developed pursuant to subparagraph (B), the owner or operator of a treatment works described in clause (i) decides not to implement a method to reduce the consequences of a chemical release from an intentional act, in accordance with a timeline set by the Administrator—

''(I) the Administrator or, where applicable, a State with an approved program under section 402, shall determine whether to require the owner or operator of a treatment works to implement such method; and

''(II) in the case of a State with such approved program, the State shall report such determination to the Administrator.

''(iii) CONSIDERATIONS.—Before requiring the implementation of a method to reduce the consequences of a chemical release from an intentional act under clause (ii), the Administrator or a State, as the case may be, shall consider factors appropriate to address the responsibilities of the treatment works to meet the goals and requirements of this Act, including an examination of whether the method—

''(I) would significantly reduce the risk of death, injury, or serious adverse effects to human health resulting from a chemical release from an intentional act at the treatment works;

''(II) would not increase the interim storage by the treatment works of a substance of concern designated under subsection (c);

''(III) could impact the operations of the treatment works in meeting the goals and requirements of this Act or any more stringent standards established by the State or municipality in which the treatment works is located; and

''(IV) is feasible, as determined by the Administrator, to be incorporated into the operations of the treatment works.

''(D) APPEAL.—Before requiring the implementation of a method to reduce the consequences of a chemical release from an intentional act under clause (ii), the Administrator or a State, as the case may be, shall provide the owner or operator of the treatment works an opportunity to appeal the determination to require such implementation.

''(E) INCOMPLETE OR LATE ASSESSMENTS.—

''(i) INCOMPLETE ASSESSMENTS.—If the Administrator determines that a treatment works fails to meet the requirements of subparagraph (B) and the applicable regulations, the Administrator shall, after notifying the

owner or operator of a treatment works and the State in which the treatment works is located, require the owner or operator of the treatment works to submit a revised assessment not later than 60 days after the Administrator notifies the owner or operator. The Administrator may require such additional revisions as are necessary to ensure that the treatment works meets the requirements of subparagraph (B) and the applicable regulations.

''(ii) LATE ASSESSMENTS.—If the Administrator finds that the owner or operator of a treatment works, in conducting an assessment pursuant to subparagraph (B), did not complete such assessment in accordance with the deadline set by the Administrator, the Administrator may, after notifying the owner or operator of the treatment works and the State in which the treatment works is located, take appropriate enforcement action under subsection (j).

''(iii) REVIEW.—A State with an approved program under section 402 or the Administrator, as the case may be, shall review a revised assessment that meets the requirements of subparagraph (B) and applicable regulations to determine whether the treatment works will be required to implement methods to reduce the consequences of a chemical release from an intentional act pursuant to subparagraph (C).

''(F) ENFORCEMENT.—

''(i) FAILURE BY STATE TO MAKE DETERMINATION.—

''(I) IN GENERAL.—If the Administrator determines that a State with an approved program under section 402 failed to determine whether to require a treatment works to implement a method to reduce the consequences of a chemical release from an intentional act, as required by subparagraph (C)(ii), the Administrator shall notify the State and the owner or operator of the treatment works.

''(II) ADMINISTRATIVE ACTION.—If, after 30 days after the notification described in subclause (I), a State fails to make the determination described in that subclause, the Administrator shall notify the State and the owner or operator of the treatment works and shall determine whether to require the owner or operator to implement a method to reduce the consequences of a chemical release from an intentional act based on the factors described in subparagraph (C)(iii).

''(ii) FAILURE BY STATE TO BRING ENFORCEMENT ACTION.—

''(I) IN GENERAL.—If, in a State with an approved program under section 402, the Administrator determines that the owner or operator of a treatment works fails to implement a method to reduce the consequences of a chemical release from an intentional act (as required by the State or the Administrator under subparagraph (C)(ii) or the Administrator under clause (i)(II)), the Administrator shall notify the State and the owner or operator of the treatment works.

''(II) ADMINISTRATIVE ENFORCEMENT ACTION.—If, after 30 days after the notification described in subclause (I), the State has not commenced appropriate enforcement action, the Administrator shall notify the State and may commence an enforcement action against the owner or operator of the treatment works, including by seeking or imposing civil penalties under subsection (j), to require implementation of such method.

''(4) CONSULTATION WITH STATE AUTHORITIES.—In developing the regulations under this subsection, the Administrator shall consult with States with approved programs under section 402.

''(5) CONSULTATION WITH OTHER PERSONS.—In developing the regulations under this subsection, the Administrator shall consult with the Secretary of Homeland Security, and, as appropriate, other persons regarding—

''(A) the provision of threat-related and other baseline information to treatment works identified under subsection (a)(1);

''(B) the designation of substances of concern under subsection (c);

''(C) the development of risk-based performance standards;

''(D) the establishment of risk-based tiers and the process for the assignment of treatment works identified under subsection (a)(1) to such tiers;

''(E) the process for the development and evaluation of vulnerability assessments, site security plans, and emergency response plans;

''(F) the treatment of protected information; and

''(G) any other factor that the Administrator determines to be appropriate.

''(6) CONSIDERATION.—In developing the regulations under this subsection, the Administrator shall ensure that such regulations are consistent with the goals and requirements of this Act.

''(c) SUBSTANCES OF CONCERN.—For purposes of this section, the Administrator, in consultation with the Secretary of Homeland Security—

''(1) may designate any chemical substance as a substance of concern;

''(2) at the time any chemical substance is designated pursuant to paragraph (1), shall establish by rulemaking a threshold quantity for the release or theft of a substance, taking into account the toxicity, reactivity, volatility, dispersability, combustability, and flammability of the substance and the amount of the substance, that, as a result of the release or theft, is known to cause death, injury, or serious adverse impacts to human health or the environment; and

''(3) in making such a designation, shall take into account appendix A to part 27 of title 6, Code of Federal Regulations (or any successor regulation).

''(d) REVIEW OF VULNERABILITY ASSESSMENT AND SITE SECURITY PLAN.—

''(1) IN GENERAL.—Each owner or operator of a treatment works identified under subsection (a)(1) shall submit its vulnerability assessment and site security plan to the Administrator for review in accordance with deadlines established by the Administrator.

''(2) STANDARD OF REVIEW.—The Administrator shall review each vulnerability assessment and site security plan submitted under this subsection and—

''(A) if the assessment or plan has a significant deficiency described in paragraph (3), require the owner or operator of the treatment works to correct the deficiency; or

''(B) approve such assessment or plan.

''(3) SIGNIFICANT DEFICIENCY.—A vulnerability assessment or site security plan of a treatment works has a significant deficiency under this subsection if the Administrator, in consultation, as appropriate, with a State with an approved program under section 402, determines that—

''(A) such assessment does not comply with the regulations promulgated under subsection (b); or

''(B) such plan—

''(i) fails to address vulnerabilities identified in a vulnerability assessment; or

''(ii) fails to meet applicable risk-based performance standards.

''(4) IDENTIFICATION OF DEFICIENCIES.—If the Administrator identifies a significant deficiency in the vulnerability assessment or site security plan of an owner or operator of a treatment works under paragraph (3), the Administrator shall provide the owner or operator with a written notification of the deficiency that—

''(A) includes a clear explanation of the deficiency in the vulnerability assessment or site security plan;

''(B) provides guidance to assist the owner or operator in addressing the deficiency; and

''(C) requires the owner or operator to correct the deficiency and, by such date as the Administrator determines appropriate, to submit to the Administrator a revised vulnerability assessment or site security plan.

''(5) STATE, LOCAL, OR TRIBAL GOVERNMENTAL ENTITIES.—No owner or operator of a treatment works identified under subsection (a)(1) shall be required under State, local, or tribal law to provide a vulnerability assessment or site security plan described in this section to any State, local, or tribal governmental entity solely by reason of the requirement set forth in paragraph (1) that the owner or operator of a treatment works submit such an assessment and plan to the Administrator.

''(e) EMERGENCY RESPONSE PLAN.—

''(1) IN GENERAL.—The owner or operator of a treatment works identified under subsection (a)(1) shall develop or revise, as appropriate, an emergency response plan that incorporates the results of the current vulnerability assessment and site security plan for the treatment works.

''(2) CERTIFICATION.—The owner or operator of a treatment works identified under subsection (a)(1) shall certify to the Administrator that the owner or operator has completed an emergency response plan, shall submit such certification to the Administrator not later than 6 months after the first completion or revision of a vulnerability assessment under this section, and shall submit an additional certification following any update of the emergency response plan.

''(3) CONTENTS.—An emergency response plan shall include a description of—

''(A) plans, procedures, and identification of equipment that can be implemented or used in the event of an intentional act at the treatment works; and

''(B) actions, procedures, and identification of equipment that can obviate or significantly reduce the impact of intentional acts to—

''(i) substantially disrupt the ability of the treatment works to safely and reliably operate; or

''(ii) have a substantial adverse effect on critical infrastructure, public health or safety, or the environment.

''(4) COORDINATION.—As part of its emergency response plan, the owner or operator of a treatment works shall provide appropriate information to any local emergency planning committee, local law enforcement officials, and local emergency response providers to ensure an effective, collective response.

''(f) ROLE OF EMPLOYEES.—

''(1) DESCRIPTION OF ROLE.—Site security plans and emergency response plans required under this section shall describe the appropriate roles or responsibilities that employees and contractor employees of treatment works are expected to perform to deter or respond to the intentional acts identified in a current vulnerability assessment.

''(2) TRAINING FOR EMPLOYEES.—The owner or operator of a treatment works identified under subsection (a)(1) shall annually provide employees and contractor employees with the roles or responsibilities described in paragraph (1) with sufficient training, as determined by the Administrator, on carrying out those roles or responsibilities.

''(3) EMPLOYEE PARTICIPATION.—In developing, revising, or updating a vulnerability assessment, site security plan, and emergency response plan required under this section, the owner or operator of a treatment works shall include—

''(A) at least one supervisory and at least one nonsupervisory employee of the treatment works; and

''(B) at least one representative of each certified or recognized bargaining agent representing facility employees or contractor employees with roles or responsibilities described in paragraph (1), if any, in a collective bargaining relationship with the owner or operator of the treatment works or with a contractor to the treatment works.

''(g) MAINTENANCE OF RECORDS.—The owner or operator of a treatment works identified under subsection (a)(1) shall maintain an updated copy of its vulnerability assessment, site security plan, and emergency response plan on the premises of the treatment works.

''(h) AUDIT; INSPECTION.—

''(1) IN GENERAL.—The Administrator shall audit and inspect a treatment works identified under subsection (a)(1), as necessary, for purposes of determining compliance with this section.

''(2) ACCESS.—In conducting an audit or inspection of a treatment works under paragraph (1), the Administrator shall have access to the owners, operators, employees and contractor employees, and employee representatives, if any, of such treatment works.

''(3) CONFIDENTIAL COMMUNICATION OF INFORMATION; AIDING INSPECTIONS.—The Administrator shall offer nonsupervisory employees of a treatment works the opportunity confidentially to communicate information relevant to the compliance or noncompliance of the owner or operator of the treatment works with this section, including compliance or noncompliance with any regulation or requirement adopted by the Administrator in furtherance of the purposes of this section. A representative of each certified or recognized bargaining agent described in subsection (f)(3)(B), if any, or, if none, a nonsupervisory employee, shall be given an opportunity to accompany the Administrator during the physical inspection of any treatment works for the purpose of aiding such inspection, if representatives of the treatment works will also be accompanying the Administrator on such inspection.

''(i) PROTECTION OF INFORMATION.—

''(1) PROHIBITION OF PUBLIC DISCLOSURE OF PROTECTED INFORMATION.—Protected information shall—

''(A) be exempt from disclosure under section 552 of title 5, United States Code; and

''(B) not be made available pursuant to any State, local, or tribal law requiring disclosure of information or records.

''(2) INFORMATION SHARING.—

''(A) IN GENERAL.—The Administrator shall prescribe such regulations, and may issue such orders, as necessary to prohibit the unauthorized disclosure of protected information, as described in paragraph (7).

''(B) SHARING OF PROTECTED INFORMATION.—The regulations under subparagraph (A) shall provide standards for and facilitate the appropriate sharing of protected information with and among Federal, State, local, and tribal authorities, first responders, law enforcement officials, supervisory and nonsupervisory treatment works personnel with security, operational, or fiduciary responsibility for the system designated by the owner or operator of the treatment works, and facility employee representatives designated by the owner or operator of the treatment works, if any.

''(C) INFORMATION SHARING PROCEDURES.—Such standards shall include procedures for the sharing of all portions of the vulnerability assessment and site security plan of a treatment works relating to the roles and responsibilities of the employees or contractor employees of a treatment works under subsection (f)(1) with a representative of each certified or recognized bargaining agent representing such employees, if any, or, if none, with at least one supervisory and at least one non-supervisory employee with roles and responsibilities under subsection (f)(1).

''(D) PENALTIES.—Protected information, as described in paragraph (7), shall not be shared except in accordance with the standards provided by the regulations under subparagraph (A). Whoever discloses protected information in knowing violation of the regulations and orders issued under subparagraph (A) shall be fined under title 18, United States Code, imprisoned for not more than one year, or both, and, in the case of a Federal officeholder or employee, shall be removed from Federal office or employment.

''(3) TREATMENT OF INFORMATION IN ADJUDICATIVE PROCEEDINGS.—In any judicial or administrative proceeding, protected information, as described in paragraph (7), shall be treated in a manner consistent with the treatment of sensitive security information under section 525 of the Department of Homeland Security Appropriations Act, 2007 (120 Stat. 1381).

''(4) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section amends or affects an obligation of the owner or operator of a treatment works to—

''(A) submit or make available information to employees of the treatment works, employee organizations, or a Federal, State, local, or tribal government agency under any other law; or

''(B) comply with any other law.

''(5) CONGRESSIONAL OVERSIGHT.—Nothing in this section permits or authorizes the withholding of information from Congress or any committee or subcommittee thereof.

''(6) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section amends or affects any authority or obligation of a Federal, State, local, or tribal agency to protect or disclose any record or information that the Federal, State, local, or tribal agency obtains from a treatment works or the Administrator under any other law except as provided in subsection (d)(5).

''(7) PROTECTED INFORMATION.—

''(A) IN GENERAL.—For purposes of this section, protected information is any of the following:

''(i) Vulnerability assessments and site security plans under this section, including any assessment developed under subsection (b)(3)(B).

''(ii) Documents directly related to the Administrator's review of assessments and plans described in clause (i) and, as applicable, the State's review of an assessment developed under subsection (b)(3)(B).

''(iii) Documents directly related to inspections and audits under this section.

''(iv) Orders, notices, or letters regarding the compliance of a treatment works described in subsection (a)(1) with the requirements of this section.

''(v) Information required to be provided to, or documents and records created by, the Administrator under subsection (b)(2).

''(vi) Documents directly related to security drills and training exercises, security threats and breaches of security, and maintenance, calibration, and testing of security equipment.

''(vii) Other information, documents, and records developed for the purposes of this section that the Administrator determines would be detrimental to the security of a treatment works if disclosed.

''(B) DETRIMENT REQUIREMENT.—For purposes of clauses (ii), (iii), (iv), (v), and (vi) of subparagraph (A), the only portions of documents, records, orders, notices, and letters that shall be considered protected information are those portions that—

''(i) would be detrimental to the security of a treatment works if disclosed; and

''(ii) are developed by the Administrator, the State, or the treatment works for the purposes of this section.

''(C) EXCLUSIONS.—For purposes of this paragraph, protected information does not include—

''(i) information that is otherwise publicly available, including information that is required to be made publicly available under any law;

''(ii) information that a treatment works has lawfully disclosed other than in accordance with this section; and

''(iii) information that, if disclosed, would not be detrimental to the security of a treatment works, including aggregate regulatory data that the Administrator determines appropriate to describe compliance with the requirements of this section and the Administrator's implementation of such requirements.

''(j) VIOLATIONS.—For the purposes of section 309 of this Act, any violation of any requirement of this section, including any regulations promulgated pursuant to this section, by an owner or operator of a treatment works described in subsection (a)(1) shall be treated in the same manner as a violation of a permit condition under section 402 of this Act.

''(k) REPORT TO CONGRESS.—

''(1) PERIODIC REPORT.—Not later than 3 years after the effective date of the regulations issued under subsection (b) and every 3 years thereafter, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on progress in achieving compliance with this section.

''(2) CONTENTS OF THE REPORT.—Each such report shall include, at a minimum, the following:

''(A) A generalized summary of measures implemented by the owner or operator of a treatment works identified under subsection (a)(1) in order to meet each risk-based performance standard established by this section.

''(B) A summary of how the treatment works, differentiated by risk-based tier assignment, are complying with the requirements of this section during the period covered by the report and how the Administrator is implementing and enforcing such requirements during such period, including—

''(i) the number of treatment works that provided the Administrator with information pursuant to subsection (b)(2)(B)(iii);

''(ii) the number of treatment works assigned to each risk-based tier;

''(iii) the number of vulnerability assessments and site security plans submitted by treatment works;

''(iv) the number of vulnerability assessments and site security plans approved or found to have a significant deficiency under subsection (d)(2) by the Administrator;

''(v) the number of treatment works without approved vulnerability assessments or site security plans;

''(vi) the number of treatment works that have been assigned to a different risk-based tier due to implementation of a method to reduce the consequences of a chemical release from an intentional act and a description of the types of such implemented methods;

''(vii) the number of audits and inspections conducted by the Administrator; and

''(viii) any other regulatory data the Administrator determines appropriate to describe the compliance of owners or operators of treatment works with the requirements of

this section and the Administrator's implementation of such requirements.

''(3) PUBLIC AVAILABILITY.—A report submitted under this section shall be made publicly available.

''(l) GRANTS FOR VULNERABILITY ASSESSMENTS, SECURITY ENHANCEMENTS, AND WORKER TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Administrator may make a grant to a State, municipality, or intermunicipal or interstate agency—

''(A) to conduct or update a vulnerability assessment, site security plan, or emergency response plan for a publicly owned treatment works identified under subsection (a)(1);

''(B) to implement a security enhancement at a publicly owned treatment works identified under subsection (a)(1), including a method to reduce the consequences of a chemical release from an intentional act, identified in an approved site security plan and listed in paragraph (2);

''(C) to implement an additional security enhancement at a publicly owned treatment works identified under subsection (a)(1), including a method to reduce the consequences of a chemical release from an intentional act, identified in an approved site security plan; and

''(D) to provide for security-related training of employees or contractor employees of the treatment works and training for first responders and emergency response providers.

''(2) GRANTS FOR SECURITY ENHANCEMENTS.—

''(A) PREAPPROVED SECURITY ENHANCEMENTS.—The Administrator may make a grant under paragraph (1)(B) to implement a security enhancement of a treatment works for one or more of the following:

''(i) Purchase and installation of equipment for access control, intrusion prevention and delay, and detection of intruders and hazardous or dangerous substances, including—

''(I) barriers, fencing, and gates;

''(II) security lighting and cameras;

''(III) metal grates, wire mesh, and outfall entry barriers;

''(IV) securing of manhole covers and fill and vent pipes;

''(V) installation and re-keying of doors and locks; and

''(VI) smoke, chemical, and explosive mixture detection systems.

''(ii) Security improvements to electronic, computer, or other automated systems and remote security systems, including controlling access to such systems, intrusion detection and prevention, and system backup.

''(iii) Participation in training programs and the purchase of training manuals and guidance materials relating to security.

''(iv) Security screening of employees or contractor support services.

''(B) ADDITIONAL SECURITY ENHANCEMENTS.—The Administrator may make a grant under paragraph (1)(C) for additional security enhancements not listed in subparagraph (A) that are identified in an approved site security plan. The additional security enhancements may include the implementation of a method to reduce the consequences of a chemical release from an intentional act.

''(C) LIMITATION ON USE OF FUNDS.—Grants under this subsection may not be used for personnel costs or operation or maintenance of facilities, equipment, or systems.

''(D) FEDERAL SHARE.—The Federal share of the cost of activities funded by a grant under paragraph (1) may not exceed 75 percent.

''(3) ELIGIBILITY.—To be eligible for a grant under this subsection, a State, municipality, or intermunicipal or interstate agency shall submit information to the Administrator at such time, in such form, and with such assurances as the Administrator may require.

''(m) PREEMPTION.—This section does not preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to a treatment works that is more stringent than a regulation, requirement, or standard of performance under this section.

''(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $200,000,000 for each of fiscal years 2010 through 2014 for making grants under subsection (l). Such sums shall remain available until expended.

''(o) RELATION TO CHEMICAL FACILITY SECURITY REQUIREMENTS.—Title XXI of the Homeland Security Act of 2002 and the amendments made by title I of the Chemical and Water Security Act of 2009 shall not apply to any treatment works.''.

The Acting CHAIR. No amendment to that amendment shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–327.

Mr. THOMPSON of Mississippi. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

Page 5, beginning on line 22, strike ''counter surveillance'' and insert ''counter-surveillance''.

Page 7, beginning on line 2, strike ''. Any such plan shall include'' and insert '', including''.

Page 7, line 19, strike ''Department'' and insert ''Secretary''.

Page 8, line 2, strike ''chemicals'' and insert ''a substance of concern''.

Page 8, line 4, insert ''and'' after the comma.

Page 9, line 5, strike ''Department'' and insert ''Secretary''.

Page 9, line 9, strike ''in'' and insert ''at''.

Page 9, line 10, strike ''site'' and insert ''covered chemical facility''.

Page 10, line 6, insert a comma after ''plan''.

Page 17, line 3, insert ''chemical'' after ''designation of a''.

Page 17, line 3, insert ''as a substance'' after ''substance''.

Page 17, line 4, insert ''for the substance'' after ''quantity''.

Page 17, line 8, strike ''may at any time'' and insert ''may, at any time,''.

Page 18, line 10, insert a comma after ''concern''.

Page 18, line 22, strike the comma after ''representative''.

Page 19, line 6, strike ''this title'' and insert ''this section''.

Page 22, line 3, insert '', as determined by the Secretary,'' after ''geographically close''.

Page 23, line 1, strike ''under'' and insert ''pursuant to''.

Page 24, line 11, strike ''is''.

Page 30, line 22, strike ''that'' and insert ''who''.

Page 34, line 9, strike ''the period of''.

Page 36, line 8, strike ''information'' and insert ''to the Secretary in a timely manner, information''.

Page 36, line 9, strike ''in a timely manner''.

Page 38, line 17, insert ''departmental'' after ''seek''.

Page 38, line 17, strike ''within the Department''.

Page 39, line 24, strike ''that'' and insert ''who''.

Page 39, line 25, insert a comma after ''subsection (a)''.

Page 40, line 15, strike '', profit'' and insert '', for-profit''.

Page 46, line 16, strike ''protected information is any of the following' '' and insert ''the term 'protected information' means any of the following''.

Page 46, line 22, strike ''determines'' and insert ''has determined by regulation''.

Page 48, strike lines 3 through 17 and insert the following:

''(2) EXCLUSIONS.—Notwithstanding paragraph (1), the term 'protected information' does not include—

''(A) information, other than a security vulnerability assessment or site security plan, that the Secretary has determined by regulation to be—

''(i) appropriate to describe facility compliance with the requirements of this title and the Secretary's implementation of such requirements; and

''(ii) not detrimental to chemical facility security if disclosed; or

''(B) information, whether or not also contained in a security vulnerability assessment, site security plan, or in a document, record, order, notice, or letter, or portion thereof, described in subparagraph (B) or (C) of paragraph (1), that is obtained from another source with respect to which the Secretary has not made a determination under either such subparagraph, including—

''(i) information that is required to be made publicly available under any other provision of law; and

''(ii) information that a chemical facility has lawfully disclosed other than in a submission to the Secretary pursuant to a requirement of this title.

Page 54, line 3, strike ''of'' and insert ''after''.

Page 63, line 7, strike ''1996'' and insert ''1986''.

Page 75, line 13, strike ''Department'' and insert ''Secretary''.

Page 92, line 23, insert ''and resubmit'' after ''update''.

Page 93, beginning on line 10, strike ''(or, if the system has already developed an emergency response plan, to revise the plan to be in accordance with this section)'' and insert ''or, if the system has already developed an emergency response plan, to revise the plan to be in accordance with this section,''.

Page 110, beginning on line 2, strike ''commence an enforcement action against the system, including by seeking or imposing civil penalties'' and insert ''take appropriate enforcement action''.

Page 115, beginning on line 22, strike '', as described in paragraph (7)''.

Page 116, beginning on line 21, strike '', as described in paragraph (7),''.

Page 117, beginning on line 9, strike '', as described in paragraph (7),''.

Page 117, line 22, insert ''provision of'' before ''law''.

Page 117, line 23, insert ''provision of'' before ''law''.

Page 118, line 10, insert ''provision of'' before ''law''.

Page 118, beginning on line 13, strike ''protected information is any of the following'' and insert ''the term 'protected information' means any of the following''.

Page 119, line 17, strike ''determines'' and insert ''has determined by regulation''.

Page 120, line 1, insert before ''would'' the following: ''the Secretary has determined by regulation''

Page 120, strike lines 7 through 24 and insert the following:

''(C) EXCLUSIONS.—Notwithstanding subparagraphs (A) and (B), the term 'protected information' does not include—

''(i) information, other than a security vulnerability assessment or site security plan, that the Administrator has determined by regulation to be—

''(I) appropriate to describe system compliance with the requirements of this title and the Administrator's implementation of such requirements; and

''(II) not detrimental to the security of one or more covered water systems if disclosed; or

''(ii) information, whether or not also contained in a security vulnerability assessment, site security plan, or in a document, record, order, notice, or letter, or portion thereof, described in any of clauses (ii) through (vii) of subparagraph (A) that is obtained from another source with respect to which the Administrator has not made a determination under either subparagraph (A)(vii) or (B), including—

''(I) information that is required to be made publicly available under any other provision of law; and

''(II) information that a covered water system has lawfully disclosed other than in a submission to the Administrator pursuant to a requirement of this title.

Page 121, line 3, strike ''the amendments made by''.

Page 131, beginning on line 3, strike ''threat of contamination of drinking water being distributed through public water systems, including fire main systems'' and insert ''threat to drinking water posed by an intentional act of contamination, and the vulnerability of public water systems, including fire hydrants, to such a threat''.

Page 151, line 24, after ''cause'' and insert '', or may be reasonably anticipated to cause,''.

Page 161, line 12, insert ''provision of'' before ''law''.

Page 161, line 13, insert ''provision of'' before ''law''.

Page 161, line 25, insert ''provision of'' before ''law''.

Page 162, beginning on line 3, strike ''protected information is any of the following'' and insert ''the term 'protected information' means any of the following''.

Page 163, beginning on line 6, strike ''determines'' and insert ''has determined by regulation''.

Page 163, line 15, before ''would'' insert the following: ''the Secretary has determined by regulation''.

Strike line 20 on page 163 and all that follows through page 164, line 13, and insert the following:

''(C) EXCLUSIONS.—Notwithstanding subparagraphs (A) and (B), the term 'protected information' does not include—

''(i) information, other than a security vulnerability assessment or site security plan, that the Administrator has determined by regulation to be—

''(I) appropriate to describe treatment works compliance with the requirements of this title and the Administrator's implementation of such requirements; and

''(II) not detrimental to the security of one or more treatment works if disclosed; or

''(ii) information, whether or not also contained in a security vulnerability assessment, site security plan, or in a document, record, order, notice, or letter, or portion thereof, described in any of clauses (ii) through (vii) of subparagraph (A) that is obtained from another source with respect to which the Administrator has not made a determination under either subparagraph (A)(vii) or (B), including—

''(I) information that is required to be made publicly available under any other provision of law; and

''(II) information that a treatment works has lawfully disclosed other than in a submission to the Administrator pursuant to a requirement of this title.

Page 171, line 5, strike ''the amendments made by''.

The Acting CHAIR. Pursuant to the House Resolution 885, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chair, before discussing the specifics of my amendment, I would like to address an argument that I expect we will hear throughout the day.

The other side of the aisle seems to be arguing that the economy is so delicate that we simply cannot afford to protect the American people from terrorism. Democrats fundamentally reject that argument. In fact, we have testimony from labor that this bill is no threat to jobs. They have testified ''that the bill will have zero impact on employment.''

We also reject the Republicans' argument because if there is one thing the American people expect us to do, it is to ensure that the country is protected from terrorism. Some facility operators may find it inconvenient to make their facilities more secure, but, frankly, the security of the American people is more important.

My manager's amendment makes a number of technical and clerical corrections to the amendment in the nature of a substitute. My amendment clarifies the types of information we were excluding from the definition of protected information.

Specifically, it clarifies that DHS cannot include in the definition of protected information any information that, number one, is required to be made publicly available under any other law, or information that a chemical facility has lawfully disclosed under another law. DHS can determine by regulation that certain information provided for compliance purposes is not protected. This information may include summary data on the number of facilities that have submitted site security plans or the number of enforcement actions taken, so long as information detrimental to chemical security is not disclosed. This clarification is made in all three titles.

I urge support of this clarifying amendment.

I would also like to address an issue that seems to have come up yesterday. There was a question about the bill's intention regarding DHS' indefinite extension for farmers. Both committee reports filed on this bill speak to this issue.

The Homeland Security report states that the Department has been appropriately sensitive to the concerns of agricultural end users, farms and farmers, regarding chemical security. The Energy and Commerce report states that the committee does not intend for this legislation to require the Department to deviate from its current plan to address the security of agricultural end users on a separate timeline.

Our position is clear. This legislation in no way disturbs the current extension. That said, I am willing to explore how we could make this bill clearer on this point as the legislation moves forward.

Before I reserve the balance of my time, I would like to take a moment to acknowledge the staff that has worked so diligently and collaboratively to get us to this day. On my staff, Chris Beck, Michael Beland, Michael Stroud, Brian Turbyfill, Rosaline Cohen, and Lanier Avant; the Energy and Commerce Committee team, led by Alison Cassidy and Michael Freedhoff; and Ryan Seigert on the Transportation and Infrastructure Committee.

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

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the manager's amendment.

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

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

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, normally, you do not object, even in the minority, to a manager's amendment that supposedly is a technical manager's amendment, technical in nature, so it is unusual for myself as the ranking minority member of the Energy and Commerce Committee to rise in opposition to this particular amendment. But I am doing so for one reason: It is not a technical amendment.

Now, here is the manager's amendment; and, if you could read it, for the first two to three pages, it is very technical. It is just changing one word here or there, or putting a sentence here, or a semicolon, or something like that.

But then you get down to the bottom the third page, and I am going to read this so that the distinguished chairman of the Homeland Security Committee, the gentleman from Mississippi, understands exactly what the opposition is.

''Page 48, strike lines 3 through 17 and insert the following:''

So we are getting away from a technical amendment and you are actually putting substantive policy into the manager's amendment.

''Exclusions. Notwithstanding paragraph 1, the term 'protected information' does not include (A) information, other than a security vulnerability assessment or site security plan, that the

Secretary has determined by regulation to be (i) appropriate to describe the facility compliance with the requirements of this title and the Secretary's implementation of such requirements; and (ii) not detrimental to the chemical facility security if disclosed; or,'' and this is where it gets really interesting, ''(B) information, whether or not contained in the security vulnerability assessment, site security plan, or in a document, record, order, notice, or letter, or portion thereof, described in subparagraph (B) or (C) of paragraph (1), that is obtained from another source.''

So what we are doing here, Mr. Chairman, is saying, as the distinguished chairman said, we don't want to try to give the Department of Homeland Security the ability to prevent information that has already been publicly disclosed by somebody we regulate as part of the site security plan. But then they are creating this new loophole, that if a group that is not controlled by Homeland Security somehow gets information, they can publish it. They can put it on their Web site, and they're not liable.

□ 1345

They are not subject to the penalties.

That's wrong, Mr. Chair. That's just wrong. It does it in not only one place. These are three different bills that were merged. It goes on in other parts of the manager's amendment and makes those same changes in two to three other places. That's not a technical manager's amendment. That's a substantive policy change that's detrimental to the security, in my opinion, of the United States of America.

So while it is somewhat unusual to object to the manager's amendment that's portrayed as a technical amendment, this is not a technical amendment—or at least those portions of it. So I am very strongly in opposition to this.

I think on a day on which we have another reported shooting in Orlando, Florida, which may or may not be of a terrorist nature, and a shooting at Fort Hood, Texas, yesterday which was, we think, possibly of a terrorist nature, that if we're going to have a terrorist security bill on the floor for chemical plants and water facilities, it ought to be a real terrorist security bill.

But the underlying bill is not about more guards and more physical security and more computer protections, as we said in the general debate yesterday. The underlying bill is about enforcing this new standard of IST, or inherently safer technology. In my opinion, it is a radical environmental bill masquerading as a security bill. So I am strongly opposed to Mr. THOMPSON's manager's amendment because it is a substantive policy amendment, in my opinion, that fundamentally weakens the ostensible purpose of the bill.

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

Mr. THOMPSON of Mississippi. Mr. Chair, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. I thank the gentleman for his excellent work on this legislation. We are not talking here about an environmental bill. We are talking about a security bill. We are talking about the targets which we know al Qaeda has on their target list. That's what this whole debate is about. It's to protect the American people from the attempts by al Qaeda to come back to our country and to strike us once again, and we must protect against that attack. That's all this debate is about.

It's not any attempt to have an environmental agenda here at all. It is solely to ensure that al Qaeda cannot attack us in our country and to put in place the same protections at chemical facilities that we now have at airports, that we now have at nuclear power plants. That is all that this debate is about, and I urge support for the manager's amendment propounded by Mr. THOMPSON of Mississippi.

Mr. BARTON of Texas. Can I inquire how much time I have remaining.

The Acting CHAIR. Both sides have 30 seconds remaining.

Mr. BARTON of Texas. I assume Chairman THOMPSON has the right to close?

The Acting CHAIR. The gentleman from Texas actually has the right to close.

Mr. BARTON of Texas. Well, I will let Mr. THOMPSON close.

In the remaining 30 seconds, let me simply say that I agree with what Mr. MARKEY said, but I will also say to the gentleman from Massachusetts that this bill doesn't do any of that. I wish we were debating a true safety bill, a true antiterrorism bill, but inherently safer technology deals with processes and chemical manufacturing. It doesn't deal with real security.

In Chairman THOMPSON's manager's amendment, some of which is technical, the part that I oppose is a glaring creation of a loophole to give environmental groups and other outside groups the ability to put information on their Web sites that's not subject to the penalties of this bill. So I would oppose the manager's amendment.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. To the ranking member, you are exactly wrong on your definition. It does the exact opposite. It protects information, and that's why we put it in there. It was recommended by the Judiciary Committee, and this is a security piece of legislation, not safety. I think if the Chair would recognize that, we would all be better.

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

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

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

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRIES

Mr. BARTON of Texas. Parliamentary inquiry, Mr. Chair.

The Acting CHAIR. The gentleman from Texas will state his inquiry.

Mr. BARTON of Texas. Mr. Chair, would it not be parliamentarily correct to now call for the yeas and nays on that vote since we requested it?

The Acting CHAIR. The yeas and nays are not available in the Committee of the Whole.

Mr. BARTON of Texas. Further parliamentary inquiry, so I will have to ask for that when we come back into the Whole House?

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the request for a recorded vote on the amendment offered by the gentleman from Mississippi was postponed.

AMENDMENT NO. 2 OFFERED BY MR. BARTON OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111–327.

Mr. BARTON of Texas. Mr. Chair, I have an amendment at the podium.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BARTON of Texas:

Page 43, strike lines 7 through 16, and insert the following:

"SEC. 2109. FEDERAL PREEMPTION.

''No State or political subdivision thereof may adopt or attempt to enforce any regulation, requirement, or standard of performance with respect to a covered chemical facility if such regulation, requirement, or standard of performance poses obstacles to, hinders, or frustrates the purpose of any requirement or standard of performance under this title.

Page 121, strike lines 6 through 11, and insert the following:

''(n) PREEMPTION.—No State or political subdivision thereof may adopt or attempt to enforce any regulation, requirement, or standard of performance with respect to a covered water system if such regulation, requirement, or standard of performance poses obstacles to, hinders, or frustrates the purpose of any requirement or standard of performance under this section.

Page 170, strike lines 17 through 22, and insert the following:

''(m) PREEMPTION.—No State or political subdivision thereof may adopt or attempt to enforce any regulation, requirement, or standard of performance with respect to a treatment works if such regulation, requirement, or standard of performance poses obstacles to, hinders, or frustrates the purpose of any requirement or standard of performance under this section.

The Acting CHAIR. Pursuant to House Resolution 885, the gentleman

from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Thank you, Mr. Chair.

The merged bill that's before us gives States the right, if they want to do things that are more strict or different than in the pending bill, they have the right to do that. The Federal Government, which normally in a bill of this sort there would be a Federal preemption standard that would preempt States from doing things differently than the Federal standard, this bill sets a floor but does not set a ceiling on what the States can do.

So the amendment that we have before us, Mr. Chair, does create the traditional Federal preemption in these areas. There are three sections in today's bill that allow State, local, or tribal governments to enact more stringent laws and regulations from chemical, drinking water and wastewater treatment facilities. This is not only a new standard for chemical security legislation. It is a new standard, and I think a troubling standard, for comprehensive security legislation.

Where did this come from? Like many other provisions in this legislation, the standard is borrowed directly from Federal environmental law, the Clean Air Act, the Solid Waste Disposal Act and the Superfund law, to name a few.

This so-called new stringency standard appears only once in the Homeland Security Act of 2002. In there, it relates to information protection, not to security operations. Allowing State, local, or tribal governments to be more stringent in the context of national security, in my opinion, is problematic because it means that there will be no certainty associated with the Federal standard.

Why have a Federal standard, Mr. Chair, if any State, local, or tribal government can supersede it? Proving my point, other national security laws, including nuclear, hazmat, aviation and port security make the Federal Government the dominant regulator with clear Federal preemption standards.

In the 111th Congress, the Democrat majority specifically included Federal preemption provisions in both the TSA Authorization Act and the Coast Guard Authorization Act of 2010. These were both security-related legislative vehicles. Mr. Chair, we should not import environmental provisions into security law. Local pollution control is obviously much different than terrorism protection and prevention.

Unlike local pollution problems, security at chemical and water facilities does require national coordination. The principle is simple: national problems should have national solutions. This is why Federal preemption has always been the norm in aviation security, nuclear security, hazardous materials transportation security, and port security.

My amendment is very simple. It would replace the State's stringency standard with provisions allowing the Federal Government to preempt State and local law that ''hinder, pose obstacles to, or frustrate the purpose of the Federal program.'' This would allow the Federal Government to operate a truly national network to fight terror in the same way the Armed Forces are coordinated through a central command.

Mr. Chair, I have several other written comments that I will submit for the RECORD, but my amendment is straightforward. It sets a Federal preemption standard as opposed to the State-by-State or local stringency standard under the current bill.

With that, I reserve the balance of my time.

Mr. MARKEY of Massachusetts. I rise to claim the 5 minutes in opposition to the Barton amendment.

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

Mr. MARKEY of Massachusetts. Mr. Chair, at this time I yield 2 minutes to the gentleman from New Jersey.

Mr. PASCRELL. Thank you. The section which Mr. BARTON is referring to is on page 42 of the bill and extends over to page 43.

Mr. Chair, I rise strongly against Ranking Member BARTON's amendment to the Chemical Facility Anti-Terrorism Act of 2009. It would strip State preemption language out of this bill. Simply put, that's what it would do. As a member of the Homeland Security Committee, I worked hard to secure language in this bill that protects the rights of States to mandate higher chemical security standards than the Federal Government.

It is bizarre that you want to take that right away from the States. It is bizarre. Most of the time, you are always fighting that we ignore States' rights. Here is a perfect example. In fact, it is very clear in the Constitution of the United States of America, article VI, paragraph 2:

''This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.''

This is a very clear violation of that. I have to say that I am surprised that the Ranking Member, who hails from the proud State of Texas, would now want to infringe on the right of the States to take extra steps. You know what's happened in New Jersey. We have been the pioneers of being first on this issue. We have stringent rules. No part of the chemical industry has opposed those rules. There is not one chemical facility that is opposed to what has gone on in the State of New Jersey. What right does the Federal Government have to come in and say that you should lower your standards and increase the risks of the citizens?

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

Mr. MARKEY of Massachusetts. I yield 30 additional seconds to the gentleman from New Jersey.

Mr. PASCRELL. The New Jersey Turnpike, the FBI has ruled very specifically that it is the most dangerous section in the whole country. We can't protect ourselves? The volatile chemicals that are on that site would put a million people in jeopardy, God forbid, if something happens. We need to raise Federal standards, not force States to lower theirs. We can all agree. And I just got a letter from the National Governors Association in total support of this legislation, opposed to this amendment; and they write in the letter that the bill rifely clarifies that chemical facility antiterrorism standards represent a floor, not a ceiling.

Mr. BARTON of Texas. Could I inquire as to the time I have remaining.

The Acting CHAIR. The gentleman from Texas has 2 minutes.

Mr. BARTON of Texas. I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT), a distinguished minority member of the Homeland Security Committee.

Mr. DENT. Mr. Chair, I just wanted to clarify one point. I understand the sensitivities in the State of New Jersey. It is a great State. But I do want to say that New Jersey IST assessments are required. Implementation of IST is not required. The huge cost with this legislation is in the implementation of IST. The legislation we're considering here today goes far beyond New Jersey standards and would actually require an IST implementation as well as the assessment, which will add an enormous cost and put a number of jobs at risk. I just wanted to point that out for the record.

Mr. MARKEY of Massachusetts. I yield myself 2 minutes.

This is a very simple principle that the gentleman from New Jersey has been making reference to. Al Qaeda was in Newark, New Jersey, on September 11. Al Qaeda was in Boston on September 11. Al Qaeda attacked New York City on September 11. If the Governor of New York, if the Governor of Massachusetts, if the Governor of New Jersey wishes to promulgate stronger regulations to protect the chemical facilities in their States, that should be their right.

□ 1400

They should be making the public safety determination.

These people who rushed into the World Trade Center, these first responders, they're firemen, they're policemen from the local community. They're health care workers from the local community. They're heroes. But while waiting for the Federal Government to come, it is the local public safety people who have to respond. If they want to put stronger protections

around these facilities, knowing that al Qaeda was there on September 11th already, that that is where the attack emanated from, they should have their right. That is why the National Governors Association opposes this amendment. They should have, as the highest public safety official in their States, the right to determine how much protection they give to their citizens, how much extra measure of safety they give for their policemen, for their firemen, for their public health officials who will have to rush in in the aftermath of a successful attack.

I urge a ''no'' vote on the Barton amendment.

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

Mr. BARTON of Texas. Mr. Chairman, I yield myself the balance of my time.

My friends, let's be clear. I oppose the underlying bill. I'm going to vote ''no'' on the underlying bill. But if we're going to have a Federal bill, we ought to have a Federal bill. It should preempt the States.

My friends on the other side are trying to have it both ways. You want a Federal bill that does lots of things that I don't support, but then you want to let the States that want to to go beyond the Federal bill. If that's the case, you don't need a Federal bill. I'd be happy to let each State decide what they wanted to do.

I would point out to my good friend from New Jersey, who was such an excellent baseball player in our congressional baseball game, that what has to be implemented in this bill is stronger than what currently exists in New Jersey. But if we don't accept the Barton amendment, New Jersey could go beyond what's in this bill. And, again, if you're going to have a Federal system for security, it should be a Federal system.

So I very respectfully ask my friends on the majority to accept the Barton amendment, and if we are going to have a Federal standard within a Federal bill, let's have a Federal standard in a Federal bill.

I ask for a ''yes'' vote on the Barton amendment.

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

Mr. MARKEY of Massachusetts. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, this amendment is written so imprecisely that it could preempt the rights of States and localities to pass or enforce any State regulation or standard that applies to a chemical facility, such as worker safety laws or even zoning laws. Try that on for size. One could even read the language as prohibiting States from passing stronger drinking water standards.

This is an unacceptable infringement on the right of States. I urge my colleagues to vote ''no'' on this amendment. Please vote ''no'' on this amendment.

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

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

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111–327.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Florida:

Page 65, after line 2, insert the following:

''(d) OUTREACH SUPPORT.—

''(1) POINT OF CONTACT.—The Secretary shall designate a point of contact for the Administrator of the Environmental Protection Agency, and the head of any other agency designated by the Secretary, with respect to the requirements of this title.

''(2) OUTREACH.—The Secretary shall, as appropriate, and in accordance with this title, inform State emergency response commissions appointed pursuant to section 301(a) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) and local emergency planning committees appointed pursuant to section 301(c) of such Act, and any other entity designated by the Secretary, of the findings of the Office of Chemical Facility Security so that such commissions and committees may update emergency planning and training procedures.

The Acting CHAIR. Pursuant to House Resolution 885, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I will be brief. I once again thank Chairman BENNIE THOMPSON for offering this vital legislation, and I thank him for supporting this amendment.

As Vice Chair of the House Permanent Select Committee on Intelligence, I commend the recognition of the potential risks associated with our chemical manufacturing and water treatment infrastructure. Securing these industries is vital not only to America's economic viability, it is essential to the human security of surrounding communities.

My amendment will strengthen the Office of Chemical Facility Security created by designating a specific point of contact for interagency coordination with the Environmental Protection Agency and other agencies. This amendment also requires the Secretary to proactively inform State Emergency Response Commissions and Local Emergency Planning Committees about activities related to the implementation of the act so that they may update their emergency planning and training procedures.

I know that Chairman THOMPSON would agree with the fact that many facilities that will be designated with significant risk through the implementation of this legislation lie in communities of significant economic need and vulnerability to chemical and contaminant exposure. For this reason, many of such areas are characterized as environmental justice communities. It is necessary that these communities be better empowered to strategically plan for potential chemical releases and security risks.

The fact is incidents like the 1984 methyl isocyanate released from a chemical facility in Bhopal, India continue to happen throughout the United States on a smaller scale. Until we enforce chemical release regulations and take aggressive steps to protect vulnerable environmental justice communities, they will be at even greater risk for acts of terror.

Also, the amendment designates a specific point of contact for interagency coordination to ensure greater transparency when it comes to our oversight responsibilities as Members of Congress. This adjustment will ensure that all agencies invoked by this legislation will cooperate as closely as possible.

I appreciate the opportunity to offer this amendment, and I urge my colleagues to support the amendment and the underlying legislation.

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

Mr. DENT. Mr. Chairman, I seek to claim time in opposition to the amendment, though I am not necessarily opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. DENT. This amendment requires the Secretary of Homeland Security to establish a point of contact with the Administrator of the EPA. The amendment also requires the Secretary to notify State and local emergency planning committees of findings that may be necessary to update their emergency plans. This amendment certainly encourages the sharing of information with the appropriate people at the State and local level, those responsible for developing emergency planning and training procedures. And while the bill envisions this type of information sharing, the amendment certainly makes it explicit. Additionally, this bill requires a single point of contact for the EPA Administrator.

Knowing how bad bureaucracy can be, we certainly understand the need of legislating communication between two agencies and ensuring that State and local first responders are included in these information-sharing regimes.

And I should point out that my good friend Mr. PASCRELL from New Jersey has a smile on his face still from the

New York Yankees' victory over my Philadelphia Phillies. I had to get that off my chest after the ribbing you gave me yesterday, along with our good friend Mr. KING. And, again, congratulations. It still hurts. I'm a Phillies fan.

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

Mr. HASTINGS of Florida. Mr. Chairman, I yield the balance of my time to the distinguished subcommittee Chair, Mr. PASCRELL.

Mr. PASCRELL. Mr. Chair, this amendment I support gives effective coordination, which we certainly had been lacking, between the Department of Homeland Security and Environmental Protection Agency in carrying out the requirements of the bill. In committee, we worked to require the Department of Homeland Security, Mr. Chairman, to alert State Homeland advisers on any chemical security emergencies. This is a big relief, as my friend from Pennsylvania said. And I want to reiterate and support his words that this will be a great big help to first responders all across this United States of America.

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

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. DENT

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111–327.

Mr. DENT. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. DENT:

Page 2, beginning on line 1, strike title I and insert the following (and conform the table of contents accordingly):

TITLE I—CHEMICAL FACILITY SECURITY

SEC. 101. SHORT TITLE.

This Act may be cited as the ''Chemical Facility Security Authorization Act of 2009''.

SEC. 102. EXTENSION OF AUTHORITY OF SECRETARY OF HOMELAND SECURITY TO REGULATE THE SECURITY OF CHEMICAL FACILITIES.

Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) is amended by striking ''three years after the date of enactment of this Act'' and inserting ''on October 1, 2012''.

The Acting CHAIR. Pursuant to House Resolution 885, the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I am offering this amendment on behalf of myself and Mr. OLSON.

This amendment would simply strike title I and extend the Department's current regulatory authority until October 2012. Simply, it extends the current CFATS regulations until 2012.

This amendment addresses the largest problem of the underlying bill, that the bill is a so-called solution in search of a problem.

The majority will argue that chemical facilities need to be secure. We agree. That's why we acted swiftly 3 years ago to give the Department of Homeland Security the regulatory authority it needed to secure them. In the 3 years since, the Department has taken steps to implement that authority, but it is far from complete.

As of last week, the Department of Homeland Security had not reviewed two-thirds of the over 6,000 security vulnerability assessments it required regulated facilities to submit based on regulations it issued in June of 2007. The addition of drinking water and wastewater facilities by titles II and III of this bill will double the 6,000 security vulnerability assessments already required by the Department. We are asking too much of the Department too soon.

The bill proposes to nearly double the Department's workload. The Department should be allowed to fully implement its existing regulatory authority. By all accounts, including those of the Democratic majority, the Department is doing an excellent job implementing its current regulatory framework.

In the committee hearing on the subject this past June, Chairman THOMPSON stated, ''As a close observer, I give credit to the Department for the good job it has done so far in promulgating and enforcing the CFATS regulations.'' We agree with him.

Why are we here today looking to make significant and costly changes to the manner in which the Department is regulating chemical facilities if, as the chairman himself has said, the Department is doing a ''good job''?

Despite the fact that the Department has yet to conduct a single onsite inspection, not a single one, the majority seeks to halt the progress the Department has made and start over with new costly and burdensome requirements.

This amendment maintains the current authorizing language, requiring security vulnerability assessments, site security plans, and enforcement. But it does not include costly IST assessments or mandatory implementation that will cost Americans their jobs. It does not include civil suit provisions that would allow any person, whether in Peoria or Pakistan, the authority to sue the Secretary and the Department of Homeland Security. It does not include weakened information protection language that makes prosecution for unauthorized disclosures nearly impossible.

This amendment would maintain the drinking and wastewater security titles of the bill. When will the Democratic leadership recognize that moving precipitously in unchartered territory through legislation is ill-advised and a rush to judgment? A Democrat-imposed 100 percent maritime cargo-scanning mandate legislated before the results of a pilot program were published has led the Secretary of Homeland Security to state on the record that it was an unachievable goal. A Democrat-imposed 100 percent aviation cargo-scanning mandate legislated before any feasibility studies were completed has led the Acting Administrator of the TSA to state on the record that it cannot be done. Requiring costly IST assessments and mandatory implementation and then studying its effect on the agricultural sector and small business is equally ill-advised.

If it isn't broken, don't fix it. And as Chairman THOMPSON said, the Department of Homeland Security is doing a ''good job.'' Let them finish their work, learn from the process, and consider this legislation.

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

□ 1415

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to claim the time in opposition.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all, let me thank Chairman THOMPSON for years of commitment to this process, listening to our friends from the other side of the aisle. Frankly, I remember sitting in Cannon room 311 when we were in the minority and the cooperation we worked through when we were dealing with our farmers. Each step of the way, we made efforts to be responsive to the security of the Nation and the elements to which my good friends speak of.

Let me also mention our other collaborators, Energy and Commerce, Chairman MARKEY, and my subcommittee of Transportation and Infrastructure which had any number of hearings to answer the question: Why? So I stand here today in the backdrop of recognizing the importance of securing the Nation. And I am proud to have co-authored H.R. 2868 and to pass it through the subcommittee I chair, before full committee.

Might I just indicate for a moment that I come from Texas, and I would be remiss not to acknowledge the devastation of yesterday. Of course, we have heard of another tragedy today in Florida. But my sympathy to the families of the 13 dead and 31 wounded. Never again. That is why we stand here today as Homeland Security members.

The gentleman's amendment would extend the current chemical security program for another 3 years without any of the security enhancements we included in H.R. 2868.

Section 550 of the fiscal year 2007 appropriations, a provision that the gentleman from Pennsylvania is seeking to extend, was just a page-and-a-half long and had many deficiencies. He is eliminating the inherently secure technology for chemical facilities, the very facilities that are in the eye of the storm. He apparently does not believe

it is important to protect workers, to improve the program so that the deficiencies in the current chemical facilities security program by including provisions that strengthen enforcement to provide workers subject to background checks with access to adequate redress and strengthen whistleblower protections.

Our challenge is to be fair. This legislation is fair. We must pass H.R. 2868.

Mr. Chair, I rise to claim time in opposition to the amendment offered by the gentleman from Pennsylvania.

Mr. Chair, I oppose this amendment.

The gentleman's amendment would extend the current chemical security program for another 3 years without any of the security enhancements we included in H.R. 2868. I urge my colleagues to oppose it.

The Department of Homeland Security set up the Chemical Facility Anti-Terrorism Standards in 2007 when DHS was granted narrow authority in an appropriations bill to regulate security at most chemical plants.

Section 550 of the Fiscal Year 2007 Appropriations Act—the provision that the gentleman from Pennsylvania is seeking to extend—was just 14 lines long and had many deficiencies.

It is no substitute for the comprehensive authorization legislation that moved through regular order in the relevant committees this year. H.R. 2868 is the product of years of work by multiple committees and extensive input from the chemical industry, water sector, Department of Homeland Security, and Environmental Protection Agency, as well as environmental and labor organizations.

We have the responsibility to the public, the private sector, and the Department to provide comprehensive, clear congressional guidance about how this program should be executed.

The gentleman's amendment ignores our responsibility to respond to what we have learned and to make improvements to the program that the Bush and Obama administrations requested. It just kicks the can down the road another three years.

H.R. 2868 addresses acknowledged deficiencies in the current chemical facility security program by including provisions that strengthen enforcement, provide workers subject to background checks with access to adequate redress, and strengthen whistleblower protections.

It also requires the assessment, and, in some cases, implementation of safer technologies.

If we merely extend the current program, we will sacrifice all of these improvements and ignore the countless hours of discussion and testimony that highlighted the need to strengthen this program in several key areas.

The American Chemistry Council, which represents the largest chemical companies, said in a letter to the Energy and Commerce Committee that, and I quote, "H.R. 2868 is the appropriate vehicle for ensuring a permanent CFATS program." CropLife America and the National Council of Farmer Cooperatives share this view.

It is time for us to pass comprehensive legislation to address chemical facility security in this country.

I reserve my time at this time, as this debate proceeds.

Mr. DENT. Mr. Chairman, I would like to yield 1½ minutes to the distinguished cosponsor of this amendment, the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank the gentleman for yielding, and I thank him for sponsoring this amendment with me and for his leadership on this issue.

Two years ago, the Department of Homeland Security began developing the chemical facility anti-terrorism standards, and since that time DHS has implemented an objective, risk-based approach to regulating chemical facilities. This includes a risk-based tiering system for chemical plants and requires them to implement specific security measures in accordance with their level of risk.

While much progress has been made, much remains to be done. Instead of allowing the work to be completed properly, the majority wishes to rush to solutions and mandate that DHS scrap the current program and start over. Such a move would take 2 years of hard work and throw it out the window.

Our amendment is simple: Extend the current risk-based regulations through 2012 and let the professionals do their job. Nothing more, nothing less.

I urge Members to support the Dent-Olson amendment.

Ms. JACKSON-LEE of Texas. I reserve the balance of my time.

Mr. DENT. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I want to say, as a member of the Energy and Commerce Committee, when we had hearings on this issue, we learned from the Homeland Security folks that there were no inspections. They had not conducted one single inspection during the time they had this authority before them.

We know that chemical companies across the country have invested more than $18 billion to try to make sure that their places are secure. We heard the terrible news this morning about unemployment going up to 10.2 percent. We have lost one in five manufacturing jobs in the last year and a half. There is almost 12 percent unemployment in manufacturing. How is this going to help us keep more job? They are going to leave. Those companies are going to look at the added expenses that they are going to have, and they are going to move like you know to other countries and other places and those jobs are going to be lost.

So I would like to think that we will learn our lesson. We can have the inspections and go through what is right and what is wrong. I would urge my colleagues to accept this amendment offered by Mr. DENT so we can bring some reasonableness to the issue.

Mr. DENT. Mr. Chairman, in closing, I just want to say once again, I think extending these CFATS regulations until 2012 is a reasonable approach. The Department of Homeland Security is doing a good job with these regulations. We need to give them more time to implement the existing regulations that will require security assessments.

As we said, 2,000 of the 6,000 required have been completed. So let's give them some time. The Department of Homeland Security has not spoken in support of this legislation in its entirety. Again, this bill is a solution in search of a problem. Please accept the Dent-Olson amendment that is a reasonable approach, accepting the regulations that we just approved as part of the Homeland Security appropriations bill. So let's do that. It is the right way to go.

I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise again to oppose this amendment.

Mr. Chairman, we have worked for 4 years on this legislation. Can you imagine 2009 to 2012, 7 years to put the American people in jeopardy. The Department of Homeland Security is for this legislation, and the approach that our friends are using is no substitute for the comprehensive authorization legislation that moved through regular order in the relevant committees this year.

H.R. 2868 is a product of years of work by multiple committees and extensive input from the chemical industry. Let me cite for you the letter from the American Chemistry Council which represents the largest chemical companies. They said, in a letter to Energy and Commerce, ''H.R. 2868 is the appropriate vehicle for ensuring a permanent CFATS program.'' CropLife America and the National Council of Farmer Cooperatives share the same view.

So what are my colleagues suggesting? They want us to shortchange the American people. I stood here with all of the solemnness that I could, when the House recognized those lost at Fort Hood. Others at Fort Hood were wounded in my home State. We mourn them, we honor them, but we have the responsibility to stand on their side.

Just as we have to get to the bottom of the tragedy at Fort Hood, Texas, we have to get to the bottom of realizing that it is on our table to ensure that whistleblowers are protected, as provided for in H.R. 2868 to make sure that inherently safer technologies are used in chemical facilities, and, yes, that jobs are not lost. But jobs will not be lost when you improve technology. You will become more efficient, and you will protect not only the water and wastewater systems in our communities but you will have workers working in safe, productive chemical facilities that will be part of the economic engine.

Jobs are important. But so is the security of this Nation. That is what this particular committee has done over a 4-year period. We have worked in consultation with those in business as well as those in law enforcement. I don't know how we can stand here and oppose the Department of Homeland Security's Department that supports us moving forward on this legislation, the Chemical Facility Anti-Terrorism Act 2009.

I ask my colleagues, consider the fact of what their responsibility is. Their

responsibility again is to stand with those who we have to secure. I think that the Dent-Olson amendment, my good friends on the committee have good intentions, but those intentions are quashed by the responsibility that we have and the long work that we have done to ensure inherently safer technologies for chemical facilities.

I ask my colleagues to oppose the amendment, again, in response to securing America.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. DENT

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111–327.

Mr. DENT. Mr. Chairman, I rise for the purpose of offering an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. DENT:

Page 25, line 12, strike '', including the requirements under section 2111''.

Page 46, line 18, strike '', including any assessment required under section 2111''.

Page 48, beginning on line 18, strike the proposed section 2111 and redesignate the proposed sections 2112 through 2120 as sections 2111 through 2119, respectively.

Pg 87, line 4, strike '', of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1)''.

Pg 87, line 10, strike '', of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1)''.

Pg 87, line 16, strike '', of which up to $3,000,000 shall be made available for grants authorized under section 2111(c)(1)''.

Page 88, in the proposed amendment to the table of contents of the Homeland Security Act of 2002, strike the item relating to section 2111 and redesignate the items relating to sections 2112 through 2120 as items relating to sections 2111 through 2119, respectively.

The Acting CHAIR. Pursuant to House Resolution 885, the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I want to point out, too, for the record, the American Chemistry Council, just referenced a moment ago by the gentlewoman from Texas (Ms. JACKSON-LEE), in a letter dated October 20, the ACC basically said that the IST provisions which authorize DHS to order the mandatory implementation of IST have proven the most difficult issue on which to find common ground and the primary reason ACC is unable to endorse this bill. They do not support the bill. To be very clear about that, they do not support this legislation.

Now, with respect to the Dent-Austria amendment that we are talking about now, this amendment would strike the IST provisions in the bill. IST is inherently subjective and without a widely accepted definition. When the Department of Homeland Security's subject matter expert on IST was specifically asked what IST was, she responded, ''There's enough debate in industry and academia that I can't take a position on that very topic.'' The Deputy Under Secretary responsible for overseeing the program stated unequivocally that the Department had no staff—no staff—capable of conducting an IST assessment.

Under direct questioning, Deputy Under Secretary Reitinger made it very clear that neither the fiscal year 2009 nor the fiscal year 2010 budget included any funding to hire the necessary expertise to review IST assessments and recommend alternative methods for complex engineering processes.

Again, under direct questioning, most of the witnesses considered IST unnecessary, with the Department's witness adding that the facilities can and are already doing IST.

Clearly, no one at DHS is in a position to dictate to a wide range of facilities what engineering process or chemicals should be used to make plastics, prescription drugs, or computer chips. Despite its fancy labeling, and its inclusion in a security bill, IST is not about security and may simply shift the security risk.

A decision to keep fewer chemicals on site will likely require more frequent shipments of chemicals. This increases the risk of an attack on the transportation of the chemicals or an accident releasing the substances of concern into neighborhoods outside the security perimeters.

It would be foolish to mandate IST in this bill when there is so much uncertainty and lack of expertise in the Department.

Finally, and most importantly, IST will cost American jobs. Let me say that again: IST will cost American jobs. With the national unemployment rate at 10.2 percent, and rising, can we really afford unnecessary congressional mandates that provide little security?

Conducting an IST assessment will be costly, too costly for many small businesses to afford. Experts estimate that a simple one-ingredient substitution would take two persons 2 weeks to complete and cost between $10,000 and $40,000, and that is on the low end. A pharmaceutical pilot plant with about 12 products would take three to six persons up to 10 weeks to complete an assessment at a cost of $100,000 to a half million dollars.

Larger facilities with particularly hazardous chemicals already regulated by OSHA would require 8 to 10 people 6 months or more to complete, and cost over $1 million for the assessment. Fifty-nine percent of the facilities regulated under current CFATS regulations that would be required to conduct these costs assessments employ 50 or fewer employees.

Mandating IST will be devastating for small businesses. According to a California fertilizer manufacturer, eliminating the use of anhydrous ammonia and substituting it with urea can cost a 1,000 acre farm up to $15,000 per application. This would be a recurring cost passed to the consumer.

□ 1430

As we heard earlier, in the current state of our economy, small businesses relying on chemicals simply may not survive. Today, the Department of Labor announced that unemployment has reached 10.2 percent. Does anybody in this Chamber expect that unemployment figure to go down any time soon? We hope it does, but this is not going to help.

''If I were to build a 20-foot high, 20-foot thick concrete barricade that surrounded my facility on all sides, utilized the most state-of-the-art intrusion detection systems and was better protected than the White House, this legislation would still require me to conduct an IST assessment and potentially implement the findings of that assessment.''

Let me close by quoting subcommittee chairman and chief sponsor, Mr. MARKEY, who stated at the Energy and Commerce Committee on the markup on October 21 of the proposed legislation, ''The safer technology requirement is not about bolstering security.'' If it's not about security, why is IST in the bill? Why are we asking the smallest of small businesses to pay for it?

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

Mr. MARKEY of Massachusetts. Mr. Chairman, I rise to claim the time in opposition.

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

Mr. MARKEY of Massachusetts. I yield 30 seconds to the gentlelady from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman for his ongoing leadership.

Let me just cite the language out of the letter that my dear friend just read: ''The Chemical Facility Anti-Terrorism Act of 2009, H.R. 2868, is the appropriate vehicle for ensuring a permanent CFATS program.'' We've answered that question.

And, secondarily, it's not a notion because Clorox announced its plans to begin transitioning U.S. operations to high-strength bleach and to be able to use inherently safer technologies.

What we are speaking about today, this is a way of creating jobs, in a secure environment but also it is a way of securing America.

Mr. Chair, I rise to claim time in opposition to the amendment offered by the gentleman from Pennsylvania.

Mr. Chair, I oppose this amendment.

The gentleman's amendment would extend the current chemical security program for another 3 years without any of the security enhancements we included in H.R. 2868. I urge my colleagues to oppose it.

The Department of Homeland Security set up the Chemical Facility AntiTerrorism Standards in 2007 when DHS was granted narrow authority in an appropriations bill to regulate security at most chemical plants.

Section 550 of the Fiscal Year 2007 Appropriations Act—the provision that the gentleman from Pennsylvania is seeking to extend—was just a page and a half long and had many deficiencies.

It is no substitute for the comprehensive authorization legislation that moved through regular order in the relevant committees this year. H.R. 2868 is the product of years of work by multiple committees and extensive input from the chemical industry, water sector, Department of Homeland Security, and Environmental Protection Agency, as well as environmental and labor organizations.

We have the responsibility to the public, the private sector, and the Department to provide comprehensive, clear congressional guidance about how this program should be executed.

The gentleman's amendment ignores our responsibility to respond to what we have learned and to make improvements to the program that the Bush and Obama administrations requested. It just kicks the can down the road another three years.

H.R. 2868 addresses acknowledged deficiencies in the current chemical facility security program by including provisions that strengthen enforcement, provide workers subject to background checks with access to adequate redress, and strengthen whistleblower protections.

It also requires the assessment, and, in some cases, implementation of safer technologies.

If we merely extend the current program, we will sacrifice all of these improvements and ignore the countless hours of discussion and testimony that highlighted the need to strengthen this program in several key areas.

The American Chemistry Council, which represents the largest chemical companies, said in a letter to the Energy and Commerce Committee that, and I quote, ''H.R. 2868 is the appropriate vehicle for ensuring a permanent CFATS program.'' CropLife America and the National Council of Farmer Cooperatives share this view.

It is time for us to pass comprehensive legislation to address chemical facility security in this country.

CLOROX ANNOUNCES PLANS TO BEGIN TRANSITIONING U.S. OPERATIONS TO HIGH-STRENGTH BLEACH

OAKLAND, Calif., Nov. 2, 2009.—The Clorox Company (NYSE: CLX) today announced that it plans to begin modifying manufacturing processes in its U.S. bleach operations. The initiative calls for Clorox to begin transitioning from chlorine to high-strength bleach as a raw material for making its namesake bleach.

''This decision was driven by our commitment to strengthen our operations and add another layer of security,'' said Chairman and CEO Don Knauss.

Clorox will start with its Fairfield, Calif., plant. The company expects to complete the transition there within six months, followed by a phased, multiyear transition for six additional plants.

''This process requires significant expertise, training, and changes in infrastructure and equipment,'' Knauss said. ''Our plant-by-plant approach will also enable us to apply what we learn along the way, ensure supply availability, minimize business disruptions and help make sure the transition is undertaken in the most effective manner possible.''

''Clorox leads our industry in safety and security,'' Knauss said. ''Our bleach plant employees are experts at handling chlorine, and we're proud of the fact that we've used it responsibly for our entire 96-year history. Even so, we're pleased to begin implementing this process change to make our products using high-strength bleach.''

THE CLOROX COMPANY

The Clorox Company is a leading manufacturer and marketer of consumer products with fiscal year 2009 revenues of $5.5 billion. Clorox markets some of consumers' most trusted and recognized brand names, including its namesake bleach and cleaning products, Green Works® natural cleaners, Armor All® and SIP® auto-care products, Fresh Step® and Scoop Away® cat litter, Kingsford® charcoal, Hidden Valley®, and K C Masterpiece® dressings and sauces, Brita®, water-filtration systems, Glad® bags, wraps and containers, and Burt's Bees'® natural personal care products. With approximately 8,300 employees worldwide, the company manufactures products in more than two dozen countries and markets them in more than 100 countries. Clorox is committed to making a positive difference in the communities where its employees work and live. Founded in 1980, The Clorox Company Foundation has awarded cash grants totaling more than $77 million to nonprofit organizations, schools and colleges. In fiscal 2009 alone, the foundation awarded $3.6 million in cash grants, and Clorox made product donations valued at $7.8 million. For more information about Clorox, visit www.TheCloroxCompany.com.

AMERICAN CHEMISTRY COUNCIL,
Arlington, VA, October 20, 2009.

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

DEAR CHAIRMAN WAXMAN: The American Chemistry Council (ACC) strongly supports DHS' existing Chemical Facility Anti-Terrorism Standards (CFATS). The program should be made permanent and DHS should be given adequate resources to fully implement and enforce the regulations. The Chemical Facility Anti-Terrorism Act of 2009, H.R. 2868, is the appropriate vehicle for a permanent CFATS program. As the full Energy and Commerce Committee prepares to mark up H.R. 2868, I want to provide you with ACC's views on the bill.

First, I want to commend you, Subcommittee Chairman MARKEY and your staffs for the willingness to invite and consider our views. While ACC is unable to endorse H.R. 2868 due primarily to concerns over the potential impact of the authority granted to DHS to mandate the implementation of inherently safer technology (IST), the manager's amendment reflects several months of serious, constructive dialog that has, I believe, resulted in important improvements to H.R. 2868. For example:

Employee participation and training provisions were modified to make them more consistent with existing company programs, to ensure that employee representatives possess the necessary knowledge or experience to work on Security Vulnerability Assessments or Site Security Plans, and to help provide proper protections for security sensitive information.

Unannounced inspections would be performed using a more meaningful measure, and in a manner that would not significantly interfere with regular operations.

Significant provisions concerning MTSA facilities were added, ensuring that the United States Coast Guard maintains, in its role as guardian of our ports, the lead regulator role, and limiting any possible duplication of the efforts that would result from the harmonization of MTSA and CFATS requirements.

The civil lawsuit provision was appropriately modified so that chemical companies would not be subject to civil actions brought by private citizens. The modification helps prevent the disclosure of sensitive security information and leaves enforcement authority in the hands of DHS and its security professionals. ACC can, therefore, support this modified provision.

The IST provisions, which authorize DHS to order the mandatory implementation of IST, have proven the most difficult issue on which to find common ground, and are the primary reason ACC is unable to endorse the bill. ACC members are concerned that providing government with authority to direct process changes or product substitutions could result in making critical products unavailable throughout our economy, with potentially significant impact on our companies and our customers. We acknowledge, however, that certain modifications made in the manager's amendment reflect input from ACC and its members and direct DHS to focus on risk. Further, the creation of an IST technical appeal process which factors unique facility characteristics into the DHS decision making process recognizes that IST implementation is a complicated and complex issue faced by our companies.

After 9/11, ACC and many others in the chemical industry stepped up and implemented serious, stringent security programs at their facilities before there was any government direction. To date, ACC members have invested nearly $8 billion in security enhancements under our own Responsible Care Security Code®. We remain committed to working with this committee, the Congress, and the Administration to move forward with a strong, smart regulatory program to protect our facilities, our employees, the communities in which we operate, and the products we supply throughout our economy.

Sincerely,

CAL DOOLEY,
President and CEO.

Mr. MARKEY of Massachusetts. I thank the gentlelady.

Can we get a review of where we are in time, Mr. Chairman.

The Acting CHAIR. The gentleman from Pennsylvania has 30 seconds remaining and the gentleman from Massachusetts has 4½ minutes remaining.

Mr. MARKEY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I must remind my friend from Pennsylvania, my good

friend, that you voted for this bill last session.

Mr. DENT. Would the gentleman yield?

Mr. PASCRELL. Yes, sure.

Mr. DENT. This is a very different bill than the one from last session. This bill has citizen suits in it and all kinds of—it's a very different bill.

Mr. PASCRELL. Reclaiming my time, that's your story. We come here with different stories, many rise quickly to the specter of terror and cause fear in people. But you're the last to act to protect the American people. You get some flak from an industry, and all of a sudden you back off. Clorox did this voluntarily; November 2 they made the announcement.

Because these simple assessments that you have tried to minimize not only help protect and save lives, but they have also proven to actually save the chemical companies money, which is just the opposite of what you tried to communicate to the American people and to this body for the last 25 minutes, just the opposite: greater efficiencies and safety measures that prevent catastrophic accidents.

And it only stands to reason if you're using highly volatile chemicals, it would seem that you would want to reduce your risk, and providing it is because most of the companies aren't going to be forced to do anything, if you read the legislation. Please read the legislation. I say that to all bills, not just health bills. I say that to security bills. Read it, you may like it. Please, get off the kick of using the industry's program. I think highly of you. Don't follow the script.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair must remind all Members to direct their remarks to the Chair.

Mr. DENT. At this time, I yield the balance of my time to the gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I thank the gentleman from Pennsylvania for offering this amendment, and I support this amendment.

Conducting an inherently safer technology, IST, assessment will be costly, too costly for many of our small businesses to afford. I submitted a commonsense amendment to the Rules Committee that would have exempted small businesses from this new costly and burdensome requirement. I might add that it would not exempt them from the current law, but from these new costly and burdensome requirements. Unfortunately for our Nation's small businesses, the majority decided not to allow a vote on that commonsense amendment on the floor.

Just to reiterate what the chairman said, over half of our facilities currently regulated under CFATS regulations that would now be regulated by these new costly assessments employing 50 or fewer employees. Mandating IST will be devastating for our small businesses.

The Acting CHAIR. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. MARKEY of Massachusetts. I will complete debate on this amendment. I yield myself the balance of the time.

Mr. Chairman, what we're doing here is not providing more security in the classic sense of the word. What we're really doing is saying, what happens if al Qaeda is successful in penetrating into the heart of a chemical facility? What will the consequences be for the workers on site? What will the consequences be for the population area in the vicinity of that chemical facility? That's what this debate is all about.

What we are trying to do is to minimize the impact after al Qaeda has in fact been successful in launching an attack on a chemical facility. But what we say in the language is that, while there has to be an evaluation of the level of security at each one of the facilities, the language in our bill makes it quite clear that if the inherently safer technology or process costs too much, it doesn't have to be implemented. If there is no feasible, safer technology or process, the facility doesn't have to implement one. If implementing the inherently safer technology or process would not reduce the risk at the facility or would shift it elsewhere, it doesn't have to be implemented.

And so what we say here is that, yes, we need to make it clear that we don't want al Qaeda to have a successful attack, and if it is successful, have catastrophic consequences, but at the same time, there has to be an evaluation as to whether or not it is economically feasible at each facility. That is the balance which we strike. But I don't think anyone here for a second would want to have unnecessarily dangerous chemicals in highly populated areas that, if al Qaeda could be successful, would cause an event which would once again cripple our economy as did the attack on September 11. That is the heart of terrorism, having a population which is frightened.

At Logan Airport, we lost 27 percent of our air traffic for 2 years after 9/11. The same thing happened in Newark. It happened at LaGuardia; it happened at JFK. It happened all around the country. It plummeted, and that was key to their success.

So this amendment is something that was language developed in close consultation with and considerable input from the American Chemistry Council. It is something which should be adopted, and the amendment which is under consideration should be rejected.

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

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

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

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

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 111–327.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 6.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FLAKE:

Page 31, after line 25, insert the following:

''(E) PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.—

''(i) PRESUMPTION.—It is the presumption of Congress that grants awarded under this paragraph will be awarded using competitive procedures based on merit.

''(ii) REPORT TO CONGRESS.—If grants are awarded under this paragraph using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.

''(F) PROHIBITION ON EARMARKS.—None of the funds appropriated to carry out this paragraph may be used for a congressional earmark as defined in clause 9d, of Rule XXI of the rules of the House of Representatives of the 111th Congress.''.

The Acting CHAIR. Pursuant to House Resolution 885, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I have offered different iterations of this noncontroversial amendment many times during this Congress and the last. This particular amendment was offered last June to the TSA Authorization Act when it was adopted by voice vote.

H.R. 2868 establishes a new Worker Training Grants program that seeks to provide grants to nonprofit organizations with demonstrated experience in implementing and operating successful worker or first responder health and safety training programs. This amendment would simply prohibit the Worker Training Grants program from being earmarked by Members for pet projects or favored entities back home. This amendment also establishes that it is the presumption of Congress that these grants would be awarded competitively based on merit.

I am often asked why I offer this. These are set up to be programs that are competitively awarded, but sometimes it's explicitly stated, sometimes it's not. In either case, sometimes when it is explicitly stated—and when it's not—these grant programs are sometimes just earmarked, all of them. All of the money in some of these accounts, if you take, for example, some of the programs in the Homeland Security bill, nearly 100 percent of the funds in one particular grant program were earmarked in the most recent Homeland Security spending bill.

So what we are seeking to do is make sure that people who want to apply for

these grants are able to, and that Members aren't able to simply earmark that money for people in their district or favored entities.

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

Mr. PASCRELL. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. PASCRELL. Mr. Chairman, I am pleased to support this amendment that seeks to ensure that worker training grants are distributed based on merit. This was a longstanding fight in Homeland Security to deal with risk rather than spreading out money across the landscape.

I have worked to make sure Homeland Security grants are given on the basis of merit, as I have with the successful Fire Act and the SAFER Act.

Under the chemical security regulations, facility operators are responsible for adhering to the risk-based, performance-based site security plans that they develop internally. A key feature of any site security plan under H.R. 2868 is the provision of annual security training to each worker in the facility.

The worker training grants are intended to help create an environment where there is a cadre of qualified organizations that are available to help facility operators fulfill this important requirement.

The underlying bill does a good job of setting forth what qualifies as an ''eligible entity,'' but with the helpful addition of the language authored by the gentleman from Arizona (Mr. FLAKE), there can be no ambiguity about what is expected, none whatsoever.

Grants are to be distributed based on merit and cannot be earmarked. That may have a spillover to other things, who knows. That makes sense security-wise and is a solid approach. I urge my fellow Members to support this amendment.

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

Mr. FLAKE. I thank the chairman. And would that all chairmen shared your view on earmarks and programs of this type. I am glad the chairman has agreed to accept this amendment, and I urge its adoption.

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

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

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

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. SCHRADER

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 111–327.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 Offered by Mr. SCHRADER:

Page 54, line 24, strike ''SECTORAL IMPACTS'' and insert ''AGRICULTURAL SECTOR''.

Page 55, beginning on line 12, strike ''IMPACTS OF COMPLIANCE'' and insert ''AGRICULTURAL IMPACTS''.

Page 55, beginning on line 19, strike ''by manufacturers, retailers, aerial commercial applicators, and distributors of pesticide and fertilizer'' and insert ''on the agricultural sector''.

Page 55, line 23, insert a comma after ''Representatives''.

Page 55, line 24, strike ''and'' before ''the Committee''.

Page 55 line 25, insert '', the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition and Forestry of the Senate'' after ''Senate''.

Page 56, line 4, insert ''agricultural'' after ''scope of''.

Page 57, beginning on line 15, strike ''other sectors engaged in commerce'' and insert ''agricultural end-users''.

Strike line 20 on page 57 and all that follows through page 58, line 2, and insert the following:

''(3) DEFINITIONS.—In this subsection:

''(A) FARM SUPPLIES MERCHANT WHOLESALER.—The term 'farm supplies merchant wholesaler' means a covered chemical facility that is primarily engaged in the merchant wholesale distribution of farm supplies, such as animal feeds, fertilizers, agricultural chemicals, pesticides, plant seeds, and plant bulbs.

''(B) AGRICULTURAL END-USERS.—The term 'agricultural end-users' means facilities such as—

''(i) farms, including crop, fruit, nut, and vegetable farms;

''(ii) ranches and rangeland;

''(iii) poultry, dairy, and equine facilities;

''(iv) turfgrass growers;

''(v) golf courses;

''(vi) nurseries;

''(vii) floricultural operations; and

''(viii) public and private parks.

The Acting CHAIR. Pursuant to House Resolution 885, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

□ 1445

Mr. SCHRADER. I yield myself as much time as I may consume.

Mr. Chairman, I want to thank my colleague Mr. KISSELL from North Carolina for working with me on this amendment to help address some of the concerns from the agricultural community with the underlying bill.

The Schrader-Kissell amendment is a perfecting amendment, and it builds on the efforts of Mr. ROSS of Arkansas, of Mr. SPACE of Ohio, and of the Energy and Commerce Committee in the consideration of H.R. 2868. I believe it is noncontroversial and that it has broad support from the agricultural community.

There are concerns within the ag community that H.R. 2868 has the potential to cause undue burdens, possibly resulting in the industry's dropping widely used and essential products listed as ''chemicals of interest'' due to increased regulatory costs and liability concerns.

This amendment would require the Department of Homeland Security to conduct an impact assessment that an inherently safer technology would have on agricultural facilities covered by these security regulations. Through this impact assessment, we hope to determine whether an IST mandate would result in fewer product options for farmers or ranchers, possibly leading to increased production costs as alternative, higher-priced crop input products that may not have the same agronomic benefits may only be available and could impact their crop yields. Additionally, the amendment would authorize grant funding for agricultural facilities to assist with any IST compliance requirements.

I think my colleagues will all agree we want to ensure the highest safety standards possible for facilities using these potentially dangerous chemicals. However, it is also essential we have all of the data at our disposal, so we will proceed in a thoughtful manner and will fully understand the impacts these new regulations may have on our family farms and ranchers.

I ask that my colleagues support this amendment and urge its adoption.

Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina.

Mr. KISSELL. I would like to thank the gentleman from Oregon for recognizing me.

Mr. Chair, I would just like to add to what Mr. SCHRADER has said. This bill is straight, simple—straightforward.

In the agricultural community, farm supply wholesalers and agriculture end users very much want to protect homeland security. They very much want to protect the safety of the facilities of whose products end up in our food supply. Also, they are concerned about what possible ramifications the bill may have.

This is just simply calling for a study to see what impacts may be had. It strengthens the language that is already in the bill. It strengthens that language so that we can see what the results may be in terms of ranchers and farmers and the agricultural community all together.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I seek time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I would support this amendment as it does give, after the fact, support for the position of agriculture in this debate over the imposition of ISTs, which I would remind my colleagues, from every single expert who testified before our committee, is a concept, not a completed process or product. Yet we are requiring that which is a concept, for which

there are no true methodologies, to be imposed by the Secretary.

This is better than nothing, I suppose, because what this amendment does is it requires a report to be submitted to Congress after the mandates on agriculture go into effect, so at least we'll know how bad it is.

I support this amendment because, as I say, it's better than nothing, but I would remind my colleagues that, in the letter of November 3, 2009, signed by representatives of the American Farm Bureau Federation, the Chemical Producers and Distributors Association, the National Agriculture Association, the National Association of Wheat Growers, the National Cotton Council, The Fertilizer Institute, and the USA Rice Federation, they oppose this bill precisely because of the mandate of inherently safer technologies on their industries.

It is not a question of the great men and women in agriculture being opposed to securing this Nation against a terrorist attack. It is the position of the great men and women in agriculture that this is an imposition of a technology or a process or a concept, whatever you want to call it, that those who came up with it testified before our committee does not fit neatly into a legislative mandate. Nonetheless, we here on this floor are saying we know better than those who came up with the concept those who actually will suffer from this concept being imposed on them.

I support this amendment. I only wish that this amendment were stronger because, unfortunately, it is going to mandate a report that will come too late, a report to tell us what the effects of the mandate of IST will be or will have been on agriculture.

So, Mr. Chairman, I hope we will support this amendment. I only wish we could have had a stronger amendment.

I yield back the balance of my time.

Mr. SCHRADER. Mr. Chairman, I just urge my colleagues to support the amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. MCCAUL

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 111–327.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. MCCAUL:

Page 76, beginning on line 11, strike the proposed section 2116 and redesignate the proposed sections 2117 through 2120 as sections 2116 through 2119, respectively.

Page 88, in the proposed amendment to the table of contents of the Homeland Security Act of 2002, strike the item relating to section 2116 and redesignate the items relating to sections 2117 through 2120 as items relating to sections 2116 through 2119, respectively.

The Acting CHAIR. Pursuant to House Resolution 885, the gentleman from Texas (Mr. MCCAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MCCAUL. I yield myself as much time as I may consume.

Mr. Chairman, this amendment would strike the provision authorizing the Secretary of Homeland Security to be subjected to civil suits by uninjured third parties. If complaints have been made against the Secretary for failing to enforce the law, the inspector general of DHS can already initiate an investigation. If that is insufficient, then Congress can act.

Allowing any third party—anybody—to sue the Secretary is both reckless and unnecessary. This provision would be a boon to trial lawyers and to environmentalists at the expense of the Department of Homeland Security and national security interests. Citizen suits have no place in a national security context, and this would be the very first time that Congress would be authorizing such suits in the homeland security arena.

Environmentalists file hundreds of citizen suits annually, and they consume substantial governmental resources and taxpayer funds. Some agencies expend almost their entire annual budgets simply responding to these lawsuits. For instance, in May of 2008, The Washington Post noted that the Fish and Wildlife Service had been caught in a legal vise that has forced it to spend most of its time responding to lawsuits and following judges' orders while its mission has slowed to a near halt. We cannot afford the same consequence with the Department of Homeland Security. In the meantime, the mission of the agency falls by the wayside.

This bill currently allows a citizen suit by any person. There is no requirement that the person be harmed or that the person be a local resident or even a United States citizen. The Congress has always treated national security as an inherently governmental matter and one in which sensitive security-related information has been rigorously protected. This marks the first time that citizen suits may result in the disclosure of very sensitive chemical facility vulnerability information.

The Department of Homeland Security also opposes the civil suit provisions. Deputy Under Secretary Philip Reitinger, who I had the pleasure to work with at the Department of Justice, testified that it is true that any civil suit provision at least raises a specter of some diversion of resources. As a former longtime litigator in the DOJ, he also testified that, inevitably, there is some risk of disclosure of information, and this information is very sensitive. That means sensitive security information could easily get into the wrong hands. I think yesterday is a reminder that we need to stay vigilant.

Committee staff spoke just this Tuesday with DHS staff to see if their position on this citizen suit provision had changed. It had not. They are still strongly opposed to this provision.

Introducing these provisions in the national security arena has the potential not only to divert DHS from its security-related missions but to also result in the disclosure of protected sensitive information. This entire bill, including the provision I am trying to strike, will inadvertently have an impact on the private sector, on business, and on the overall economy at a time when we can least afford it.

I reserve the balance of my time.

Mr. PASCRELL. Mr. Chairman, I rise to claim time in opposition to Brother MCCAUL's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PASCRELL. First of all, this bill does not authorize suits by uninjured parties. Article III of the Constitution is very, very clear. It requires that any person who files a lawsuit be able to show injury. H.R. 2868 will have no effect on this constitutional requirement whatsoever, Mr. Chairman. In fact, the Supreme Court has repeatedly held that Congress cannot pass a law changing this requirement. So it's in the Constitution. It has been upheld by the Supreme Court of this country.

I oppose this amendment. It works against government accountability and against the security of our chemical facilities.

Title I of H.R. 2868 allows citizens to file suit against the Secretary of Homeland Security for failing to meet her duties, such as issuing regulations or reviewing site security plans in a timely manner, in other words, if the Secretary, whomever that may be, does not do what he is supposed to do according to law.

Are you putting our citizens in further jeopardy? Is this what you think of the American citizens that they cannot speak for themselves?

This bill does not allow citizens to file suit against privately owned chemical facilities for alleged violations. Here is the bill. On pages 66, 67, 68, it doesn't say it. I don't know what you're reading.

Therefore, this bill will not compel a chemical facility to turn over sensitive security information in court. It will not put this information at risk of public disclosure. Moreover, citizens cannot file suit against the Secretary for making a decision that is discretionary. It is very different from what the Constitution is talking about, such as whether to require a facility to switch chemicals or processes. Any claims to the contrary are simply false. This amendment would strip citizen enforcement out entirely.

Why would we want to discourage the enforcement of these critical security standards? The American Chemical

Council, the Society of Chemical Manufacturers and its affiliate, and the environmental and labor groups have endorsed the citizen enforcement provisions in this bill. I rest my case. With that breadth of support for the compromise, this amendment is an ineffective solution for a nonexistent problem.

The members of the Energy and Commerce Committee devoted considerable time to crafting a solution that ensures government accountability while protecting sensitive information. Eliminating citizen suits without replacement is unnecessary. It undermines accountability, and it will leave our Nation less secure.

I urge my colleagues to vote ''no'' on Mr. MCCAUL's amendment.

I reserve the balance of my time.

Mr. MCCAUL. Mr. Chairman, how much time is remaining?

The Acting CHAIR. Both sides have 2 minutes remaining.

Mr. MCCAUL. Very quickly, to my good friend from New Jersey, courts have broadly and loosely interpreted the constitutional standing requirement to virtually allow anyone with any evidence of perceived harm to bring a lawsuit under these citizen suits.

With respect to sensitive information, we are now going to turn that over into the discovery process as to what is sensitive and what information is not.

With respect to the groups that my good friend mentioned, it is my understanding, while they are not opposed to the bill, they have certainly not endorsed this bill.

I yield the remainder of my time to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman has 1½ minutes remaining.

Mr. POE of Texas. I thank the gentleman from Texas for yielding.

Mr. Chairman, specifically, I stand in support of the gentleman's amendment. I probably represent as many, if not more, refineries and chemical plants as any Member of Congress.

I agree. It is imperative that we have security at these institutions, at these plants. I do believe, however, that the citizen suit problem exposes two specific issues, one of which is that it's too broad. It allows anybody to file a lawsuit, and it leaves the discretion as to what is sensitive material up to the Federal judges, and the Federal judges have broad discretion as to what material they will release and will make public.

The second problem I see—and it's specifically under (b)(2)—is that ''the district court will have jurisdiction without regard of the amount in controversy or the citizenship of the parties.'' I am not clear why that would be added, but it allows standing to anyone, regardless of citizenship of the parties, to file a lawsuit. Specifically, it gives that permission.

□ 1500

Under the environmental suits that have been filed, standing has always been regarded—in most cases it's very broad, giving many people that standing. I think it's unwise. What it will do is bring unnecessary litigation. I think that's the purpose and duty of the Federal agencies, to bring this litigation against these chemical plants and not citizens because, of course, it will promote litigation; it will promote discovery of sensitive information; and it will allow anyone, anywhere, to file these lawsuits.

Mr. PASCRELL. Mr. Chairman, a couple of things here. First, the groups that I mentioned before support that part of the legislation which I mentioned. Number two, let's get to the meat and potatoes: this bill does not create a boon for trial lawyers. No one is eligible to receive damage awards in lawsuits under this bill.

Mr. MCCAUL. Will the gentleman yield?

Mr. PASCRELL. I yield to the gentleman from Texas.

Mr. MCCAUL. They certainly will receive attorneys' fees. They're being paid by these organizations to bring lawsuits.

Mr. PASCRELL. Reclaiming my time, no one is eligible to receive damage awards. Lawyers will not receive a dime of any civil penalties that the courts may award because they are paid to the United States Treasury. I don't think that this is a Treasury scheme by any stretch of the imagination.

This bill is not the first time citizen suits have been authorized in a national security context. Since the passage of the Bioterrorism Act in 2002, citizen suits have been available to enforce the requirements of section 1433 of the Safe Drinking Water Act, which is focused on security at drinking water facilities throughout the United States of America.

By the way, to my other friend from Texas, this is very standard language that is used throughout this legislation.

I yield to my friend from Massachusetts.

Mr. MARKEY of Massachusetts. I just want to say that this is just giving the right to ordinary people to sue their own government because they're not providing for the security around facilities that could be attacked by al Qaeda. This is at the essence of the philosophy of the tea-baggers, to give ordinary citizens the right to challenge their government, to be able to rise up and to be able to say, you are not doing your job to protect us, your fundamental responsibility to protect the security of citizens in their homes and where they work.

Mr. PASCRELL. Reclaiming my time, we must remember also—I think you would agree with me, Mr. Chairman—that nowhere in this legislation are we in any manner, shape or form jeopardizing the private plans of any facility, any chemical facility.

The Acting CHAIR (Mr. MORAN of Virginia). The question is on the amendment offered by the gentleman from Texas (Mr. MCCAUL).

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

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

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

AMENDMENT NO. 9 OFFERED BY MRS. HALVORSON

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 111–327.

Mrs. HALVORSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. HALVORSON:

Page 58, beginning on line 3, strike ''ASSESSMENT OF IMPACTS ON SMALL COVERED CHEMICAL FACILITIES'' and insert ''SMALL COVERED CHEMICAL FACILITIES''.

Page 58, after line 4, insert the following:

''(1) GUIDANCE FOR SMALL COVERED CHEMICAL FACILITIES.—The Secretary may provide guidance and, as appropriate, tools, methodologies, or computer software, to assist small covered chemical facilities in complying with the requirements of this section.

Page 58, line 5, strike ''(1) IN GENERAL'' and insert ''(2) ASSESSMENT OF IMPACTS ON SMALL COVERED CHEMICAL FACILITIES''.

Page 59, line 20, strike ''(2) DEFINITION'' and insert ''(3) DEFINITION''.

The Acting CHAIR. Pursuant to House Resolution 885, the gentlewoman from Illinois (Ms. HALVORSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Mrs. HALVORSON. Mr. Chairman, as a small business owner and as a member of the Small Business Committee, I understand the challenges that small business owners face on a day-to-day basis. I offer this amendment to help small chemical facilities in meeting some of those challenges.

My amendment is straightforward and necessary. It would improve this bill by giving the Secretary of the Department of Homeland Security the authority to provide facilities with less than 350 employees the guidance, tools and software to help them comply with the security requirements of this bill.

We have a responsibility to make sure chemical facilities are safe, but we also have a responsibility to make sure that small businesses have the assistance and the resources that they need to comply with new security requirements. That is what my amendment does. It helps small chemical facilities to comply with security standards in an effective and profitable manner.

Based on DHS analysis, we can expect that 15 to 20 percent of the chemical facilities across the country have

less than 350 employees onsite. That's a significant number of small businesses that we cannot forget as we move forward on security requirements. These are facilities that create jobs that invest in economic growth. In a tough economic environment, these small businesses need to have the tools available to compete and succeed and, again, that's what this amendment does.

The bottom line is that we need small chemical facilities to be secure, but we also need them to be successful. This is an important amendment, and it will help make sure that those two critical goals are accomplished. We can't forget that as we move forward.

I reserve the balance of my time.

Mr. OLSON. Mr. Chairman, I claim time in opposition, but I don't necessarily oppose the bill.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. OLSON. Mr. Chairman, this amendment allows the Secretary to provide guidance, tools, methodologies or computer software to assist small covered chemical facilities in complying with the IST assessments and implementation requirements of the act.

While I support the sentiment behind the amendment, given the costs associated with IST assessments and mandatory implementation, I am genuinely concerned there will be few small businesses left that would benefit from any guidance the Secretary may or may not provide based on this provision.

This amendment simply gives the Secretary the option of providing guidance to small businesses to meet the costly IST provisions of the bill. How much guidance do we expect from an office that employs fewer than 200 people and is responsible for overseeing a program that covers 6,100 facilities?

While it's difficult to object to Mrs. HALVORSON's amendment, I find it ironic that the majority would make in order an amendment that recognizes that small businesses will be affected by the IST mandate. But rather than address the problem before they create it, they ask the Secretary to clean up the mess for them.

I would have preferred to debate Mr. AUSTRIA's amendment that was not ruled in order. That amendment would have been a real benefit to the 3,630 smallest of the small businesses by exempting them altogether from this costly and unnecessary provision.

I reserve the balance of my time.

Mrs. HALVORSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise in support of the gentlelady's amendment. The size of a facility's workforce or annual operating budget has nothing to do with the facility's security risk.

At our October 1 hearing, we heard testimony from Rand Beers, Undersecretary of the DHS, about this issue. He said, and I quote, this is not an issue of defining whether the risk is less important because the size of a firm is small. The risk doesn't change with respect to the size of a firm.

But what is different about small businesses is that some lack the administrative resources of large multi-billion-dollar chemical companies. They might not have an in-house security expert that can direct or prepare their security vulnerability assessment or site security plan. They might not know how to navigate the Washington bureaucracy in order to learn how to best comply with these new regulations.

The underlying legislation does acknowledge that the impact of inherently safer technology provisions on small businesses should be examined by the Department of Homeland Security. DHS has told us that they estimate that 15 to 20 percent of all regulated facilities might be classified as small businesses.

I think the gentlelady's amendment takes the language one useful step further by giving DHS the authority to create tools specifically for small businesses to help them in complying with the inherent safer technology provisions of the bill. This could be guidance and outreach directed to the small business community or it could be software or other methodologies that could make compliance easier.

I urge my colleagues to support the Halvorson amendment.

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

Mrs. HALVORSON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. HALVORSON).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. FOSTER

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 111–327.

Mr. FOSTER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FOSTER:

Page 13, after line 21, insert the following:

''(13) The term 'academic laboratory' means a facility or area owned by an institution of higher education (as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a non-profit research institute or teaching hospital that has a formal affiliation with an institution of higher education, including photo laboratories, art studios, field laboratories, research farms, chemical stockrooms, and preparatory laboratories, where relatively small quantities of chemicals and other substances, as determined by the Secretary, are used on a non-production basis for teaching, research, or diagnostic purposes, and are stored and used in containers that are typically manipulated by one person.

Page 20, line 12, strike ''and'' after the semicolon.

Page 20, line 19, strike the period after ''disapproval'' and insert ''; and''.

Page 20, after line 19, insert the following:

''(H) establish, as appropriate, modified or separate standards, protocols, and procedures for security vulnerability assessments and site security plans for covered chemical facilities that are also academic laboratories.

The Acting CHAIR. Pursuant to House Resolution 885, the gentleman from Illinois (Mr. FOSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. FOSTER. Mr. Chair, I yield myself 2 minutes.

I would like to first thank Mr. LUJÁN of New Mexico for allowing me to work with him on this important and commonsense amendment to the Chemical Facility Anti-Terrorism Act.

The underlying bill is a positive step towards ensuring the security of America's chemical facilities, but overlooks key differences between commercial facilities and university and educational laboratories. This amendment directs the Secretary of Homeland Security to take a graduated approach to security in school labs and to create a separate and appropriate set of protocols for university affiliated laboratories with relatively small quantities of chemicals.

One-size-fits-all safety regulations only create more paperwork, more bureaucracy and more confusion without necessarily making us safer. This is especially true in educational settings where large numbers of students move in and out of smaller chemical labs constantly, making it difficult and expensive to impose on them the same security protocols as large commercial facilities.

However, this amendment does not let our schools off the hook for maintaining a safe and secure environment. The Secretary of Homeland Security will still require that universities create and report a security plan of precaution and prevention as part of normal campus safety procedures. At a time when university budgets are already tight, this amendment will avoid placing potentially large financial hardships on our educational institutions.

This amendment is supported by a number of higher educational associations, including the American Council on Education, the Association of American Universities, and the Association of Public and Land-grant Universities. I was very happy to be able to work on this commonsense solution.

I reserve the balance of my time.

Mr. OLSON. Mr. Chairman, I claim time in opposition, but do not necessarily oppose the underlying amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. OLSON. Mr. Chairman, this amendment addresses academic laboratories which is defined as a facility

owned by an institution of higher learning where relatively small quantities of substances are used for teaching or research purposes.

These types of institutions are vastly different from the majority of chemical facilities that we all think of in terms of large manufacturing plants. The Secretary is required to take these differences into account and may develop modified or separate procedures for such institutions.

The American Council on Education supports this amendment.

□ 1515

They will still be required to conduct security vulnerability assessments and site security plans.

The qualifier ''as appropriate'' included in the amendment still gives the Secretary some direction as to if she wants to provide separate procedures for conducting the vulnerability assessments and site security plans. Most colleges and universities have already completed these required vulnerability assessments, and so this language, while well-intended, will have little impact.

It is unfortunate that the amendment does not provide colleges and universities any exceptions or alternative procedures for the IST assessment and implementation requirements of this legislation. Despite this amendment, 99 colleges and universities will have to conduct costly IST assessments, and 23 of them in 14 States may be required to implement the findings of these assessments.

I reserve the balance of my time.

Mr. FOSTER. Mr. Chairman, I happily yield such time as he may consume to my colleague from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I thank my colleague, Mr. FOSTER, for recognition and for his cooperation in working on this amendment. I also commend Chairman THOMPSON for bringing this important legislation to the floor.

In universities, colleges, and educational institutions across the Nation, researchers and students are currently utilizing educational laboratories to expand the limits of our scientific knowledge and develop the skills needed to thrive in high-tech jobs of tomorrow. This is an important opportunity to make sure that we are preparing them for the jobs of the future.

This commonsense amendment will allow this work to continue, while ensuring that academic laboratories are protected from the unique security threats that they may face. Through this amendment, the Department of Homeland Security will have the flexibility to recognize that these labs, which may contain a large variety of chemicals, rarely possess any specific chemical in the large quantities typical of industrial facilities. The Department will have the capability to assess and oversee specific security challenges these labs face from infiltration, tampering, theft or attack.

This amendment is supported by the American Chemical Society, and I want to reiterate and emphasize it is also supported by the American Council of Education and institutions of learning across the country.

I urge my colleagues to join me in support of this amendment, which will ensure that the Department of Homeland Security adequately protects our Nation's students, teachers, and research institutions.

Mr. OLSON. Mr. Chairman, with no one on my side waiting to speak, I yield back the balance of my time.

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

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

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 111–327 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. THOMPSON of Mississippi.

Amendment No. 2 by Mr. BARTON of Texas.

Amendment No. 4 by Mr. DENT of Pennsylvania.

Amendment No. 5 by Mr. DENT of Pennsylvania.

Amendment No. 8 by Mr. MCCAUL of Texas

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 168, not voting 19, as follows:

[Roll No. 869]

AYES—253

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

NOES—168

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham

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

NOT VOTING—19

Aderholt
Bishop (GA)
Boehner
Carter
Cassidy
Chandler
Christensen
Conaway
Costa
Ehlers
Emerson
Johnson, E. B.
Meeks (NY)
Murphy, Patrick
Norton
Nunes
Rogers (MI)
Sánchez, Linda T.
Speier

□ 1544

Messrs. CALVERT, McHENRY, PLATTS and CAO changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, on rollcall No. 869, I had a personal emergency. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. BARTON OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BARTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 262, not voting 13, as follows:

[Roll No. 870]

AYES—165

Akin
Alexander
Altmire
Andrews
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (TX)
Bright
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Cardoza
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Cooper
Crenshaw
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ellsworth
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kirk
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Olson
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOES—262

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

NOT VOTING—13

Aderholt
Boehner
Carter
Cassidy
Chandler
Conaway
Ehlers
McDermott
Murphy, Patrick
Norton
Nunes
Rogers (MI)
Sánchez, Linda T.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining in this vote.

□ 1551

Mr. MORAN of Virginia changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. DENT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. DENT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 241, not voting 13, as follows:

[Roll No. 871]

AYES—186

Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cassidy

Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—241

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

NOT VOTING—13

Aderholt
Carter
Chandler
Conaway
Ehlers
Farr
Marchant
Murphy, Patrick
Norton
Nunes
Rogers (MI)
Sánchez, Linda T.
Schock

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining in this vote.

□ 1558

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. DENT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. DENT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 236, not voting 11, as follows:

[Roll No. 872]

AYES—193

Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Costello
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
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
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—236

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Childers
Christensen
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott

McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—11

Aderholt
Carter
Chandler
Cleaver
Conaway
Ehlers
Murphy, Patrick
Norton
Nunes
Rogers (MI)
Sánchez, Linda T.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 1605

Mrs. CAPPS changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. MCCAUL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. MCCAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 232, not voting 12, as follows:

[Roll No. 873]

AYES—196

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

NOES—232

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

NOT VOTING—12

Aderholt
Carter
Chandler
Conaway
Ehlers
Gohmert
King (IA)
Murphy, Patrick
Norton
Nunes
Rogers (MI)
Sánchez, Linda T.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 1612

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR of Arizona) having assumed the chair, Mr. MORAN of Virginia, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes, pursuant to House Resolution 885, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1615

MOTION TO RECOMMIT

Mr. DENT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DENT. I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Dent moves to recommit the bill H.R. 2868 to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendments:

Page 52, line 16, strike ''and''.

Page 52, line 21, strike the period and insert ''; and''.

Page 52, after line 21, insert the following:

''(iv) would not significantly or demonstrably reduce the operations of the covered chemical facility or result in any net reduction in private sector employment when national unemployment is above 4 percent.''.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, today, the Bureau of Labor Statistics issued the most recent unemployment numbers, and they rose yet again to 10.2 percent, the highest unemployment rate in over 25 years. Last month, 190,000 hardworking Americans lost their jobs, almost a third of which came from the manufacturing sector.

Now, there are plenty of reasons to oppose the inclusion of any IST mandate in this bill; it's a vague and subjective philosophy that will cost facilities millions of dollars. The Department has no experts on IST, inherently safer technologies, nor any plans to hire them. And it's not really even about security at all.

But the worst part of the IST mandate is that nowhere in the current bill is the Secretary required to consider the impact on the local economy and on the local workforce before imposing these unnecessary requirements. This is simply unimaginable in the current economy. Unemployment is now at 10.2 percent.

The agricultural sector, much of which will now be regulated under this bill, has an unemployment rate of over 11 percent. Perhaps that's why agriculture groups, including the Farm Bureau and others, warn that IST ''could have a devastating impact on American agriculture.'' That's the Farm Bureau's words, not mine.

Mandating implementation would result in increased costs, higher consumer prices, and lower crop yields. And for those of you who say that sector will be exempt, I say prove it. That's not true. That's not in the legislation. If it is, just tell me which page to turn to in here, and we'll try to find it. It's not in here.

The cost of mandating IST is staggering. Twenty-seven associations, including the U.S. Chamber of Commerce, stated that the costs are estimated to range from thousands of dollars to millions of dollars per facility—millions of dollars. Almost 60 percent of the facilities regulated under this act employ fewer than 50 individuals. These are the smallest of small businesses. Do we really think they can afford to put millions of dollars into the redesigning of processes and facilities during these difficult economic times?

We know the reality of these expenses. When the cost of doing business goes up, there are only two options: you can pass the cost on to consumers, or you can lay off workers. In today's competitive market, unfortunately, it is much easier to shed a few employees than to raise prices. You know it, I know it, and the American people know it.

This is just the latest in a string of bills that will cost American jobs. The health care bill will result in millions of lost jobs across the country. In my district alone, more than 2,000 jobs are at risk because of the medical device tax, and another 300 are in jeopardy just because of the dental provisions in the health care bill.

The cap-and-trade bill, the national energy tax will force the Commonwealth of Pennsylvania to shed as many as 66,000 jobs by 2020, according to the Pennsylvania Public Utility Commission, and raise energy costs for consumers and businesses alike. Every district in every State will point to similar job losses as a result of these detrimental policies.

The hemorrhaging of American jobs must stop. I'm not sure about other Members in this Chamber, but to me every job is important and every job counts. This motion to recommit simply requires the Secretary to consider the jobs of hardworking Americans before imposing a mandate to implement inherently safer technologies, ISTs.

This in no way reduces our Nation's security. They are still required to implement site security plans, but as Chairman MARKEY said during markup, The safer technology requirement is not about bolstering security. When I offered a similar amendment at the full committee, my friend, Ms. JACKSON-LEE, and my friend, Mr. CUELLAR, both spoke in strong support stating, We want to make sure that it does not adversely affect the workforce, which is something we all support. That provision passed unanimously. That's why I was angered when it was stripped out by the Rules Committee.

Now, I say enough is enough. This motion simply says we've lost enough American jobs, and we don't need to lose anymore.

We heard the promises from the majority to create jobs. We heard that the stimulus bill would cap unemployment at 8 percent. Just yesterday, I heard several Members of Congress say that this legislation would not cost American jobs. If you believe that, if that wasn't just talk for the television cameras, then you should support this motion to recommit.

This is an opportunity to save jobs before they need creating, to prevent putting more hardworking Americans on unemployment, to stand up for the farmers who put food on our table, to stand up for manufacturers and to stand up for the small businesses owners.

Support the motion to recommit and let's keep America working.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to claim time in opposition.

The SPEAKER pro tempore. Is the gentleman from Mississippi opposed to the motion?

Mr. THOMPSON of Mississippi. In its present form, I am.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Mr. Speaker, I can say to my colleague in this motion to recommit, we will have a jobs bill coming out of this body in the not-too-distant future. I look forward to Republican support of that jobs bill when it comes forth.

But this is a security bill, Mr. Speaker. How in the world can we sacrifice security and tie it to unemployment? Can you believe when the terrorists come they'll say, Is the unemployment rate low enough for us to attack you, or should we wait until it gets to 4 percent? In the last 478 months, we've had 4 percent unemployment 6 of those months. So we're going to have to wait all that time before we invest in security.

This is a security bill; it is not a jobs bill. We will have an opportunity to do a jobs bill later. I look forward to the Republican support for that.

Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. I thank the gentleman from Mississippi, and I thank him for his great work on this historic legislation.

Unemployment has not been under 4 percent since September 11. One of the reasons that it has not been under 4 percent since September 11 is the attack on September 11, which paralyzed our airline industry, paralyzed our tourism industry, and led to a precipitous drop in GDP because of the reaction to it.

And by the way, these workers that the Republicans want to protect, well, we received a letter from the Steelworkers, the Communications Workers, the Autoworkers, the Chemical Workers, the Teamsters, the SEIU. Here is their letter to us: ''We oppose amendments that purport to protect jobs but

in fact only hinder the implementation of methods to reduce the consequences of a terrorist attack.''

And why do they take that position? They take that position because the attack is coming on them, the workers at these plants.

So the nuclear industry, we have the protections in place, the aviation industry, the cargo industry, the rail industry, the shipping industry; but the chemical industry, with facilities in urban areas or near large population areas, the Republicans for 7 years have said no protection. When unemployment was at 5 percent, they said no; 6 percent; 7 percent; 8 percent; 9 percent; no, no, no, no protection for these workers at chemical facilities and those who live around them.

Al Qaeda has metastasized in the last 7 years. They are coming back; that is their goal. Chemical facilities are at the top of their terrorist target list. We are trying to, finally, in this one last industry, put in place the security around these facilities to protect the American people, to protect the workers at these facilities. That's what this debate is all about. This amendment will undermine, will make it impossible for us to give those protections to the American people.

We need a resounding ''no'' against this recommittal motion. We must stand up for the workers of this country; we must give them the protection that they need. Vote ''no'' on the recommittal motion of the Republicans.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. DENT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 189, noes 236, not voting 9, as follows:

[Roll No. 874]

AYES—189

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

NOES—236

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

NOT VOTING—9

Aderholt
Carter
Chandler
Conaway
Ehlers
Issa
Murphy, Patrick
Rogers (MI)
Sánchez, Linda T.

□ 1643

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. DENT. 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 230, noes 193, not voting 11, as follows:

[Roll No. 875]

AYES—230

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
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Carnahan
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Carson (IN)
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Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
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Grijalva
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Hall (NY)
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Hastings (FL)
Heinrich
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Hinojosa
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Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
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Kaptur
Kennedy
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Lee (CA)
Levin
Lewis (GA)
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Massa
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McCollum
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Melancon
Michaud
Miller (NC)
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Mitchell
Mollohan
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Moran (VA)
Murphy (CT)
Murphy (NY)
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Neal (MA)
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Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
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Reyes
Richardson
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Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
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Wilson (OH)
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Wu
Yarmuth

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Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
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Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
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Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
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Capito
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Cassidy
Castle
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Cole
Costa
Crenshaw
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Davis (KY)
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Dent
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Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
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Issa
Jenkins
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Johnson, Sam
Jones
Jordan (OH)
King (IA)
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Kingston
Kirk
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Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
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McCaul
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McHenry
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McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
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Pence
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Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
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Shimkus
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Simpson
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Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
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Westmoreland
Whitfield
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NOT VOTING—11

Aderholt
Carter
Chandler
Cleaver
Conaway
Ehlers
McDermott
Murphy, Patrick
Rogers (MI)
Sánchez, Linda T.
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1651

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, and for other purposes.''.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2868, CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2009

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2868, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore (Mr. SCHRADER). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

COMMUNICATION FROM THE HONORABLE FORTNEY PETE STARK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable FORTNEY PETE STARK, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 2, 2009.

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

DEAR MADAME SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and production of documents issued by the Superior Court of California, County of Yolo, in connection with a traffic court matter now pending in the same court.

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

Sincerely,

PETE STARK,
Member of Congress.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–75)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938, as amended, is to continue in effect for 1 year beyond November 14, 2009.

BARACK OBAMA.

THE WHITE HOUSE, *November 6, 2009.*

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 motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

EXPRESSING SUPPORT FOR CHINESE HUMAN RIGHTS ACTIVISTS HUANG QI AND TAN ZUOREN

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 877) expressing support for Chinese human rights activists

Huang Qi and Tan Zuoren for engaging in peaceful expression as they seek answers and justice for the parents whose children were killed in the Sichuan earthquake of May 12, 2008.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 877

Whereas Chinese human rights activists Huang Qi and Tan Zuoren both sought to help the parents whose children were killed as a result of the collapse of numerous school buildings during the Sichuan earthquake of May 12, 2008;

Whereas the parents allege that school buildings collapsed at a much higher rate than other types of buildings during the Sichuan earthquake;

Whereas the parents also allege that poor construction contributed to the higher rate of school building collapses and that possible corruption among local officials and builders contributed to inferior construction and poor maintenance of the school buildings;

Whereas Chinese courts have refused to hear lawsuits brought by parents seeking accountability for the school collapses, and Chinese officials have warned lawyers not to take on these cases;

Whereas local Chinese officials have taken steps to prevent parents from petitioning to higher authorities and have kept some parents in arbitrary detention;

Whereas, Huang Qi, founder of the human rights advocacy website Tianwang Human Rights Center (64tianwang.com), traveled to the earthquake zone after the Sichuan earthquake and later posted articles on his website about the demands by parents for an investigation into the collapse of school buildings that killed thousands of children;

Whereas plainclothes police took Huang into custody on June 10, 2008, and Chengdu public security officials formally arrested him on July 18, 2008, on charges of illegally possessing state secrets;

Whereas Huang's lawyer said that during Huang's detention, authorities questioned him about interviews he conducted during visits to areas affected by the quake;

Whereas Chinese officials have considerable discretion to declare information a state secret, and their power to use such a charge to deny defendants access to counsel and an open trial is subject to few limitations;

Whereas Huang's closed trial was held on August 5, 2009, and according to the international nongovernmental organization Human Rights in China, four police officers kidnapped a volunteer for the Tianwang Human Rights Center, Pu Fei, to prevent him from testifying on Huang's behalf;

Whereas Huang suffers from numerous serious medical conditions, but Chinese authorities reportedly have denied him adequate treatment;

Whereas Chinese officials denied requests to allow Huang to visit his seriously ill father, who passed away in early September 2009;

Whereas following the Sichuan earthquake, writer and environmental activist Tan Zuoren was active in calling for the government to investigate the cause of the large number of school building collapses during the earthquake;

Whereas Tan was quoted in a May 27, 2008, South China Morning Post article as saying that ''the government and the public must work together to find an answer'' regarding why so many school buildings collapsed and urging local governments to inspect other school buildings for poor construction;

Whereas in February 2009, Tan issued a proposal via the Internet calling on volunteers to travel to Sichuan to compile lists of students killed in the quake, research the treatment of the deceased students' parents, and conduct an independent investigation into the quality of school building construction;

Whereas Tan issued a preliminary report in March 2009 that criticized officials for failing to follow through on a commitment to fully investigate the role that inferior construction played in the school building collapses and for failure to deal with parents' demands;

Whereas authorities detained Tan on March 28, 2009, three days after the report was published;

Whereas the indictment, dated July 17, 2009, said Tan was charged with inciting subversion of state power in part because he gave interviews to international media after the earthquake in which he allegedly harmed the image of the Communist Party of China and the Chinese Government;

Whereas Tan's trial, held by the Chengdu Intermediate People's Court on August 12, 2009, was marred by procedural violations;

Whereas the court reportedly rejected requests by Tan's lawyers to call three witnesses, including Ai Weiwei, a noted artist who helped design the Beijing Olympics' National Stadium, or Bird's Nest, and who also was investigating student deaths in the Sichuan earthquake;

Whereas Ai told various news agencies that police came to his hotel and used force to prevent him and 10 other volunteers from leaving until after the trial ended;

Whereas Tan's lawyers reported that the judge frequently cut them off during the trial and that their request to show video evidence was not accepted;

Whereas the parents of earthquake victims who attempted to attend Tan's trial were detained;

Whereas court officials reportedly did not allow reporters into the courtroom, and police also barred hundreds of supporters from entering the courtroom, saying the supporters needed passes even though court officials had told them earlier that no passes were necessary;

Whereas the courts have not yet issued judgments in either Huang's case or Tan's case; and

Whereas the Chinese Government's own National Human Rights Action Plan, issued by the State Council Information Office in April 2009, says that ''the state will guarantee citizens' rights to criticize, give advice to, complain of, and accuse state organs and civil servants, and give full play to the role of mass organizations, social organizations and the news media in supervising state organs and civil servants'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for Huang Qi and Tan Zuoren for engaging in peaceful expression as they seek answers and justice for the parents whose children were killed in the Sichuan earthquake of May 12, 2008; and

(2) calls on the Government of the People's Republic of China to—

(A) provide Huang Qi and Tan Zuoren with the rights that all Chinese citizens have under article 35 and article 41 of China's Constitution, namely freedom of speech and association and the right to make suggestions to officials free from suppression and retaliation;

(B) ensure that Huang Qi and Tan Zuoren are afforded the rights guaranteed to all defendants under the Criminal Procedure Law of the People's Republic of China; and

(C) implement its own National Human Rights Action Plan by allowing parents, concerned citizens, and the news media to conduct their own investigations into the role inferior construction and corruption may have played in the collapse of school buildings during the Sichuan earthquake, free from government harassment and official interference, and by ensuring that citizens have full access to effective legal remedies for their grievances.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

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

I rise in strong support of this resolution. This resolution expresses support for two Chinese activists who have been crusading for answers and justice for the parents of the thousands of children killed in the Sichuan earthquake of May 12, 2008.

I would like to thank my friend the gentleman from Oregon (Mr. WU) for introducing this resolution and for bringing the plight of these two activists to our attention.

This past August, Chinese courts held separate trials for Huang Qi and Tan Zuoren, both of whom sought to help the parents of children who died in the collapses of school buildings during the May 2008 earthquake in Sichuan Province. That devastating earthquake left almost 69,000 people dead and 18,000 missing. Five thousand three hundred thirty-five children were, according to official records, killed or missing in that earthquake.

The collapse of such a large number of schools, while nearby buildings remained standing, raised questions of shoddy construction. Chinese officials acknowledged that poor construction may have contributed to the buildings' collapse.

They also initially pledged to investigate the collapses and punish those responsible. But officials later were unwilling to honor those commitments and, even worse, responded with suppression and harassment.

Mr. Huang publicized the parents' demands on his human rights Web site, while Mr. Tan organized an independent investigation into the causes of the collapses. For their actions, the Chinese Government charged Mr. Huang with illegal possession of state secrets and Mr. Tan with inciting subversion. The pair's separate trials were reportedly marred by procedural irregularities and misconduct, and both

their trials have adjourned without verdicts issued.

Mr. Huang and Mr. Tan were engaged in peaceful activities guaranteed under China's constitution and international law, and this resolution urges the Chinese Government to protect their rights to freedom of speech, expression and association.

The resolution also calls on the Chinese Government to allow parents, concerned citizens and the media to conduct their own investigations into the school collapses, free from harassment or interference. I urge the Chinese Government to provide greater transparency regarding its own investigations into the building collapses and release any information it may have.

The parents of those children killed at the school during the earthquake deserve answers and deserve justice. Mr. Tan and Mr. Huang deserve our support for their efforts in trying to help those parents.

I strongly urge the resolution be supported.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this resolution, which addresses the unjust incarceration of two Chinese human rights advocates whose only crime was to seek answers and justice for the parents of children killed in the collapse of a schoolhouse during a major earthquake last year. Any parent would understand this resolution.

□ 1700

This is about dead school children. This is about accountability. These courageous individuals sought such accountability from a government which allowed the construction of substandard buildings for school children, buildings which could not withstand the aftershocks of a major quake.

It has been widely assumed in China that the building materials used for these schools were substandard due to the corruption involving those officials who authorized the construction. Grieving parents have a right to know why their children died after being buried in rubble, but their efforts for legal redress were summarily dismissed. These two brave men sought answers for the grieving parents, but their efforts led to their own imprisonment on trumped-up charges followed by trials in kangaroo courts.

How can anyone call the Chinese regime a responsible stakeholder when it uses its massive police force and its court system to engage in a major cover-up of corruption which led to the deaths of innocent children? And how can America be silent to such blatant defiance of not only the rule of law but also what is considered decent and moral?

This resolution is more than just about two human rights activists, heroic victims of injustice though they are. This is about a totalitarian system which is so afraid of its own population that it resorts to harsh and brutal measures to conceal the truth about the deaths of innocent school children.

This is about the massive human rights abuses such as the continued persecutions of tens of thousands of Falun Gong petitioners, an issue addressed in a resolution which I introduced with wide bipartisan support months ago but which has yet to reach the floor of this Chamber. This is about the continued repression of the Tibetan and Uyghur people and the need to engage in truth-telling with their leaders, the Dalai Lama and Ms. Kadeer, not only in Beijing, but in the White House here in Washington, D.C.

This is about speaking truth to power. It is about President Obama during his upcoming summit in China putting human rights and religious freedom issues squarely on the table, instead of just agreeing to disagree.

Mr. Speaker, I yield such time as he may consume to the gentleman from California, my good friend, Mr. LEWIS, the ranking member on the Committee on Appropriations.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the gentlelady yielding, and I rise in part to express my appreciation to both her and Mr. BERMAN for working so hard on behalf of human rights throughout the country.

But, Mr. Speaker, I rise at this moment to express my grave concerns about the impact the Democratic health care plan will have upon businesses and jobs in this country, another human rights concern.

Mr. Speaker, I rise today to express my grave concerns about impact that the Democrat health reform plan will have on businesses and jobs across this country. Despite the trillions the Federal Government has spent on shoring up our economy, today we learned that national unemployment rose over 10 percent—the highest since 1983. In the Inland Empire of California that I represent, unemployment remains over a staggering 14 percent.

Instead of focusing on fixing the economy and creating more jobs—the House is taking up a $1.3 trillion government takeover of healthcare that includes $135 billion in new taxes on businesses. The Congressional Budget Office has confirmed that this tax on jobs will reduce the hiring of new workers and President Obama's own advisor has suggested that 5.5 million jobs could be lost due to this bill's new taxes.

As we approach the holiday season this House is threatening to deliver a big bah hum bug. No sensible business owner is going to hire more workers in the face of these new taxes.

Mr. Speaker, we must work together in a bipartisan fashion to fix this economy and create more jobs—not pass massive spending increases, job-destroying taxes, and a government takeover of health care.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from Oregon (Mr. WU), a former member of our committee and the sponsor of this resolution.

Mr. WU. Mr. Speaker, it is a tragedy when any child is killed. It is an abomination when the act of asking questions about one's child's death leads to harassment or persecution by one's own government.

We all remember when a major earthquake struck Sichuan Province, China, on May 12, 2008. It was the most devastating natural disaster to hit China in over three decades. That day, I was the first personally to present condolences to the Chinese people for their grievous loss. Particularly heartbreaking were the stories of the children who were killed as their school buildings collapsed around them and the images of parents overwhelmed with grief.

In the aftermath of the earthquake, these parents started questioning why school buildings collapsed at a much higher rate than other types of buildings. They allege that poor construction and corruption among local officials and builders contributed to the school building collapses.

These allegations have been stonewalled or, worse, resulted in the harassment of the complainants. Chinese courts have refused to hear lawsuits brought by the parents. Local officials have even kept some complaining parents in arbitrary detention. As a parent myself, I find it a tragic failure of justice to have these grievances go unaddressed, especially if a society chooses to enforce a one-child policy.

Two human rights activists from Sichuan's capital city of Chengdu attempted to stand up for these grieving parents and give voice to their concerns. Soon after the earthquake truck, Mr. Huang Qi posted articles on his Web site, the Tianwang Human Rights Center, about the parents' demands for an investigation into the school building collapses.

Separately, in February of this year Mr. Tan Zuoren issued a proposal on the Internet calling for volunteers to travel to Sichuan to compile lists of students killed in the quake, to document the parents' treatment, and to conduct an investigation of school building construction.

Mr. Tan's report criticized officials for failing to follow through on their commitments to fully investigate the role that inferior construction played in the school building collapses and for failure to deal with the parents' demands.

For these actions, the local Chengdu municipal government charged both Mr. Huang and Mr. Tan with endangering national security. Mr. Huang was charged with illegally possessing state secrets, and Mr. Tan was also charged with inciting subversion of state power. After months of being held in prison, Mr. Huang for over a year, both of these men were put on trial in August of this year.

There are allegations that both trials were fraught with numerous substantive and procedural violations. In the case of Mr. Tan, the parents of the earthquake victims said they were detained to prevent them from attending the trial.

The court reportedly rejected requests from Mr. Tan's lawyers to call three witnesses, including the noted architectural designer, Ai Weiwei, who helped design the Beijing Olympics' Bird's Nest Stadium and who also was investigating student deaths in the Sichuan earthquake. According to Mr. Ai, police came to his hotel and used force to prevent him and 10 others from leaving the premises until after the trial ended.

Mr. Huang's trial was allegedly fraught with similar violations, including the detention of a volunteer from the Tianwang Human Rights Center to prevent him from testifying on Mr. Huang's behalf.

To date, judgments have not issued in either Mr. Huang's or Mr. Tan's trial. The trials have been suspended or held open. Both men continue to be held in prison.

Mr. Speaker, I rise today to urge my colleagues to pass House Resolution 877 to express their support for Mr. Huang's and Mr. Tan's peaceful request for answers and justice on behalf of the parents whose children were killed in the Sichuan earthquake. This bipartisan resolution, with 176 cosponsors, calls on the Chinese government to adhere to its own constitutional guarantees, its own criminal procedure laws, and its own recently passed national human rights action plan to ensure that Mr. Huang and Mr. Tan and all Chinese citizens are accorded the right to free speech and the right to criticize and make suggestions to their government as guaranteed by their own Constitution.

Mr. Speaker, no one who suffers the loss of a child deserves abandonment by or punishment from his or her own government. Support this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I am honored to yield 4 minutes to the gentleman from Virginia (Mr. WOLF), the ranking member on Appropriations, on Commerce, Justice, and Science, and a longtime advocate of human rights for the people of China and elsewhere.

Mr. WOLF. I thank the gentlelady, and I particularly thank her for her comments about China.

I rise in support of this, but there is a connection because in China today there are 35 Catholic bishops that are either in house arrest or in jail and Protestant pastors that plundered Tibet.

China, unfortunately, and I think the American people know, has now become our banker. This ties in to the health care bill that we are ready to vote on tomorrow. That bill will cost $1 trillion.

To think America is unsinkable, the White House projects the Federal debt will grow by more than $9 trillion in the next 10 years. How big is a trillion? One million seconds equals 12 days. One trillion seconds is more than 30,000 years. China is our banker. This bill will cost $1 trillion, and it is important that we deal with this issue.

Now, the second poster sums up on where we are today. This happens to be Uncle Sam. He is saying, don't let the debt defeat a great nation.

We are obligated to China. China holds a large portion of our debt. The Saudis hold a large portion of our debt. The Saudis, who funded the radical madrassas up on the Pakistan-Afghan border and some who were on the airplanes that killed the people on 9/11, 30 or more so from my congressional district, hold our debt.

We need to get control of this debt. And the health care bill will not lower costs. The health care bill will cost over $1 trillion. What kind of legacy are we leaving for our children, and I have five, or our grandchildren, and I have 14? A legacy of debt and deficit.

So $1 trillion for this health care bill. We have $57 trillion of unfunded obligations. We have $12 trillion in debt.

So I close by saying to vote against the bill, because it costs us money; and on behalf of Uncle Sam we say, don't let debt defeat a great nation.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), the chairman of the Asia, Pacific, and Global Environment Subcommittee.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to thank our distinguished chairman of our Foreign Affairs Committee and our senior ranking member, the gentlelady from Florida, for their leadership and sponsorship and certainly support for this important resolution. I also would like to particularly thank my colleague, the gentleman from Oregon, for his authorship of this important bill.

I think I know something about earthquakes, since recently my own district was just devastated by an 8.3 Richter scale earthquake for which the distance was only about 120 miles south of Samoa. Traveling at about 500 miles an hour, the shock wave was such that, within a matter of minutes, we ended up with a 20-foot tsunami that caused tremendous devastation in property, our homes, and villages, and the deaths of many people.

I do want to commend my good friend from Oregon for his leadership and for raising this important issue to our colleagues and also to commend the two citizens who really wanted just to investigate how was it that, because of faulty construction of these classroom facilities, that these children died, and the government of China did not allow these investigations to go on.

I have tremendous respect for the leaders of the People's Republic of China, given the fact they have only been in existence for about 60 years. As I remind my colleagues sometimes, when China was founded in 1948, there were 400 million people living in China at the time. Yes, under Communist rule, China has evolved itself, and it still has a lot of serious problems, like any other country.

I think also in the time I have that I want to express very much the concerns that I have that I think it is time, especially under the circumstances on how these children ended up dead because of faulty construction of the buildings and the Chinese government refused to have this kind of investigation, for which these two citizens of China were victimized and prosecuted and certainly abused by the Chinese officials. This is not right.

I want to again thank my good friend from Oregon, DAVID WU, for bringing this matter to the attention of our colleagues, and I urgently urge my colleagues to support this resolution.

□ 1715

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GARY G. MILLER), an esteemed member of the Financial Services and Transportation Committees.

Mr. GARY G. MILLER of California. I thank the gentlewoman for the time. The resolution before us deals with China, and many of our jobs are going to go to China if the health care bill the Democrats are proposing is enacted. The administration is using the American Medical Association and AARP to garner support for their health care bill. The AMA House of Delegates is meeting today in Houston, Texas. It is made up of elected representatives from across the country, representing doctors and their members of the AMA. They meet to vote on policy issues affecting doctors. They're saying that it was an unauthorized vote of the board prior to the delegates arriving that went to support this bill.

AMA doctors are demanding a vote of no confidence against the board of directors. In fact, there are two resolutions that they're demanding to be heard tomorrow. One is from the rank-and-file membership and members of the House of Delegates of the American Medical Association. It reads: ''We of the rank and file membership and the members of the House of Delegates of the American Medical Association do hereby object to your recent vote supporting H.R. 3962, also known as the Affordable Health Care for America Act.

''Whereas, H.R. 3962 will change the practice of medicine in America forever; and whereas, the AMA leadership voted to support H.R. 3962 prior to the convening of our House of Delegates; and whereas the AMA House of Delegates has strong feelings, beliefs that in many cases grave misgivings regarding H.R. 3962; and whereas the AMA leadership has denied our membership full discussion on this vitally important issue, we the undersigned do hereby demand, prior to addressing any

item of business on the current agenda, immediate suspension of the rules of the House of Delegates of the American Medical Association.''

And they called for a ''full discussion and debate of H.R. 3962, including a vote of no confidence in our leadership by the members of the House of Delegates.'' A very, very strong statement.

The second resolution was filed, and it's called Resolution 1006. It was introduced by the Alabama delegation, the Arkansas delegation, the Delaware delegation, the District of Columbia delegation, the Florida delegation, the Georgia delegation, the Kansas delegation, Louisiana delegation, the New Jersey delegation, the South Carolina delegation, the American Academy of Facial Plastic and Reconstructive Surgery, the American Association of Neurological Surgeons, the Congress of Neurological Surgeons, the American Society of General Surgeons and Triological Society.

The subject is ''Withdrawal support of H.R. 3962.'' Obviously, there is a problem that doctors are having with this bill. AARP has also come out saying that they represent seniors supporting this bill. But you have to look at this bill. I represent over 70,000 Medicare-eligible seniors in my district alone. The bill cuts over $500 billion out of Medicare starting in 2010, including $23.9 billion in cuts to skilled nursing facilities, $143.6 billion in cuts to hospitals, including skilled nursing facilities, long-term care facilities, inpatient rehabilitation facilities, psychiatric hospitals and hospital care. Again, $143.6 billion in cuts to hospitals.

Worst of all is $170 billion in cuts to Medicare Advantage, which effectively will eliminate Medicare Advantage in the future. You can't support this bill and say you support seniors and you support doctors who represent their patients. With unemployment over 10.2 percent, a 26-year high, in reality it's 17.5 percent when you include the individuals who are discouraged trying to find jobs and they can't find them and those who are underemployed having part-time jobs and would really prefer to work full time.

We have a problem in this country. We've passed a stimulus bill that said unemployment would not go above 8 percent. It's 10.2 percent today. It said it would not go up to 8 percent and lose more jobs, and it lost over 3 million jobs since then. We need to look at what we're doing. We need to say we care about the American people; we care about those people who are going to be taxed to pay for this; and we care about a system of health care that's the best in the world that will be ruined.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a very distinguished member of our committee.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman, and I thank the distinguished ranking member for coming together around the legislation of my friend Mr. WU from Oregon.

Mr. Speaker, I want to recapture the moment of why we're here on this floor today. We will have an expanded opportunity tomorrow, Saturday, for there to be a vigorous debate on this health care reform, which, by the way, Mr. Speaker, the American Medical Association has indicated their recognition of the importance of this legislation. But I think it's important for us to recapture the horrific scenes, those of us who are parents, those of us who engaged with children during the tragedy of the earthquake in China on May 12, 2008.

We looked in horror as rescue workers worked feverishly to draw out children, limp bodies covered with dirt and dust, crying parents, some losing more than one child, children being where they were supposed to be, in school, just as any of us who during our lifetime have dropped our precious souls off at a school building. You can imagine the outcry and the pain.

Just go back to that time and see the video of parents on their knees screaming, maybe in prayer to ask for mercy, maybe to hope that their child either would be found or the limp body was not their child. Can you imagine two wonderful, heroic individuals Huang Qi and Tan Zuoren who came to speak for those voiceless parents, many of them oppressed by, unfortunately, the structure of China, even though it is a country that is represented to have democratic and constitutional rights.

These men, these individuals were working to get the truth. What happened? Why did most of the school buildings fall as they did? What kind of cheap construction? Why was life so cheap that they did not focus?

This resolution recounts that these individuals who are human rights activists were literally picked up by plain-clothes police on June 10, 2008, and formally arrested on July 18, 2008, on charges of illegally possessing state secrets. All they were trying to do was to give a voice to the voiceless and to recognize that truth had to be found. When Huang's closed trial was held on August 5, 2009—and according to the international nongovernmental organization of human rights in China, four police officers kidnapped a volunteer for the human rights center to prevent him from testifying on Huang's behalf. So there are a lot of violations. In fact, China has violated their own constitutional rights.

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

Mr. BERMAN. I am pleased to yield the gentlewoman 1 additional minute.

Ms. JACKSON-LEE of Texas. I thank the gentleman. So when they reached out to try to get others to join their cause, to tell the truth or have the truth be told to these parents, these mourning parents, these parents without children—and we all know about China's birth control policies. Some may have had only one child. Each child is precious. So I rise today to support providing these human rights activists with the rights that all Chinese citizens have under article 35 and 41 of China's constitution, namely, freedom of speech and association, a right to make suggestions to officials free of suppression and retaliation. I ask for a human rights plan for China. It is time to tell the truth, but it is also time that China rises to recognize the rights of all of its citizens and the right to promote human rights.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. TERRY), a member on the Committee on Energy and Commerce.

Mr. TERRY. Mr. Speaker, I too rise in support of this resolution and commend my friend and colleague and classmate from Oregon. He and I share something. We both have children about similar ages, elementary school, now middle school ages. I can't think of anything more horrific than your children dying when the buildings collapse upon them and the frustration of a parent who just wants answers.

When I think about those buildings collapsing on those children, I can't help but think about the incompetency of a large centralized government that's in charge of every facet of their economy. Here we are faced this weekend with a debate of whether or not we're going to move our government in that same direction, of building a huge bureaucracy, one that is separated from the people, one that will be a thousand miles away, that won't really have the passion or interest, other than just passing paper around desks, and realizing that their lack of interest allows for this waste and the fraud and the abuse that's inherent in the buildings that collapsed in Sichuan.

I fear that as we grow our massive government and bureaucracy to manage the government's portion of the health care taking over 18 percent of our economy, we're going to have to live with that level of incompetency, fraud, waste and abuse. Think of those schools collapsing and that equaling how our health care is going to be run in this country.

Another thing that the gentleman from Virginia said—and I want to associate myself with his remarks—this is a $1.2 trillion bill. Yeah, they raise a lot of taxes to be able to pay for it. Some of it's $500 billion out of Medicare. My worry is that that $500 billion out of Medicare really isn't going to be cut. It's just going to go to our national debt. Therefore, we're going to have to rely on China to buy that debt from us. Again, relying on it. Notice that this resolution condemns the action of the Chinese Government for their humanitarian violations, but there are no penalties here.

See, when they're our creditors and they own us like they do and will continue to own more of us when we have

to sell our debt to them, it limits our abilities to sit down and negotiate with them. Did you notice that the last couple of administration officials that have gone, or even congressional officials that have gone, to China haven't brought up human rights violations with China?

Well, that's because they know they've got us by the economics. We can't do that or they could do such things as flood the world's economy with our debt, ruining our dollars and further jeopardizing our economy and more jobs. But then again, maybe the bright side of this health care bill, perhaps costing as many as 5.5 million jobs, is that they can go to China and help rebuild Sichuan.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. CASSIDY), a member of the Committees on Agriculture, Education, and Natural Resources.

Mr. CASSIDY. Mr. Speaker, when they have events such as they had in China, one thing that happens is that as the buildings fall upon folks, they crush their muscles, and they end up having kidney failure. This comes to mind because after Katrina, one of the disasters that happened was that there were many people on dialysis that had to be evacuated from New Orleans to Baton Rouge, and there had to be an emergency dialysis center situation established.

I thought about it: one of the great things about our current system of care is that there is this elasticity that exists in our country that often does not exist elsewhere. Yet when I toured recently those dialysis centers in my city, as it turns out, they're kept afloat by the few patients they see who have private insurance. Many of those patients are on Medicaid or Medicare. As it turns out, Medicaid pays about 60 percent of costs and Medicare pays about 90 percent of cost. So were it not for the private insurers paying over cost, we would not have the ability to treat the dialysis patients here or in the emergency situations, those that are evacuated up.

It brings to mind immediately, of course, the health care bill that is before us. It attempts to expand the system of Medicaid and Medicare that is actually depriving our system of the resources it needs to care more carefully for those who are in times of natural disaster.

That said, it is admirable to control costs in this bill, but paradoxically, the CBO says that this bill, which supposedly controls costs, actually will have an inflation rate of 8 percent per year. So 8 percent per year more than doubles costs over the next 10 years, Mr. Speaker. It's ironic when the President says that if we do nothing, costs will double in 10 years, if we do this bill, according to the Congressional Budget Office, costs will more than double in the next 10 years.

So I guess, Mr. Speaker, in closing I would say that there are three imperatives to health care reform: it is controlling costs so we can expand access to quality care. We've seen in other countries where there is inadequate resources placed or inadequate attention to cost that, indeed, these are not addressed. I would ask that we reject this reform for its deleterious effects on our system.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield the remainder of my time to the gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. I thank the gentlewoman for yielding. When I think of China, I think of this health care plan. Centralized planning, that's what it is. Mr. Speaker, I know you and so many others have been spending their weekends reading this 1,990-page monstrosity, which some people think is going to save health care. I think rather it will save the bureaucracy.

□ 1730

This bill, these 1,990 pages, which have yet to be amended with yet another amendment called the manager's amendment. Now, what goes into the manager's amendment are kind of what is the result of having your arm twisted. What did you get for your twisted arm? It will be in the manager's amendment, which is not in these 1,990 pages. But what is?

Premium increases, tax increases, Medicare cuts, bureaucrats between you and your doctor, and at a mere cost of $1 trillion.

In the year that we have had the highest deficit in the history of the United States, $1.4 trillion, the Pelosi plan comes in weighing at $1 trillion, when we just got our unemployment figures back.

Think about this: The President, with an 8.5 percent unemployment rate, pushes upon the Congress a $787 billion stimulus bill, and now unemployment has gone from 8.5 percent to 10.2 percent, and in so many other pockets of America it's 14, 15, and 16 percent.

Where are the jobs? Why have we taken the focus off the main thing, the economy? Why are we going down the track of government takeover of health care and massive mandates on individuals, doctors, and small businesses, just like China? Mr. Speaker, 1,990 pages, it's ridiculous.

The Republican alternative, which is not even half, not even 25 percent, but I'd say maybe 15 percent in size, weighing in at, say, maybe a mere 150 pages: Cross-line selling to bring more competition for individuals. Association health care plans to let small businesses pull together. Expansion of health savings accounts. Medical malpractice reform to reduce frivolous lawsuits. This is the Republican alternative.

The difference in the philosophy is simple. If your kitchen sink is leaking, you fix the sink. You don't take a wrecking ball to the entire kitchen. That's what the Pelosi plan does.

The Republican plan focuses on those who have unfortunately fallen through the cracks, people who may be too young for Medicare, too wealthy for Medicaid. Maybe they're 40 years old, unemployed in this Obama economy, and maybe they have a preexisting illness. The Republican targeted reforms try to help that person. They don't try to take the health care away from the rest of the American public who are happy with what they have. We do not need a centralized command/control government in Washington, D.C., that tries to take away the rights of businesses and individuals in the form of a huge government takeover of health care.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself 1 minute simply to point out that the relevance of the size of the Democratic health care bill to the Republican alternative is, I think, limited to the ratio of people covered under the Democratic bill and covered under the Republican bill, about 10 to 1.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 877.

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. BERMAN. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

RECOGNIZING 20TH ANNIVERSARY OF THE ENDING OF THE COLD WAR

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 892) recognizing the 20th anniversary of the remarkable events leading to the end of the Cold War and the creation of a Europe, whole, free, and at peace.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 892

Whereas the year 1989 witnessed a series of remarkable events in Europe that helped lead to the end of the Cold War and the beginning of the creation of a Europe whole, free, and at peace;

Whereas, on February 6, 1989, after almost 10 years of unarmed struggle, the Polish free trade union Solidarity finally succeeded in

forcing the Government of Poland to begin talks on broad political and economic change;

Whereas, on April 6, 1989, Solidarity was legalized, enabling it to contest elections for 35 percent of the seats in the Sejm and all the seats in the Senat, resulting in the historic election victory for Solidarity on June 4 in which Solidarity won all the seats available to it in the Sejm and 99 out of 100 seats in the Senat, leading to the installation of the first non-Communist government since January 1945;

Whereas, on May 2, 1989, the Hungarian government began dismantling the barbed wire fence separating Hungary in the Soviet-controlled East from Austria in the free West, causing a ''tear in the Iron Curtain'' that was never to be closed again;

Whereas, following the exodus of several hundred East Germans from Hungary between May and mid-July 1989, the Hungarian government announced on September 10, that as of midnight, the border to the West would be open for all East Germans wishing to leave, leading to the departure of thousands of East Germans and representing the first break in the Warsaw Pact policy of preventing each other's citizens from fleeing to the West;

Whereas, on August 23, 1989, 2,000,000 people living in the Baltic states of Estonia, Latvia, and Lithuania linked hands to form a human chain almost 400 miles long in a peaceful protest of Soviet rule and in order to demand the restoration of independent statehood;

Whereas, on November 9, 1989, in response to protests that had grown to include over a million people in Berlin's Alexanderplatz, now referred to as the ''Peaceful Revolution'', Gunter Schabowski, the communist East German Minister of Propaganda, announced that the border would be opened for ''private trips abroad'';

Whereas, on November 9, 1989, thousands of East Germans streamed into West Berlin, following the opening of checkpoints between the two halves of the divided city and resulting in the days that followed in one of the most momentous events of the 20th century, the tearing down of the Berlin Wall;

Whereas, on November 24, 1989, months of protests by pro-democracy forces in Czechoslovakia led by visionary leader Vaclav Havel resulted in the culmination of the ''Velvet Revolution'' and the en masse resignation of the entire Czechoslovak ruling Politburo, followed by the resignation of President Gustav Husak on December 10, and a new democratic beginning with the election of President Havel on December 29;

Whereas in November 1989, the first-known post-war public protests in Bulgaria organized by civil rights groups led to the ouster and resignation of Communist Party leader Todor Zhivkov after 34 years in power, and the first free elections since 1946 in Bulgaria the following June;

Whereas, on December 17, 1989, in the town of Timisoara, Romania, citizens protesting against the arrest of a local priest were brutally killed by Romanian security forces under orders of President Ceausescu, causing international outrage and condemnation, and leading to mass protests and escalating violence throughout the country, resulting at the end of the year in the overthrow of the Ceausescu regime and his execution;

Whereas the events of 1989 prove that the will and the desire of millions of people for freedom cannot be forever repressed and that the actions of a few courageous leaders can inspire millions of others to join the inexorable struggle to be free;

Whereas in the past 20 years, most of the countries of Central and Eastern Europe have become stable, prosperous, and vibrant democracies, with many becoming members of the North Atlantic Treaty Organization (NATO) and the European Union (EU);

Whereas in the past 20 years, the prospect of membership in NATO and the EU has been a major stabilizing force and has helped promote greater peace and prosperity within Europe; and

Whereas there is still much work that needs to be done to overcome the remaining challenges within Europe and to create a Europe whole, free, and at peace: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the events of 1989 that helped lead to the end of the Cold War;

(2) congratulates the countries of Central and Eastern Europe who have made great progress in the past 20 years and emerged as strong, vibrant democracies;

(3) expresses strong support and friendship for the countries of Central and Eastern Europe, and reaffirms its commitment to the solemn obligations set forth in article 5 of the North Atlantic Treaty;

(4) welcomes the commitment by the European Union (EU) and the North Atlantic Treaty Organization (NATO) to keep the door to membership open for all European countries which meet the conditions for accession; and

(5) supports the continued efforts to create a Europe whole, free and at peace.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

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

If, on January 1, 1989, anyone had predicted the events that would occur in Central and Eastern Europe during the following 12 months culminating in the fall of the Berlin Wall and the end of the Cold War, he or she would have been called a hopeless dreamer, a lunatic, or a naive revolutionary. And yet by January 1 of 1990, the region and indeed the whole world had fundamentally changed.

The events of 1989 were indeed remarkable, beginning with the opening of talks between the communist Polish Government and the Solidarity trade union in February and ending with the execution of Romanian dictator Ceausescu on Christmas Day.

They began with a few ripples and became a tidal wave that swept throughout the region, toppling governments and destroying the walls, real and virtual, that had divided the continent of Europe for so many years.

The initial fissures had begun some years before, aided by the actions and policies of the United States and Western Europe, as well as the reform measures of glasnost and perestroika introduced by Soviet General Secretary Mikhail Gorbachev. But the real cracks that led to the crumbling of the Wall and the entire regime were brought about by the courageous actions of the men and women of Central and Eastern Europe in 1989.

This resolution commemorates those events and those people:

The startling election victory of Solidarity, winning every seat it was allowed to contest in the lower House and 99 of 100 in the Senate;

The unprecedented decision by the Hungarian Government to open the border to Austria, enabling thousands of East Germans to flee to the West;

The amazing 400-mile-long human chain across Estonia, Latvia, and Lithuania, comprising 2 million citizens linking hands to protest Soviet rule and to demand restoration of independent statehood;

The ''Velvet Resolution'' in Czechoslovakia, which caused the resignation of the communist government and the free election of President Vaclav Havel;

The protests in Bulgaria that led to the end of the 34-year rule of Communist leader Zhivkov and the first free elections since 1946;

The uprising of the people in Romania against the efforts to arrest a popular priest and the brutal killing of innocent protesters that followed, that led to the deposing and the execution of Romanian dictator Ceausescu;

And, of course, the iconic event of 1989, the tearing down of the Berlin Wall and the joyous celebrations of people who were finally free.

Today these countries are important, vibrant, strong democracies, important partners in NATO and the European Union. I am proud to call them our allies and our friends. We have worked together to address the challenges in Afghanistan, the threats posed by terrorists and the proliferation of weapons of mass destruction and the risks to our environment, to energy security and economic well-being. We share the same values and hope for the future.

We still have much work to do to resolve difficult issues remaining within Europe, but 20 years after it was considered inconceivable, the dream of a Europe, whole, free, and at peace is finally within reach.

I urge my colleagues to join me in commemorating the 20th anniversary of the remarkable events leading to the end of the Cold War and the creation of a Europe, whole, free, and at peace.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 892 commemorating the extraordinary events in 1989 which led to the end of the Soviet regime's domination over Eastern Europe and those people it held captive within its borders.

As this resolution points out, 1989 was an important and pivotal year for

freedom in Europe. In the course of only 365 days, walls fell, free elections were held, dictators were washed away, and people who had long yearned for freedom crossed barriers and walked into liberty. The trade union Solidarity won its historic election victory leading to the first noncommunist government in Poland since 1945.

Two million people living in the Baltic States linked hands to form a human chain almost 400 miles long in a dramatic, peaceful protest against Soviet rule.

In response to protests that had grown to include over a million people, East Germany opened the border with West Berlin for ''private trips abroad''; then thousands of East Germans flooded across the border and the Berlin Wall fell.

The ''Velvet Resolution'' protests in Czechoslovakia led to a free election of a new democratic government.

Romanian security forces brutally murdered brave Romanians who were protesting the arrest of a local priest, but subsequent mass protests overthrew the communist regime there.

Mr. Speaker, and while I do support this resolution, it might have been an even more important statement by this House if it had clarified more specifically the great importance that membership in the NATO alliance now holds for these countries formerly trapped behind the Iron Curtain.

While this measure indeed reaffirms our commitment to article 5 of the alliance, I would like to point out some disturbing recent incidents involving some of our allies in Eastern Europe which would seem to call for an even stronger statement of the strength and commitment of our alliance.

In April of 2007, the Russian Foreign Minister threatened serious consequences after the Estonian Government moved the site of a Soviet war memorial in Tallinn. Subsequently, Estonian Internet and technological information systems were subjected to large-scale, systematic cyberattacks suspected to have originated in Russia.

Furthermore, Russian officials recently threatened undefined aggressive actions against Poland and the Czech Republic if those states agreed to the deployment by their NATO ally, the United States, of strategic missile defense components on their territory.

In August of 2008, a Russian general stated, ''By hosting (missile defense components on its territory), Poland is making itself a target. This is 100 percent certain. It becomes a target for attack. Such targets are destroyed as a first priority.''

Recent efforts undertaken by Russia and its state-controlled energy companies to monopolize control over energy supplies to European states have raised concerns over future Russian intentions regarding influence over political processes in those states. Again, this measure would have been a good opportunity to include specific references to those incidents.

The kinds of statements and actions emanating from the Russian Government are extremely serious and they must be viewed with the utmost concern for the sake of security of the countries of Eastern Europe that did work so hard to gain the freedom they finally achieved in 1989, the subject of this resolution.

□ 1745

Overlooking such statements and actions, the measure before us today forgoes the opportunity to send a truly clear and powerful message that we will not ignore statements and actions of that nature aimed at our allies, that their hard-won freedom and security do matter to us, and that we will stand with them against such intimidation.

In closing, Mr. Speaker, I would like to note today's news report concerning comments just made by the Russian Foreign Minister. These statements can only be interpreted as a subtle warning to our Polish ally against allowing any U.S. troops—its NATO ally—being deployed on sovereign Polish territory.

When told that the Polish Foreign Minister had stated that the United States should deploy troops in Central Europe, the Russian Foreign Minister replied, ''I'm astounded, because he and I discussed in tiny detail the objectives that Russia pursues with its initiative on a new treaty on European security.''

With such comments in mind, let us take note of the serious challenges that our allies in Eastern Europe continue to face today and send a strong message of support against any attempts to threaten or intimidate them.

Mr. Speaker, I am pleased to yield 6 minutes to my good friend, the gentleman from Indiana (Mr. BURTON), who is the ranking member on the Foreign Affairs Subcommittee on the Middle East and South Asia.

Mr. BURTON of Indiana. I thank the gentlelady for yielding.

I was afraid you were going to leave, Mr. Chairman, before I got to talk to you. I always like to address you when I am down in the well.

You made a comment about my colleague, Mr. KINGSTON, when he said something about our bill being so much smaller. You said, I think it was 10 times bigger because it did 10 times more. It does do a lot more. It spends a lot more. It is 1,990 pages—now don't walk away, I want you to hear this—and each word, each word in the bill is $2.25 million. Each word, not each page out of 1,990 pages. Each word. And it is going to cost not $1 trillion but about $1.3 trillion. And it is going to cause rationing of health care. And it is going to cause a big cut of Medicare and Medicare Advantage.

I see you moving. You are moving toward the door. I want to tell you, Mr. Chairman, I love you, but this is not the best bill that I have ever seen. In fact, I think it is a bill—well, he is leaving now. He is going out the door. So, Mr. Chairman, I will just tell you, I would like to take issue with that.

I would like to just say one more thing before you leave, because I want to talk about Ronald Reagan for a minute. When you did your dissertation—hold it. When you did your dissertation, you didn't mention Ronald Reagan and what he did and when he said, ''Mr. Gorbachev, tear down this wall.''

Now you can go.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. BURTON of Indiana. I'm sorry. Oh well, he is gone now anyhow.

Mr. Speaker, Madam Ranking Member, Ronald Reagan forced Gorbachev and the Soviet Union to spend money they didn't have, like we are doing right now with that health care bill, spend money they didn't have to build T–55 tanks and weapons to keep up with us in the Cold War, and he forced that country, that Soviet Union, and all of the countries involved, to fall apart. And he said, ''Mr. Gorbachev, tear down this wall.'' And I thought at the time, that's a great speech, Mr. President, but it will never happen.

And I went to Namibia to monitor the election in Namibia with former Senator Edwin Muskie about a year and a half later, and we were going to a German beer garden for lunch before the election took place. I walked in, and everybody was holding steins, and I thought it was a big birthday party or wedding party. And I said, What's going on?

And this guy with tears rolling down his cheeks, a German fellow, said, Haven't you heard? The Berlin Wall is coming down.

I got tears in my eyes and said, I'll be darned; he got it done.

Ronald Reagan is one of the greatest Presidents this country has ever had. I'm serious. I really mean that. He did whatever it took to deal with the Soviet Union, and he won.

But not only that, Ronald Reagan said if we ever move toward government control of health care, it would be a strong move toward socialist control of everybody in this country. I'm paraphrasing him, but he actually said that. When Ronald Reagan came in, instead of moving toward more government control over our lives, he said instead of raising taxes and creating more government, we are going to cut taxes and give people more disposable income and we are going to give businesses more money so they can expand. And what happened, we ended up with the longest period of economic recovery that I can remember and probably in our history.

So the Obama administration comes in and they take over the car industry, the financial industry, the banking industry. They want to take over the energy industry, and now they want to take over 18 percent of our entire society's economy, and that is health care. It is going to be destruction of much of what we believe in and the way we live

in this country. We don't need socialism in America, and that is what it is.

And if you say that is a pretty strong word, go to the dictionary and look and see what socialism is. It is government control over people's lives. It is government regulation over everything.

And this health care bill is an absolute disaster. Seniors are going to see rationing of health care first, and then others will. They will see the cuts in Medicare and Medicare Advantage, $500 billion. They are going to see all kinds of problems that they don't realize right now.

I just hope, I just hope that the people of this country who appeared on the mall yesterday by the thousands will continue to fight, Mr. Speaker, will continue to fight to stop this bill before it gets passed into law. Because it is going to change everybody's life, and it is going to mortgage the future of our kids and our grandkids. Inflation, higher taxes, all of the things that we don't want.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the my good friend, the gentleman from Nebraska (Mr. TERRY), a member of the Committee on Energy and Commerce.

Mr. TERRY. Mr. Speaker, I rise in support of this resolution.

I want to talk about the cold war that has been created in the House of Representatives over this health care bill. This is my 11th year here, and I have never seen this House so divided and vitriolic. It is intense around here, and it doesn't have to be this way. We have heard speech after speech from my friends on the other side of the aisle saying that we, because we oppose government involvement in our health care and a $1.2 trillion price tag, that somehow we want people to die, we don't want there to be or somehow we support the preexisting exclusion in contracts or caps or insurance dumping.

Frankly, when you get past that level of vitriolic leadership-supported rhetoric, what you find out is that we actually agree on a lot between the two sides. We just haven't been able to actually discuss a real bill between us because the Republicans have been shut out. We are angry about that. I think that is the root or part of the problem with this health care bill, is that we have not been involved in its shaping at all.

For example, the bill that I supported or drafted and is up in Rules Committee and may be heard at 1, 2 or 3 in the morning, I guess, specifically forbids the use of a preexisting clause in a contract, that eliminates the caps that have been put on, either yearly or lifetime, that prevents the dumping. These are the type of things that we tend to all agree on, but we can't work together to get those done that have been identified as part of the problem.

Another part of the problem that I think we all agree on is the high price of the policies in health care in general prevents many people from being able to access or purchase health insurance. Therefore, not being able to access as well as many others the health care system. But there are ways to deal with that as well.

The GOP alternative, and the one I put in, allows people to be packaged together in large groups. We attack the underlying costs of health care, and we make it more affordable and policies available to a lot more people by doing that. Mine is a replication, an exact identical twin of what we have as Federal employees and Members of Congress. And that is 9 million people.

I agree with the insurance exchange idea where you can put maybe 15 million people that are uninsured, don't have access to one large group and let the private sector compete for them. This has been found by most economists to really dramatically reduce the costs by buying in bulk in the competition, and those two principles are embraced in the alternatives.

But I want to break down a little bit where we start separating, because really the real problems between the philosophical basis for our bill boils down to the public option. Theirs has a public option where it involves the government in health care. It sets up, and if you read the bill and understand how it works, you see where we will have a single-payer, totally-run-by-the-government health care system within 10 years. I oppose that. I ran on individual liberties, not growing government. That is where we are going to hopefully have the debate tomorrow, instead of the rhetoric that we have heard to date.

This is not only on the principles of big government versus limited government, individuals and patient rights versus big government and centralized leadership over health care, but it is also going to be a debate about $1.2 trillion or more. And even some of this, there is additional costs that are even hidden. Let me just give you one before I yield back my time.

In order to help insure the lower-income people right above the poverty mark, this bill tomorrow moves Medicaid from 100 percent of poverty as the eligibility cutoff to 150 percent. Why is that? Why do I say that is a trick? Well, it is good that they get uninsured, but ours would allow them access and probably a little bit of support to be able to help them. What this does then is shifts those costs to the State. Because Medicaid, most of the dollars for Medicaid people are borne by the State. So the price tag for this bill is actually higher.

One of the things that we are going to hear is, yes, they soak the rich, which involves a lot of small businesses, but the middle-income people are the ones that are going to get hit when they put these burdens on the States. When the States, like Nebraska, have to come up with tens of millions of more dollars at a time when we are in a special session trying to figure out how to balance that budget, the reality is they are going to have to raise taxes, and that is sales taxes and property taxes. So this bill trickles down to the local levels by forcing the States to have to expand their Medicaid coverage, hiding the costs, the true costs of this bill, but also is going to increase the local taxes. I think that is unfair and I think the American public needs to know about some of these little nuances or even tricks, as I would call them.

So I stand up in opposition to the health care bill; and when hopefully this bill is defeated or can't get the votes, then we can come together in a bipartisan way and fix the problems that we all agree on and we can actually help the American public, as opposed to creating this large new bureaucracy.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. MCMAHON) will control the time of the gentleman from California.

There was no objection.

Mr. MCMAHON. Mr. Speaker, I request to know how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 16½ minutes.

Mr. MCMAHON. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I thank the gentleman for yielding me this time. I had planned on doing a 1-minute on the Berlin Wall. I think the 20th anniversary of the falling of the Berlin Wall is a historic occasion. It is a story about freedom and oppression and people having the opportunity to have that freedom.

I had the opportunity to visit Berlin before the wall came down and after the wall came down.

□ 1800

The contrast in East Berlin and West Berlin, when the wall was up, was about as stark as the debate is from this side of the aisle and the other side of the aisle. There was the idea of light and frivolity and freedom and action and caring—and just life on one side, and the other side of the wall was dark, negative, gray and repressive.

When I traveled over there, it was just startling for me to experience it. Kurfurstendamm, which is the main street in West Berlin, was a street of people and musicians and buskers on the street and wonderful food and all kinds of life and freedom, and the other side was dark. As soon as the people went home in these communist-style, Stalinesque architecture buildings, they went home, they were not out, there was no nightlife.

The waitress that waited on us in an East German, East Berlin restaurant was almost afraid to talk to us. She yearned to visit the West and to visit around the world, didn't know if she would ever have that opportunity. We

tipped her handsomely, and I hope she used that money at some time to make her trip across to the free world.

When we went through Checkpoint Charlie, I gave the guard there—and it was one of the most ominous moments that I've experienced seeing a combination of a police person, a border patrol person, a German—and I say that in all the best respect to Germans, just a characterization thereof, the same for police and border guards—and a communist checking you through Checkpoint Charlie. It was rather stern and official-like and intimidating. I slipped him an Elvis Presley swizzle stick, which he kind of looked askance and took his hand and got it into his hand and stuck it in his pocket and never moved his eyes from looking forward. I was happy to pass Elvis along.

While I agree with the gentleman who spoke earlier about President Reagan and some of the things he did in spending to help defeat the Soviet Union and bring down that wall, a lot of what brought down that wall was the people and their yearning for freedom, which was expressed through Radio Free Europe and other manners in which the German youth heard American music and saw American life. They saw blue jeans and they heard rock and roll, they heard Elvis, they heard the Beatles, they heard all kinds of people. Eventually that wall came down and they heard Pink Floyd; Pink Floyd played and the world listened and the wall came down.

When I returned years later to Berlin, I drove through the Brandenburg Gate, which I don't think I was supposed to, but I did. And that was fun, I could do it, it was freedom.

I thought back upon the last time I had been in East Berlin and you couldn't do anything; it was such an ominous state. East Berlin now is a fun, thriving, great place with great restaurants and art scenes and freedom and people. It has really become more happening than the KuDam or Kreuzberg or the other areas in the West which are happening as well. But it was a great day when that wall came down.

The Newseum has three or four portions of the wall here in Washington. I went there last week. I would encourage everybody, Mr. Speaker, to go to the Newseum, which is a great museum. It's a museum about history in America and the world, not just the news media, but about freedom. The reason they've got the Berlin Wall there is because of that freedom in the First Amendment, the freedom of press, the freedom of expression, and the freedom of association. You can learn about that and value it.

You look at that wall and you see pictures of the people who died trying to get across, and coming up with ways to tunnel their way under the wall or to leap or to create some type of flying machines, and all the different ways, being inside cars or under cars and taken to freedom. Many died, some made it. It's a great tribute to people's yearnings for freedom and their desires to overcome the barriers put before them by repressive regimes.

So I wanted to speak today because that was a momentous occasion in my life to see the Berlin Wall, to go into East Berlin and see the difference between our type of government and the Soviet repression, and then to go back later and see the joy that is now in East Berlin and the freedom that has been allowed to flourish.

So I thank the gentleman for bringing the resolution, I thank the lady for bringing the resolution, and I encourage everybody to go to the Newseum and to cherish their freedom.

Ms. ROS-LEHTINEN. Mr. Speaker, just to close on our side, I thank my good friend, the esteemed chairman of our Foreign Affairs Committee, Mr. BERMAN, for introducing this resolution.

As important as it is to pass feel-good resolutions, I think that this resolution would have been strengthened if we would have talked about the difficult realities that we are confronting now with Russia and other states that are threatening the stability and the democracy and the integrity of those countries who fought long and hard for their independence, for their freedom, and for their democracy.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. MCMAHON. Mr. Speaker, in closing, I would also echo the words of the gentlelady from Florida and all of those who spoke on the relevant issue this evening of the resolution which honors the incredible accomplishments that transpired in 1989, the fall of the wall, the opening of the gate, and the spirit of freedom that blew through Eastern Europe.

And it was not the result of one individual or one group of people. Hundreds of thousands of people yearned and thirsted for freedom for decades, and it finally came in the great fruition of that physical breaking down of that wall.

We heard tonight about the memory of Ronald Reagan, and we are reminded of what a great role he played in ordering Mr. Gorbachev to open the gate and tear down the wall. I would close by only reminding all of those in this Chamber tonight that I think if he were here, Ronald Reagan would be a little disappointed in those who come in this great august body at a time that we are honoring such a momentous occasion in the history of our world and use it to discuss things, though important, not relevant, and to seem to do so for political advantage rather than honoring the memory of those who lost their lives fighting and questing for freedom. They are an inspiration to all of us, and they should be for all time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 892.

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

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

The point of no quorum is considered withdrawn.

HONORING 60TH ANNIVERSARY OF DIPLOMATIC RELATIONS BETWEEN THE U.S. AND JORDAN

Mr. MCMAHON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 833) honoring the 60th anniversary of the establishment of diplomatic relations between the United States and the Hashemite Kingdom of Jordan, the 10th anniversary of the accession to the throne of His Majesty King Abdullah II Ibn Al Hussein, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 833

Whereas the Hashemite Kingdom of Jordan achieved independence on May 25, 1946;

Whereas the United States recognized Jordan as an independent state in a White House announcement on January 31, 1949;

Whereas diplomatic relations and the American Legation in Jordan were established on February 18, 1949, when United States diplomat Wells Stabler presented his credentials as Chargé d'Affaires in Amman;

Whereas for 60 years, the United States and Jordan have enjoyed a close relationship. spanning a gamut of issues from the search for peace in the Middle East, the socioeconomic development of the Jordanian people, and the threat to both posed by al Qaeda and other foreign terrorist organizations;

Whereas King Hussein charted a moderate path for his country during his many years on the throne;

Whereas the United States has been Jordan's strongest international partner for over 50 years;

Whereas throughout his reign, King Hussein looked for opportunities to realize his dream of a more peaceful Middle East by working to solve intra-Arab disputes and engaging with successive Israeli Prime Ministers in the search for peace;

Whereas King Hussein and Israeli Prime Minister Yitzhak Rabin signed the historic Jordan-Israel peace treaty in 1994, ending nearly 50 years of a formal state of war between the neighboring countries;

Whereas the United States lost a close friend and a crucial partner when King Hussein passed away in 1999;

Whereas King Hussein was succeeded by his son, King Abdullah II, who has continued his father's work to improve the lives of the Jordanian people while also seeking to bring peace to the region;

Whereas in the aftermath of the September 11, 2001, terrorist attacks, Jordan has been an instrumental partner in the fight against al Qaeda, has provided crucial assistance in Iraq, and has coped with the responsibility of hosting more than a half-million Iraqi refugees, a total equal to roughly 10 percent of Jordan's population;

Whereas King Abdullah II has been a leading Arab voice in trying to reaffirm that, as stated in his 2004 Amman Message, ''True Islam forbids wanton aggression and terrorism, [and] enjoins freedom of religion, peace, justice and good-will to non-Muslims.'';

Whereas in November 2005, al Qaeda terrorists struck three hotels in Amman, Jordan, killing 60 individuals—including four Americans—and wounding 115, and uniting the people of Jordan and the United States in grief; and

Whereas King Abdullah II begins his second decade on the Jordanian throne by redoubling his efforts for peace in the region as the Jordan-United States partnership enters its seventh decade: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the 60th anniversary of the close relationship between the United States and the Hashemite Kingdom of Jordan;

(2) expresses its profound admiration and gratitude for the friendship of the Jordanian people;

(3) congratulates His Majesty King Abdullah II on 10 years of enlightened and progressive rule; and

(4) shares the hope of His Majesty King Abdullah II and the Jordanian people for a more peaceful and free Middle East.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCMAHON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

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

I rise in support of H. Res. 833, which honors the 60th anniversary of the establishment of the diplomatic relations between the United States and the Hashemite Kingdom of Jordan, and the 10th anniversary of the accession to the throne of His Majesty King Abdullah II. I would like to thank my friend, the gentleman from California (Mr. SCHIFF), for introducing this important measure.

The Hashemite Kingdom of Jordan, Mr. Speaker, is a strong ally and a great friend of the United States. Although our two nations have never been linked by a formal treaty, we have cooperated for decades on a variety of regional and international issues. In particular, the United States and Jordan have worked together to support our commitment to peace, stability, moderation, and modernization in the Middle East.

With economic and military assistance, a free trade agreement, and close political cooperation, the United States has helped Jordan overcome the vulnerabilities it naturally faces as a result of its small size and lack of natural resources.

Jordan's geographic position, wedged among Israel, Syria, Iraq and Saudi Arabia, has sometimes made it the object of the strategic designs of more powerful neighbors; but it has also given moderate Jordan a strategically critical role as a buffer among those states. And its 15-year-old peace treaty with Israel has proven to be durable and an important force for regional stability.

Jordan is a key partner in fighting international terrorism. Its security organizations are considered among the best informed and most adept in the region. For example, Jordanian intelligence reportedly played a role in assisting U.S. forces in killing Abu Musab al-Zarqawi, the fugitive Jordanian terrorist mastermind who headed the al Qaeda organization in Iraq until his death in 2006.

Jordan's moderate and pro-Western policies have made it at times a preferred target of regional terrorist groups. On November 9, 2005, bombings at three Western-owned hotels in Amman killed 58 people and seriously wounded approximately 100 others. The terrorist organization al Qaeda in Iraq claimed responsibility for this act. I am certain the United States will continue to stand with Jordan in its fight against terrorism.

Mr. Speaker, in August, Secretary of State Hillary Clinton hosted Jordanian Foreign Minister Nasser Judeh in Washington. In her remarks following their meeting, Secretary Clinton said that ''after six decades of relations our partnership has proved both durable and dynamic. We will continue to work together in areas ranging from assistance with education, health care, water programs, to border security, good governance, and regional security.'' I am proud to say, Mr. Speaker, that the Congress is working alongside the Obama administration to achieve those goals.

King Abdullah has won the admiration of many of us for his energetic and hands-on style of governing and for his commonsense approach to regional relations. He is a true friend of the United States and a true voice of moderation in an increasingly treacherous region.

I have always found King Abdullah to be a sincere and insightful interlocutor as well as a strong spokesman for Jordan's interests. I congratulate him on the 10th anniversary of his accession to the Jordanian throne, and I wish him many successful years ahead.

Mr. Speaker, in closing, I would like to thank the author of this resolution, ADAM SCHIFF, along with Representatives CHARLES BOUSTANY, BRIAN BAIRD, and JEFF FORTENBERRY for their leadership in directing the Congressional Jordanian Caucus. Such bipartisan cooperation can only strengthen U.S.-Jordanian bilateral relations.

Therefore, Mr. Speaker, I strongly support H. Res. 833, and I encourage all my colleagues to do likewise.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the past six decades, Jordan has been a key U.S. ally in an unstable region where we have many vital interests and face many challenges. We have longstanding cooperation in a variety of fields, from security, to governance, to education, to health care, to water; and we hope that such cooperation will only increase in the years ahead.

In this regard, America has had true partners in Amman. Nothing illustrates this more than the strength of the 1994 peace treaty that the late King Hussein concluded with the Jewish democratic State of Israel. By condemning violent extremism and by making an open and true peace with Israel, King Hussein set a standard by which other Arab and Muslim leaders should follow. In the past 15 years of peace between Jordan and Israel, they might not have been perfect, but they have been slowly building upon a foundation in which much cooperation is possible in the future.

Jordan has also demonstrated to other nations the benefits of embracing democratic reforms and principles. Fortunately, King Hussein's son and successor, King Abdullah, has continued on a path for peace, cooperation, and reform during his past decade on the throne. Under an election law passed in February of 2007, the Jordanians went to the polls in late July of 2007 to elect for the first time the mayors and councils of every city and town in their country.

□ 1815

In November of 2007, Jordan held its fifth set of elections for Parliament since 1989. Jordan has also recognized that democracy is more than just elections. The Jordanian Government has taken steps to establish the rule of law, to build civil society, to build strong institutions, and to broaden political participation to meaningfully engage citizens from all walks of life.

One example of this commitment was the decision by the government to lower the voting age from 19 to 18 and to establish mechanisms to ensure adequate female representation to municipal councils. In the most recent parliamentary elections, seven females won public office. I hope that these steps will lead to further reforms and to more political participation.

King Abdullah, himself, has courageously spoken out and has led the way for reform. As King Abdullah has stated, ''We in Jordan, and many others

throughout the Middle East, are working hard to create a civic environment in which our people will thrive.

''The basic requirement is an inclusive, democratic, civil society—one that guarantees rights, delegates responsibilities, honors merit, and rewards achievement.''

Jordan has also demonstrated strong support for the fledgling democracy in Iraq. Last year, King Abdullah was the first Arab leader to visit Iraq since the establishment of democracy in that country. Jordan has also become the first country to appoint an Ambassador to Baghdad since 2005.

Mr. Speaker, Jordan does, indeed, serve as a model for other nations in the region. It deserves our friendship and our encouragement, and its people deserve continued progress in political and economic reforms. Therefore, I strongly support House Resolution 833, which commemorates 60 years of diplomatic relations between Jordan and the United States, as well as the 10th anniversary of the accession to the throne of King Abdullah. It also expresses our profound admiration and gratitude for the friendship of the people of Jordan and shares their hope, and that of King Abdullah's, for a more peaceful Middle East.

I urge my colleagues to support this important resolution, and I thank my dear friend, the distinguished colleague from California (Mr. SCHIFF) for introducing it.

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

Mr. MCMAHON. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

I want to thank my friend and colleague, the distinguished chairman from the Foreign Affairs Committee, for bringing this resolution to the floor. I am also grateful to the members of the committee and to others who have cosponsored it.

Today, we celebrate one of America's strongest alliances in one of the world's most unsettled regions. For decades, the United States and Jordan have been friends and allies. Today, that friendship finds renewed expression in this resolution which commemorates the 60th anniversary of the establishment of diplomatic relations between the United States and Jordan and the 10th anniversary of King Abdullah's accession to the throne.

The cornerstones of that friendship are a mutual desire for peace in the region and a belief that the Arab and Muslim world must resist extremism. Jordan has been a key player in the peace process between Israel and the Palestinian people, a partner in the fight against al Qaeda, and an important part of the struggle for the soul of Islam. With its lengthy border with Israel and its majority Palestinian population, Jordan has long been a catalyst for peace in the region.

King Hussein, the current King's father, engaged in decades of quiet diplomacy with Israel—an effort that bore fruit in 1994 with the signing of the Jordan-Israel peace treaty. King Abdullah has continued his father's quest for peace and has been a tireless advocate for a better future for all the peoples of the region.

King Abdullah's 10 years on the throne have been shaped primarily by Jordan's response to the 9/11 attacks and the Iraq war, and the Jordanian-American partnership has been strengthened in the 8 years since the attacks on New York and Washington.

Jordan has been an important ally in the fight against al Qaeda, but the steadfastness has carried a heavy price. Four years ago this month, al Qaeda terrorists struck three hotels in Amman. While the intention of the bombers was to drive a wedge between the U.S. and Jordan, they succeeded only in uniting our peoples in grief and in hardening the resolve of the Jordanian people to resist extremism even in the face of terror.

In Iraq, Jordan has provided vital assistance to American forces serving there, and it has also been the host to thousands of Iraqi police recruits who have trained at a state-of-the-art facility outside Amman. As that program has wound down, Jordan has converted it for the training of Palestinian Authority security personnel as part of the security assistance program run by American General Keith Dayton. These Palestinian forces have been instrumental in helping to stabilize the West Bank and in keeping alive the hopes for a future two-state solution.

Over the past few years, Jordan has been burdened by hundreds of thousands of refugees from Iraq. A small, water-poor nation of only 6 million, Jordan's infrastructure and economy have been tested by the Iraqi refugees, with estimates of the total number generally ranging between 500,000 and 700,000. The influx of refugees has put enormous strain on the kingdom's education and health systems, and it has also caused widespread distortions in housing and energy prices.

Despite the enormous burdens that these refugees have placed on Jordan, the government has allowed them to remain in the country even as the situation in Iraq has become more stable. In recent months, a few of the refugees have begun to return home, but the vast majority remains, and most observers expect them to stay in Jordan for some time to come.

Especially vital has been the King's effort to reassert, on behalf of Muslims around the world, the true meaning and teachings of Islam. In 2004, he issued the Amman Message—an important step in combating al Qaeda's attempt to hijack one of the world's great religions in the name of hate. While America can work to eliminate the conditions that give rise to extremism, we must also rely on Muslim leaders to press the case that al Qaeda is a perversion of Islam and not a pure form of the religion that values human life and peace.

In a region roiled by conflict, characterized by poor governance and stifling economic mismanagement, Jordan has remained an island of stability and an example to its neighbors of a Middle Eastern nation that is seeking to create a peaceful and more prosperous life for its citizens even though it lacks the oil and natural gas that many of the other Arab States in the neighborhood enjoy.

Much work remains to be done, but King Abdullah and other senior government leaders are determined to build a better society for the Jordanian people. For that commitment and for six decades of friendship, I am proud to co-Chair the Congressional Friends of Jordan Caucus with my colleague from Louisiana (Mr. BOUSTANY) and with the assistance of our terrific vice-Chairs, Mr. BAIRD and Mr. FORTENBERRY.

I urge my colleagues to join me in supporting this resolution and in reaffirming the broad ties between the United States and Jordan and in congratulating King Abdullah on the progress that he has made in his 10 years on the throne.

Again, many thanks to Chairman BERMAN.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and agree to the resolution, H. Res. 833, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

RECOGNIZING 30TH ANNIVERSARY OF IRANIAN HOSTAGE CRISIS

Mr. MCMAHON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 209) recognizing the 30th anniversary of the Iranian hostage crisis, during which 52 United States citizens were held hostage for 444 days from November 4, 1979, to January 20, 1981, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 209

Whereas, in the face of internal political upheaval in Iran, the United States Government maintained a diplomatic presence in

Tehran following the fall of Shah Mohammed Reza Pahlavi in January 1979, and sought to engage the new provisional government of Prime Minister Mehdi Bazargan;

Whereas, on November 4, 1979, Iranian militants scaled the walls of the United States Embassy in Tehran and took 63 United States citizens and diplomats hostage;

Whereas three more United States citizens were taken prisoner at the Iranian Foreign Ministry, for a total of 66 hostages;

Whereas the occupiers bound and blindfolded the embassy staff and military personnel and paraded them in front of photographers;

Whereas a total of 52 United States citizens were held hostage for 444 days until January 20, 1981, in isolated and under psychologically intimidating and onerous conditions;

Whereas Iranian militants violated the principle of diplomatic immunity and United States sovereignty;

Whereas Ayatollah Khomeini endorsed the seizure of the United States Embassy and detention of United States hostages and toppled the Bazargan government, instructing that no Iranian officials hold discussions with United States representatives;

Whereas the Soviet Union vetoed United States initiatives at the United Nations Security Council to impose collective economic sanctions on Iran;

Whereas the United States broke off diplomatic relations with Iran on April 7, 1980, following unsuccessful diplomatic efforts to free the hostages;

Whereas, on April 24, 1980, the United States launched Operation Eagle Claw, a high-risk rescue operation to free the hostages;

Whereas the rescue mission was aborted when three helicopters malfunctioned;

Whereas the following United States military personnel from the all-volunteer Joint Special Operations Group lost their lives and three more were injured in the Great Salt Desert near Tabas, Iran, on April 25, 1980, in the aborted attempt to rescue the United States hostages—

(1) Capt. Richard L. Bakke, 34, Long Beach, CA, Air Force;

(2) Sgt. John D. Harvey, 21, Roanoke, VA, Marine Corps;

(3) Cpl. George N. Holmes, Jr., 22 Pine Bluff, AR, Marine Corps;

(4) Staff Sgt. Dewey L. Johnson, 32, Jacksonville, NC, Marine Corps;

(5) Capt. Harold L. Lewis, 35, Mansfield, CT, Air Force;

(6) Tech. Sgt. Joel C. Mayo, 34, Bonifay, FL, Air Force;

(7) Capt. Lynn D. McIntosh, 33, Valdosta, GA, Air Force; and

(8) Capt. Charles T. McMillan II, 28, Corrytown, TN, Air Force;

Whereas the Algerian Government brokered a January 19, 1981, agreement between Iran and the United States, to which the United States agreed, under duress, resulting in the release of the hostages on January 20, 1981;

Whereas President Reagan asked former President Carter to welcome the released hostages at Rhein-Mein Air Base; and

Whereas the Iranian Government's commemoration of the 30th anniversary of the Iranian hostage crisis was met with street protests against the repressive Iranian regime: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 30th anniversary of the Iranian hostage crisis, during which 52 United States citizens were held hostage for 444 days;

(2) honors the sacrifice and service of the United States diplomats and military personnel held hostage and servicemen who lost their lives and were wounded in a valiant attempt to free the United States hostages;

(3) in recognition of this sacrifice, hopes that the people of the United States and Iran may embark on a new relationship that fully reflects their most noble aspirations for life and liberty;

(4) expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law; and

(5) urges the Secretary of State to make every effort to assist United States citizens held hostage in Iran at any time during the period beginning on November 4, 1979, and ending on January 20, 1981, and their survivors in matters of compensation related to such citizens' detention.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCMAHON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

Mr. MCMAHON. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 209, which recognizes the 30th anniversary of the seizure of the United States Embassy in Tehran on November 4, 1979.

In February 1979, shortly after the collapse of the Shah's regime, exiled religious leader Ayatollah Khomeini returned to Tehran and whipped popular discontent into rabid anti-Americanism. When the Shah came to America for cancer treatment in October, the Ayatollah incited Iranian militants to attack the United States. Shortly thereafter, on November 4, the American Embassy in Tehran was overrun and its employees taken captive. The hostage crisis had begun.

Sixty-six Americans were taken hostage by the Iranians. They were separated into small groups which were not allowed to communicate with one another. They were completely cut off from the outside world, even from their families. They were blindfolded whenever their captors took them outside their rooms. Meals were served irregularly and were often inadequate.

Particularly worrisome for the hostages was the lack of adequate medical care. Many of them were senior Embassy staff with serious health concerns. Above all, there was the psychological pressure of never knowing if they would be harmed or executed, if and when they would be released, or what, if anything, the American Government was doing to help them.

Mr. Speaker, our brave diplomats and servicemen were held for well over a year. The Iranians released a few of the hostages along the way, but 52 of the original 66 who were captured were held for the entire 444 days. All of the hostages made a heroic sacrifice for our Nation, and they deserve our eternal gratitude.

We also lost eight courageous soldiers when their helicopters crashed in the Iranian desert on April 25, 1980, in a failed attempt to rescue the hostages. We honor their bravery and we mourn their loss. Our thoughts and prayers continue to go out to their families, Mr. Speaker.

The Iranian regime's support for the holding of American hostages was a disgrace of the highest order, and it was far from the last time that the Iranian regime would show contempt for its international obligations, as we know. Iran continues to flout the will of the international community today with its nuclear weapons program and with its support for terrorism.

Annually—and outrageously—the Iranian regime continues to mark the anniversary of the Embassy takeover as a celebration rather than as the badge of shame they should acknowledge it to be. This year, thousands of Iranian demonstrators turned the tables on the regime, fittingly using the occasion to declare their contempt for the Iranian leadership.

Mr. Speaker, several of those who were taken hostage 30 years ago remain active in serving our Nation's interests today. One of them, Ambassador John W. Limbert, was a young political officer, already an accomplished Persian scholar, who was just finishing his third month at the Embassy when Iranian thugs took him and his colleagues hostage.

Today, 30 years later, he is starting an assignment as Deputy Assistant Secretary for Iranian Affairs at the State Department's Bureau of Near Eastern Affairs. For the past 3 years, he has been a professor at the United States Naval Academy in Annapolis, which has granted him leave so he can assume his critically important position. He is not only a scholar but a first-rate diplomat. We honor him today, wish him well on his new assignment, and look forward to working with him.

I commend my friend, the gentleman from Nebraska (Mr. FORTENBERRY), for introducing this important resolution, and I urge my colleagues to join me in supporting it.

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

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution put forward by my good friend, the gentleman from Nebraska.

Mr. Speaker, September 11, 2001, will be forever engrained in our collective consciousness as one of the most vicious attacks against our Nation. However, we have been targeted by a global, violent, Islamic extremist network since November 4, 1979.

On this day, Iranian militants overran the United States Embassy in Tehran, and took innocent American hostages, with 52 of these brave Americans held for 444 days. U.S. diplomats, Embassy staff, and military personnel were bound and blindfolded, humiliated, and paraded in front of news cameras by their captors.

□ 1830

They endured unspeakable suffering and abuse for nearly 15 months in captivity. Since the capture of the United States embassy in Tehran 30 years ago and the ensuing hostage crisis, Iran has increasingly viewed terrorism as a tool to achieve its ideological and strategic aims.

These aims include exporting the revolution, supporting and arming militant Islamist extremist organizations and other groups worldwide, especially in the Middle East, attacking Israel, and destabilizing the governments of the more pragmatic and reformist Arab countries.

One of the chief instruments for the implementation of these policies has been the jihadist organization, Hezbollah, which, since its inception, has been trained, financed and supported by the Iranian Revolutionary Guard Corps. In return, Hezbollah has helped advance Iranian interests through a sustained campaign against the United States and our allies in the Middle East, including but not limited to the 1983 attacks on the United States marine barracks and embassy in Lebanon; the bombing of the United States embassy annex in Beirut in 1984; the 1985 hijacking of TWA Flight 847; the taking of American and other hostages in Beirut throughout the 1980's; the June 1996 truck bombing of the Khobar Towers United States military housing complex in Saudi Arabia.

Testifying at a subcommittee hearing that I chaired in February 2005, William Daugherty, a CIA veteran and one of the 52 Americans held hostage in Iran for 444 days 30 years ago, emphasized, ''The undeniable truth is that the United States Government has utterly failed to hold Iran accountable in any sustained and effective manner for its role in the cumulative deaths of over 275 American citizens and the wounding of well over 600 more.''

Mr. Daugherty continued, ''Moreover, the United States Government has failed to undertake any action with the force or impact sufficient to deter the Iranian government from conducting terrorism against our interests.

''The absence of any credible response has served only to encourage the continuation of Iranian-sponsored terrorism, nor have those of us who are victims of Iranian terrorism received any justice from those acts.''

Since Dr. Daugherty's testimony almost 5 years ago, Iran has been proactively involved in undermining United States and coalition interests in Iraq and Afghanistan, by providing material support and all types of weapons to extremists in both countries, so that they can kill and wound Americans. The number of U.S. victims of Iranian-sponsored or Iranian-supported attacks continues to increase.

The threat to our ally Israel has grown incredibly as well, with Iran increasing its involvement in the West Bank and Gaza in support of such Islamist extremist organizations as Hamas, the Palestinian Islamic Jihad and Lebanon through its proxy, Hezbollah. Yet successive U.S. administrations have failed to properly recognize and confront the totality of the Iranian threat, from its history of supporting violent Islamic extremists, to its nuclear weapons program, unconventional weapons and ballistic missile development.

In response, the United States must impose a cost so high on Tehran that it threatens the Iranian regime's survival unless it changes course. This approach will require applying immediate, comprehensive tough economic sanctions. Again, former hostage Dr. William Daugherty said it best, ''It is time for Iran to be called to account, not by pronouncements, but by clear, sustained and overwhelming action for its past, as well as for any future violations of international law.

''And it is time for American victims of Iranian terrorism, like those of us who were held hostage by the Iranian government, to receive the justice that is decades delayed. The Congress can see that this happens.''

Mr. Speaker, I urge my colleagues to strongly support this resolution.

I reserve the balance of my time.

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

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am proud to yield as much time as he may consume to the author of the resolution, the gentleman from Nebraska (Mr. FORTENBERRY), an esteemed member of our Committee on Foreign Affairs.

Mr. FORTENBERRY. I thank the gentlewoman for yielding and thank her for her leadership and assistance in this important resolution as well.

Mr. Speaker, this week holds special significance for our Nation, especially for the courageous U.S. diplomats and military personnel who were captured when militant student activists stormed the U.S. embassy in Tehran 30 years ago on November 4, 1979.

Their 444-day hostage ordeal in Iran is forever etched in our Nation's memory. You cannot understand what is happening in the Middle East today without reference to this event. I introduced this resolution to remind us of the hostages' triumph in adversity, of the difficult lessons our policymakers learned during that grueling episode, to commemorate their service to our Nation and to honor those brave soldiers who were killed and wounded in a valiant rescue attempt.

Our diplomats took a difficult assignment at a difficult time in the Middle East. Their courageous witness to the principles that we hold dear, just civil order and recourse to the orderly address of grievances, stands as a reminder of what is at stake now in the ancient land of Iran, a choice for peace and cooperation or a choice for repression, fear, and isolation.

The quest for national prominence and prestige to which Iran understandably subscribes, absent the enduring values we have been fortunate to see enshrined in the U.S. Constitution, as well as the Universal Declaration of Human Rights, is an empty quest. In his oft cited work, ''Democracy in America,'' Alexis de Tocqueville in essence concluded that America is great because America is good. We must constantly remind ourselves that the ongoing challenge to our Nation or any nation lies in the quest for what is good. This is the measure of greatness in a civilized world.

Greatness not to dominate, but to liberate. Greatness, not to rule and coerce, but to govern wisely and with the consent of the people who seek to determine their own destiny within the framework of the just rule of law.

This is the challenge before Iran today. To be a force for good in a region challenged to rise above longstanding grievances and injustices, to be a force for good in a world threatened by greed, terror and tyranny, or not.

When President Ronald Reagan welcomed the former hostages to the White House on January 27, 1981, he stated, ''We hear it said that we live in an era of limit to our powers. Well, let it also be understood, there are limits to our patience.'' It is my hope, Mr. Speaker, that by honoring these brave men and women, we may inspire people throughout the world to work tirelessly for the freedom and justice they deserve and settle for nothing less.

It is also my fervent hope that in recognition of this 30th anniversary, the people of the United States and Iran may embark on a new relationship that fully reflects the noblest aspirations for life and liberty.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCMAHON. Mr. Speaker, at this time it is my privilege and honor to recognize for 4 minutes my distinguished colleague, the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the manager of this legislation, my dear friend from the Foreign Affairs Committee, for yielding.

It is interesting to have this day to commemorate the sacrifice of Americans some 30 years ago who were held as hostages. A few minutes ago I tried to depict and have people be reminded of the tragedy of lost children during the earthquake in China, just visually picture what happened to those children.

It is important as well to revisit visually what Americans had to go

through who were held hostage in Iran for more than a year. I saw some old video where I saw soldiers doing push-ups and trying to keep themselves busy, Foreign Service personnel and others who were in that embassy that fateful day.

This is an important acknowledgment of a transition that has frozen time for the Iranian people, frozen their rights, their opportunity for freedom and freedom of speech, the understanding of the concept of democracy. As we commemorate, not celebrate, those 30 years, we thank those Americans, those brave Americans who withstood all of that pain of being a hostage, being away from their family members when at the same time we owe them a debt, more than a debt of gratitude.

We owe them the recognition that there are dissidents, Iranians, who are now on the ground fighting against, I believe, an illegally situated government that cannot document that that was a fair process and the brutality that occurred after that election when the Iranians stood up to be able to demand justice and a fair election.

We must push for human rights in Iran. We must push for nonproliferation. We must demand transparency. Of course, their chief executive will suggest that we are demons, that we have no right to interfere into their business.

Well, I would say the name of those brave Americans that lost a lot of their life for a period of time in our history, we owe them our persistence in ensuring that there is an opportunity for freedom and democracy in Iran.

There were those, of course, who lost their lives in the attempt to rescue those individuals. I pay honor and tribute to them. In their name as well we must continue to fight for freedom.

An enormous tragedy occurred yesterday in Texas at Fort Hood, and we respect and acknowledge the loss of those brave men and women. We also say that freedom demands our attention, both in terms of national security but as well for those who sacrifice for us every day.

Mr. Speaker, I rise to recognize the 30th anniversary and thank the author of this legislation, of the Iranian hostage crisis, during which 52 United States citizens were held hostage for 444 days. I acknowledge their sacrifice, the days they stayed away from their family and, as well, the sacrifice of those who attempted to save their lives.

I express support for all of those Iranian citizens who now stand in the battle in the fight for human rights. I would argue that this legislation must be shown in action, and I ask my colleagues to support this initiative.

□ 1845

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 209.

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

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

The point of no quorum is considered withdrawn.

REAL HEALTH CARE REFORM

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

Ms. ROS-LEHTINEN. Mr. Speaker, we all agree that real health care reform is a necessity, but in the hurry of Congress to pass the $1 trillion Pelosi bill, we are not listening to our mother's often-given advice, look before you leap. In this case, read before you vote.

The Pelosi bill takes the wrong approach in fixing what is broken in our health care system. Increased taxes do not translate into increased coverage. Eliminating seniors' health care choices and cutting their benefits do not translate into eliminating waste, fraud, and abuse. Cost shifting in the health care system does not translate into cost reduction.

Instead, what we need is true health care reform that helps bring down the high cost of care and the high insurance premiums. What we need is health care reform that will allow our families to keep the doctors and the coverage that they want.

Congress needs to end the search for complicated and convoluted ways that hide the actual cost of the Pelosi bill in taxes, mandates, and benefit cuts.

HEALTH CARE

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

Mr. COLE. Mr. Speaker, one of the impacts of the proposed health care legislation that has not received the attention it deserves is the huge unfunded mandate that it will place on our respective State governments.

As every Member of this body knows, each State in America is struggling to balance its budget, often cutting services to the bone. I asked my own State legislative leaders how the State of Oklahoma would be impacted by Speaker PELOSI's health care bill. They reported that in Oklahoma this legislation will result in at least $128 million of additional annual cost to State government. That will require either draconian cuts to existing State services, such as education, transportation, and public safety, or substantial increases in State taxes.

Mr. Speaker, the Democratic effort to mask the true cost of this legislation is a scandal. If passed, the Pelosi health care bill will bankrupt State governments, destroy jobs, and further cripple the economy.

Our State governments can't afford this bill, and neither can the American taxpayer.

EXPRESSING ARKANSAS THIRD DISTRICT CONSTITUENTS' CONCERNS ABOUT A PUBLIC OPTION

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

Mr. BOOZMAN. Mr. Speaker, residents in Arkansas' Third District don't want a government takeover of health care. In a tele-town hall on Tuesday, I asked my constituents, are you supportive of a public option in health care reform? The overwhelming majority, 76 percent, said that they don't favor that plan.

The reality is, this 1,990 page Pelosi health care bill includes a public option. My constituents don't want to federalize their health care. Like them, I believe this bill is a prescription for big government and an expense our country can't afford.

Three weeks ago, my constituent, Andy Jacobs of Pottsville, Arkansas, sent me a letter, and he makes a great suggestion. ''Make a list of all the projects and programs the Federal Government operates and those that have seen the operating costs decrease.''

I urge my colleagues to write that list. It doesn't take long to see there are few, if any, government-run programs that are cost-effective.

Arkansas' Third Congressional District sees this bill for what it is, a tax increase.

HEALTH CARE

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

Mr. BARRETT of South Carolina. Mr. Speaker, I strongly oppose this so-called Democrat reform package. I know and I believe that health care reform is necessary. However, the looming health care legislation will only hurt American families and have devastating effects on our Nation's small businesses, especially like the ones in South Carolina.

This massive government expansion will cost nearly $1.3 trillion, which is offset by job-killing tax increases. Small businesses will be hardest hit by these tax increases, which will total a staggering $730 billion. This is especially troubling in South Carolina, where small businesses make up 97 percent of the businesses there.

According to the Heritage Foundation, 8,700 South Carolina small businesses will be required to pay this new

burdensome tax. This will surely result in more job losses in my State, where unemployment right now, Mr. Speaker, is 11.6 percent.

Please, colleagues, stand with me and fight this government takeover of our health care.

HEALTH CARE

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

Mr. LUETKEMEYER. Mr. Speaker, the American people have spoken. Poll after poll now shows by overwhelming majorities that this health care proposal is being rejected by them.

What are their concerns? Seniors are concerned about their Medicare, Medicare Advantage, and their care in general, as this bill makes a $500 billion cut in the Medicare program, which will lead to rationed care.

Small business owners are concerned about their businesses, as this bill will enact billions of new taxes, surcharges, and places new mandates on them that may cause them to lose their businesses.

Young people are concerned about their futures. Will the $1 trillion price tag of this bill indebt them and their children for the rest of their lives?

This bill does not lower the cost of health care. According to the Congressional Budget Office, it raises the cost of health care.

The American people don't see this bill as a solution to the health care problem. They see it as adding to the problem. They have spoken. We need to listen.

HEALTH CARE

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

Mr. ROE of Tennessee. Mr. Speaker, this week, Democrats released 42 additional pages of the health care bill in their manager's amendment, meaning the total package now stands at 2,032 pages.

As I see it, the manager's amendment makes it more likely that we will see everyone in the exchange on a government-run plan within a few years of its creation. The amendment calls for insurers to report annual premium increases to the government and gives the administrator the power to kick insurers out of the exchange for increases that he or she deem to be excessive, a term that is left entirely up to the discretion of the administrator.

What we have been saying all year is that a plan that doesn't pay the cost of care will shift higher costs to private insurers, as hospitals and providers have to make up their losses on payments from the government. As costs are shifted, private insurers are left with no choice but to increase premiums.

Independent studies have shown that millions of people will be dropped from their current coverage and put on the public plan. Now, with the manager's amendment, Democrats are simply quickening this transition by kicking insurers off their plan. It is a bad amendment, a bad bill, and it should be rejected.

HEALTH CARE

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

Mr. SESTAK. Mr. Speaker, I rise to encourage the House of Representatives to stay in session until this health care bill brought forward this weekend is passed. I do that because about 4 years ago I lived down the street in Children's Hospital with my daughter, struck with a brain tumor. Given just a few months to live, we began our chemotherapy after the brain operation.

There was a young boy, 2½ years old, diagnosed with acute leukemia next to her, where we heard social workers argue for six hours whether that youth, whose parents didn't have health insurance, could stay.

I have always thought in my 31 years in the military how well we invested here in Congress in our military's health care plan because of the dividends it gave to me, for example, when I went to an 11½ month war, and yet my family and my daughter were taken care of and I was focused on the mission.

We lose $200 billion a year in lost productivity because of the under and uninsured. Our small businesses pay an 18 percent tax in higher health care costs because we have not taken action over the last 10 years.

I urge my colleagues to stay in session, because doing nothing is not who we are.

HEALTH CARE

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

Mr. BROUN of Georgia. Mr. Speaker, I am a physician. I practiced medicine in Georgia for almost four decades. In health care, us providers try to do no harm. But, Mr. Speaker, this Pelosi health care takeover is going to destroy the quality of health care.

It is going to actually destroy poor people, and particularly Medicare recipients, from even having a doctor, because the cuts in Medicare are going to mean that doctors just can't afford to continue to see them, even though they want to.

It is going to destroy State budgets because of the increase in the Medicaid recipients that are going to be forced on to the State budgets, which means that it is going to hurt teachers and all the goods and services within the State.

It is going to destroy every family's budget because of the increased cost for everybody in this country, because all goods and services are going to go up because of the increased taxes on all the business.

It is going to destroy jobs. It has been estimated that 5.5 million jobs are going to be lost. But, most of all, it is going to destroy our economy.

We need to destroy this bill.

HEALTH CARE

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

Mr. PASCRELL. Mr. Speaker, I want to tell you about a friend of mine, Kelly Conklin, who owns a small business in New Jersey, since that is what we have been hearing from many of my friends on the other side. It is a small woodworking business.

Each year, Kelly has to determine the best set of benefits at the best price based on his employees and their needs. Unfortunately, the options dictated to him by an insurer leave him with very few choices. He has zero negotiating power. That is why the exchange is a great idea for small businesses to deal with the problems, because offering coverage is the right thing for him to do and the best way for him to attract the most skilled employees.

Kelly is literally at the whim of his insurer. For 2010, he faces a 35 percent increase in premiums. How in God's name can we justify this by a bill that the other side has presented that is cheap because it doesn't do anything?

HEALTH CARE

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

Mr. WAMP. Yes, Mr. Speaker, Republicans are united against the Pelosi-Obama health care takeover, but it is not a partisan issue. This week, seven Democrat governors came out in strong opposition to the plan, including my Governor, Phil Bredesen, who called the plan ''the mother of all unfunded mandates.'' Why? Because it adds millions of people to the State's Medicaid rolls, makes them cover them, without the money down the road to pay for it.

States have to balance their budget. They can't borrow $1 trillion and just print the money and add it to the next generation. They have to balance their budget. The 10th Amendment gives rights to the States. The Federal Government is handing mandates to the States, and they have nowhere to turn except to raise taxes or dramatically cut their budgets. This is not fair to the States. It is the wrong thing to do.

Reject the Pelosi-Obama health care takeover.

HEALTH CARE

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

Mr. HIGGINS. Mr. Speaker, today in America we spend $2.5 trillion or 17 percent of our economy as measured by the gross domestic product on health care. Yet we are 37th in terms of quality out of 192 countries. We are 41st in infant mortality out of 192 countries. We are dead last among industrialized countries in preventible deaths.

Health care premiums have doubled in the past 10 years. They will double again in the next 10 years. Fourteen thousand people lose their coverage every day. They are not older people, because they qualify for Medicare. They are not poor people, because they qualify for Medicaid. It is individuals who get up every day and go to work, but, because of the skyrocketing cost of health care, their employers are forced to cut coverage and, in some cases, close altogether.

This is a uniquely American problem with a uniquely American solution. We should support health care reform now.

□ 1900

HEALTH CARE REFORM

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

Mr. MILLER of Florida. Mr. Speaker, with almost 16 million people unemployed and looking for work, with an unemployment rate of over 10 percent, something we haven't seen in 26 years, with countless Americans asking, Where are the jobs, why is the Democratic leadership ramming through a health care bill that will not add one net job to the American economy?

In fact, the majority's bill will do the exact opposite. It will impose $729 billion in new taxes, crushing small business. For those small businesses that manage to survive the new taxes, their employees will be required to have insurance or face yet another tax. Mr. Speaker, this has got to stop. Americans do not want higher taxes. Americans do not want higher premiums, and Americans do not want this massive government health care takeover bill.

ARE YOU LISTENING?

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

Mr. BONNER. Mr. Speaker, the taxpayers of this country want to know if the people who work for them, who were hired last November to serve here the people's House are really listening to what they've been saying.

Appropriately enough, this started back on tax day, April 15. Tens of thousands, perhaps millions, began to speak with one voice about the spending, the borrowing, the rising unemployment as well as the ever-expanding role of the Federal Government into our daily lives.

In August, even yesterday they turned out en masse, speaking as loud as they could from the very steps of this grand old historic building, begging, pleading, please honor the freedoms and liberties that generations of Americans have fought and even died for. Republicans have heard that message, and we agree with you. We know you are right.

Mr. Speaker, your party is in control of this Congress, but the American people will have the final say. Are you listening?

HEALTH CARE

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

Mr. WITTMAN. Mr. Speaker, I rise today to share with you comments from my constituents in the First Congressional District of Virginia about H.R. 3962:

Elizabeth from Williamsburg says, My business ends up with an 8 percent margin so an 8 percent of payroll contribution rate would be significant.

Esther from Williamsburg says, Keep our government small. Bigger isn't better.

Sandra from Seaford says, I want to choose my own health insurance.

Beverly from Woodford says, I am happy with my health care right now and do not want to see it changed. I do not want the government involved in my health care.

Diana from Yorktown says, Don't vote for a bill that would unfairly burden many generations to come.

Bruce from Warrenton says, The health care legislation now pending will surely break the bank of this country in addition to destroying the finest health care system in the world.

Connie from Dumfries says, I am concerned that some legislation in Congress will create a new government-run health plan that will cause me to lose my current employer coverage. I want to be sure that I can keep my current coverage, and I urge you to oppose any new government-run health insurance plan.

Chester from Williamsburg says, I object to the government taking control of my private health care decision.

PELOSI BILL WILL FUND ABORTIONS

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

Mr. FLEMING. Mr. Speaker, health care reform should not be used as an opportunity to use Federal funds to pay for elective abortions. Health reform should be an opportunity to protect human life, not end it. House Speaker NANCY PELOSI is proposing a 2,032-page government takeover of health care that directs the new government-run plan to cover elective abortions. There is no getting around it. Under Speaker's PELOSI's government takeover of health care, Federal funds will be used to pay for abortions under the government-run plan and to subsidize individual plans that include abortion.

As an alternative to Speaker PELOSI's bill, House Republicans are offering a commonsense, responsible solution that would reduce health care costs and expand access while protecting the dignity of all human life. The Republican plan would codify the Hyde amendment and prohibit all authorized and appropriated Federal funds from being used to pay for abortions.

Under the Republican plan, any health plan that includes abortion coverage may not receive Federal funds. As a doctor with more than 30 years' experience, I will be voting ''no'' on the Pelosi health care bill that will destroy life instead of protect it.

HEALTH CARE

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

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in support of the Republican health care bill. The nonpartisan Congressional Budget Office estimates the Republican alternative will decrease health insurance premiums up to 10 percent. Compare that to Speaker PELOSI's government-controlled health insurance plan, which CBO estimates will have higher premiums than those currently available in the private health insurance market. Higher premiums than currently available.

The medical liability reform Republicans are offering will reduce health care costs for Americans by $54 billion over 10 years by reducing junk lawsuits. This, again, according to the CBO. What's more, the Republican alternative will reduce the deficit by $68 billion without increasing taxes by one red cent. We have a clear choice—$700 billion in new taxes, 118 new bureaucracies and higher health care costs or the Republican bill which will take meaningful steps toward the true health care reform that we know we need.

HEALTH CARE

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

Mr. AUSTRIA. Mr. Speaker, this week marks a defining moment for this Congress and our Nation. With an $11.9 trillion debt that continues to grow as government encroaches into every aspect of our lives, we're being asked to vote on a 1,990-page health care reform bill that has a nearly $1 trillion price tag, adding to the government's long-term deficit problem which will be passed on to our children and grandchildren.

It includes a government option in which bureaucrats in Washington will decide what health care Americans may receive. It would increase the

health care costs for millions of Americans who are satisfied with their current health care coverage. It cuts Medicare and reduces benefits for seniors, such as Medicare Advantage, and will raise taxes on families and small businesses.

Mr. Speaker, we all agree that our health care system can be and should be improved; but, unfortunately, Members of Congress are not listening to the American people, and that is, more government is not the answer.

HEALTH INSURANCE FROM THE NORTHERN MARIANA ISLANDS

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

Mr. DEFAZIO. Republicans are craven in their obeisance to their health industry patrons who are so generous at campaign time. They are saying that they're going to offer a new national policy; they're going to free up the insurance industries to offer new national policies with no antitrust law from the Federal Government, no regulation by the States. They've come up with a new loophole for abuses. They have defined on page 122 of their bill, the Northern Mariana Islands—that is Jack Abramoff's lobby client—with their sweat shops and sex shops as a State so insurance companies can go to the Northern Mariana Islands and the only consumer protections that will apply for a policy you buy—one of these new, great, cheap national policies—will be the laws of the Mariana Islands. Buy a policy in Oregon, call the Mariana Islands insurance commissioner, whoever that might be—maybe Jack Abramoff when he gets out of jail—and they'll help you out.

HEALTH CARE

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

Mr. NEUGEBAUER. Mr. Speaker, yesterday the American people from across the country came to the people's House to oppose a government takeover of their health care. They said, Washington, no politician or bureaucrat should interfere with our choice. And I agree.

My colleagues and I have an answer for their calls by putting forward a commonsense reform, legislation that reduces the deficit, lowers the insurance premiums and improves coverage for those with preexisting conditions. As a result of the House Republican bill, the CBO now confirms that families will see their health care premium reduced by 10 percent. Hardworking taxpayers can expect deficits to decrease by $68 billion in the next decade.

The American people deserve choice. One size fits all does not work for them. Speaker PELOSI, the American people have said one thing yesterday. I hope you were listening. They said, Kill this bill.

TORT REFORM WOULD PAY FOR UNINSURED

(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, the Congressional Budget Office has determined that tort reform would save Americans $54 billion over the next decade. But reducing frivolous lawsuits against doctors and hospitals is not in the health care bill. That is because, according to former Democratic National Committee Chairman Howard Dean, White House officials ''don't want to take on the trial lawyers.'' Tort reform eliminates the billions of dollars spent on meritless lawsuits and defensive medicine.

If Congress enacted tort reform, we could then provide catastrophic health care coverage to the long-term low-income uninsured. To reduce health care costs and help the uninsured, tort reform should be the first item in any health care bill.

HEALTH CARE

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

Mr. SCALISE. Mr. Speaker, Speaker PELOSI's latest attempt at a government takeover of health care adds an extra $730 billion in new taxes onto the backs of American small businesses and families. It cuts $500 billion out of Medicare, which our seniors know is only going to lead to rationed care for them, and it will take away another 5.5 million jobs out of our economy.

You wonder, today, on the day that we broke the 10 percent mark that President Obama set right here when the stimulus bill was passed, the bill that he said would stop unemployment from exceeding 8 percent, unemployment went to 10.2 percent. Now that we're over 10 percent, when are the liberals running Congress going to realize that it's their policies, it's their taxing, it's their spending, cap-and-trade, card check. It's policy after policy that puts a target on the backs of business, and it is running millions of jobs out of this economy. When will it stop and they actually go and work with us Republicans who want to put commonsense reforms in place to lower the cost of health care and avoid preexisting conditions?

PELOSI-CARE KILLS JOBS

(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, this morning we received grim news. More Americans have lost their jobs, and we now see the unemployment rate at 10.2 percent, the highest in over 25 years. The stimulus bill has done little to prevent rising unemployment, only creating a handful of jobs in each of our congressional districts. Only 67 in mine, in the 16th Congressional District of Pennsylvania.

Now, instead of concentrating on how we can restart our economic engine, we start to consider a health care bill that could cost millions of more Americans their jobs in the next decade. Ways and Means Committee staff, working with the Congressional Budget Office and Joint Tax Committee figures, estimate that Speaker PELOSI's bill could cost 5.5 million American jobs over the next 10 years. It is inconceivable that this House will consider killing jobs during a recession.

A government takeover of health care will only employ more tax collectors and bureaucrats. We need real health care reform, the kind that focuses on reducing costs, improving quality of care and expanding access.

CLOSED HEALTH CARE RULE

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

Mrs. BIGGERT. Mr. Speaker, despite the fact that Republicans continue to offer constructive ideas to improve the health care bill, Democrats still insist that we are the party of ''no.'' Earlier today I submitted an amendment to improve the Medicare waste, fraud and abuse enforcement provisions in H.R. 3962, and Democrats will say ''no'' to even allowing my amendment to get an up-or-down vote.

According to a recent report by ''60 Minutes,'' Medicare loses over $60 billion a year to fraud. My amendment would strengthen the Medicare enrollment process, expand certain standards of participation and reduce erroneous payments. There is no excuse for continuing to make payments to empty buildings and businesses that have never existed.

Mr. Speaker, this closed process has prevented me and many of my colleagues, both Republicans and Democrats, from offering intelligent and well-constructed amendments that would save taxpayers money and improve health care access for all Americans.

I urge my colleagues to join me in opposing this government takeover of health care.

HEALTH CARE

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Our President said, ''Our health care is too costly,'' and I agree. Yet before us in Washington are bills that tax wheelchairs, heart monitors, pacemakers and your insurance. These taxes make a family's health insurance cost $4,000 more. The President said that defensive medicine may be contributing to unnecessary costs, and I agree with the

President. But the House bill coming up will block tort reform. As a candidate, the President said that we shouldn't underestimate the amount of money that can be saved in the current health care system. I agree. But these bills will cut Medicare by $500 billion and eliminate disease management programs and other programs that could save money.

This bill doesn't fix our health care system. It finances it. It is not too late to reform Medicare, reform Medicaid, reform health care, cut the waste and improve quality. Let people buy across State lines. Let them join groups. Make insurance personal, portable and permanent. Millions are asking us to fix health care, but they want us to do it right. Millions of Americans can't all be wrong.

HEALTH CARE

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

Mr. GINGREY of Georgia. Mr. Speaker, I oppose the government takeover of our Nation's health care system. The Democratic legislation, a 1,990-page $1 trillion bill will raise taxes, it will increase our national debt, and it will put government bureaucrats between patients and their doctors. I agree it's important to reform our health care system, but this is not the way to do it.

I've spent the last 10 months trying to share my perspective as a physician with over 30 years' experience. My constituents and millions of Americans across this country have also spent the last 10 months trying to make their voices heard by the President and the Democratic majority. This legislation that the Democrats want us to vote on suggests that the Speaker just doesn't care what practicing physicians and the American public think.

This legislation is the wrong direction for America, and it's a death knell for quality care for American patients. Mr. Speaker, I reject any government takeover of our Nation's health care system.

□ 1915

HEALTH CARE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I would like to draw your attention to a letter from the Pennsylvania Farm Bureau. It concisely sums up many of the problems in the Pelosi health care bill for our small family farms.

According to the letter, ''The employer mandate and 8 percent payroll tax will place an enormous burden on a significant portion of agriculture and its related industry. Although some tax incentives are provided in the legislation, farmers are price-takers, not price-makers. They do not have the option of merely passing along those mandated costs.''

The letter continues, ''It is concerning that there are no allowances for seasonal workers. Requiring coverage for seasonal workers would have significantly adverse economic effects on many farmers across this country.''

And finally, ''Our Nation cannot afford the projected costs of H.R. 3962, especially considering the growing deficits and other fiscal calamities with entitlement programs that must be dealt with in the immediate future.''

This legislation makes little sense when many farmers around the country are struggling with high feed costs, unsustainable energy prices, and a difficult national economy. I urge my colleagues to reject H.R. 3962.

HEALTH CARE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the Speaker of the House cares about all Americans. She cares about all Americans because we have worked together as a team. It's not the Pelosi bill; it's the bill that responds to America's needs. And I'm proud of our Speaker and this Congress and those who will make the right decision tomorrow.

I imagine if you were here in 1965 when President Johnson had the vision and the wisdom to formulate the strategy for Medicare in collaboration with that Congress, you could hear the sound, echoing sound of the naysayers, ''no, no, no.'' But in none of our town hall meetings did one person stand up and say, ''I'll give away our Medicare.''

So tomorrow we will give seniors what they know and understand: saving a buck, closing the doughnut hole, providing no pay for preventative coverage, helping low-cost seniors. And one of the things that we will do is those States, like the State of Texas, who don't do their job as it relates to providing for the uninsured, because Texas stands at the number one State of uninsured and Houston is the number one city, we have got to fix it for those people who are in need.

Vote the right way tomorrow.

HEALTH CARE

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

Mr. MCKEON. Mr. Speaker, I rise today in strong opposition to Speaker PELOSI's 2,032, and growing, page health care bill.

Today we are at the highest unemployment level since 1983. The American people can't afford these massive new spending increases, and I refuse to pass them on to my children and grandchildren.

This legislation will immediately increase taxes on American families and small businesses by $729 billion. The total bill will cost over a trillion dollars over the next decade, with money we don't have.

And what do the American people get for all this new spending? A bill that you pay for now but doesn't give coverage for 4 years.

Republicans have real solutions for improving access and affordability for American health care. We support tort reform to eliminate frivolous lawsuits. We support allowing negotiating across State lines and group purchasing power. We support choice of coverage without the government's forcing people into government-run health care.

Oppose the Pelosi health care bill.

HEALTH CARE

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

Ms. FALLIN. Mr. Speaker, if we pass Speaker PELOSI's 1,990-page bill, which creates a massive new Federal bureaucracy to manage our health care system, States will face huge unfunded mandates.

The $34 billion worth of unfunded mandates to the States in this bill might help hide the true cost of this $1.3 trillion legislation, but the truth is the States will be picking up a lot of these costs. And the only way States could deal with the increased costs and the unfunded mandates would be to look at raising taxes on small businesses and on individuals, and that is unacceptable.

Speaker PELOSI may be all right with increasing the national debt and spending up to $1.4 trillion on this legislation, but when the bill comes due, the children of America and their children will be the ones who will be paying a hefty price for reckless spending in this Congress.

It is estimated that this Pelosi health care bill will cost Oklahoma $127 million a year in unfunded mandates. In our State of Oklahoma, we're required to balance our budget each year.

Let's kill this bill because it will be bad for the States and bad for unfunded State mandates.

THE GOP HEALTH CARE PLAN

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

Mrs. LUMMIS. Mr. Speaker, while earlier this week the Wall Street Journal called the Pelosi health care plan ''the worst bill ever,'' the Chicago Tribune last week called the GOP plan a good plan and said, We don't agree with everything in these bills but we do agree with ideas such as these:

''Let insurers sell policies across State lines. That would loosen the strangling State-by-State regulations and unleash competition to drive premium prices down.'' And, indeed, that

is what happens under the Republican bill.

''Give people who buy insurance in the private market the same tax breaks as those who get it through employers.'' That only makes sense.

And, finally, ''Expand the ability of small business, trade associations, and other groups to set up insurance pools to offer coverage at more attractive rates.''

These are the advantages of the Republican plan. And to boot, ours cuts the deficit.

HEALTH CARE

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, the truth has now come out, and the fact is that you can go to jail if you do not buy into the Speaker Pelosi health care bill.

One of the most onerous provisions of the Pelosi health care bill is the so-called ''individual mandate.'' This is a provision that will force every single American to buy into their health care plans whether they want to or not.

Back when Bill Clinton was President back in 1994, the CBO said, ''A mandate requiring all individuals to purchase insurance like this would be an unprecedented form of Federal action.''

And how does the government force this mandate? If you don't buy their insurance plan, they will fine you 2.5 percent of your entire income. And what happens, you may ask, if you don't pay that fine to them? Now we know the answer: You could be sent to jail, literally. Section 201 of the code says that. That's right. The Joint Committee of Taxation has declared that you will be eligible to be fined up to $250,000 and/or imprisonment of up to 5 years if you do not comply with this new plan.

Mr. Speaker, this is a bad bill. It will hurt consumers. It will hurt families. It will hurt everyone else. And it may send Americans to jail.

HEALTH CARE

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, unemployment has reached 10.2 percent in our great country, and what is the response of this Congress and this administration?

Well, a bill that includes $730 billion in tax increases on small businesses and on the middle class that will cause millions more of Americans to lose their jobs. And adding insult to injury, Mr. Speaker, the Pelosi bill would actually raise the cost of insurance premiums on American families.

Mr. Speaker, the American people are not stupid. They know what's in this bill. They know what effects this bill will have on themselves, on their families, and on their country. And that's why the American people have rejected it and are saying ''no'' to this bill.

Congress needs to do the right thing, the responsible thing, and also say ''no'' and reject this irresponsible piece of legislation.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCMAHON). 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.

NOW IS THE TIME FOR HEALTH CARE REFORM

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

Mr. HIMES. Mr. Speaker, after years of aspiration and planning, after too many families bankrupted and too many lives lost, this House stands ready to do something both great and necessary. We will soon join every other civilized nation on this planet in offering each and every citizen decent, affordable health care.

For me, a new Member of this body, it has been an incredible exercise in democracy. I participated in more than 60 town hall meetings, visits with doctors, nurses, patients, and listened to advocates with every conceivable point of view. Almost everyone agrees that we must do something and do something bold.

Too many Americans know the fear that losing a job means losing access to doctors and to lifesaving drugs. Too many Americans have watched as illness or injury has driven their family into bankruptcy. Too many small businesses, nonprofits, and small town mayors have seen their budgets wrecked by exploding costs of health care insurance.

Mr. Speaker, several weeks ago in the city of Bridgeport, I met Marta, who lost her job of 23 years and is currently relying on her COBRA coverage to pay for the management of her diabetes. She is terrified. Her COBRA will end soon, and she has been refused private coverage time and time again.

I've also gotten to know a young man named Eugene who makes his living laying bricks. He can only work during the warm weather construction months when he has good coverage through his union, but in the wintertime when he can't work, he joins Marta in the ranks of the fearful. He prays that nothing happens. He asked me, ''Even the phone company has rollover minutes. Why not our insurance plans?''

When this House passes the Affordable Health Care for America Act, no American will ever be denied coverage because they have a preexisting condition. When this bill passes, we will begin to close the Medicare doughnut hole so that no senior will have to choose between their prescription and buying food. When this bill passes, our small businesses, our nonprofits, and our mayors will no longer watch as exploding health care costs wreck their budgets.

Is the bill perfect? No. But in this of all things, we cannot let the perfect be the enemy of the good. There is too much at stake—the lives of those who die because they can't see a doctor, the peace of mind of millions of Americans who know that bankruptcy is one illness away, the moral standing of this great Nation that has fallen too short for too long in keeping its people healthy.

Mr. Speaker, now is the time. Mr. Speaker, ''yes'' is the answer. I join my colleagues in urging that tomorrow we make history.

□ 1930

''NO'' TO GOVERNMENT-RUN HEALTH CARE

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. Mr. Speaker, many years ago during the mid-eighties, I had the opportunity to travel to what is now the former Soviet Union when it was the Soviet Union. I had that experience based upon the fact that I was a judge in Texas and got to go see what it was like to live under that type of regime.

Of course, in those days, everything was controlled. Everything was controlled by the government. The lives of the people were totally controlled by the government because the government, as they say, knew better. It made all decisions for the people. It made the decision what town they lived in, what apartment they lived in, what job they had, where they worked, and gave them permission or not to even travel from town to town. And, of course, government made also the decision and the control over their health care.

I noticed as I went from clinic to clinic that the lines would be down the street. Four in the afternoon, they shut the door. The people disappeared. The next day they would come back and stand in line again, hoping to get some of that government-controlled, rationed health care.

I also noticed something more important than all of that, that the spirit of those Russian people was broken. They had given up. They had given up on themselves and on their government.

Eventually, of course, they were defeated, as we say, when the wall came down. But they were not really defeated by the United States, by the West. They were defeated by their own government because of their oppression and subjugation to the government and government control of their lives. Yes, in those days, the evil empire, as we

called it, was the ultimate example of total government control.

Now, of course, we are not the Soviet Union. I am not saying we are. But today we are engaged in the great debate of at least this century of health care. But it is a bigger issue than health care. The issue is about government control of our lives. Regardless of how you put the bill that is now over 2,000 pages, it changes the philosophy that the government now will control health care in this country, rather than us as citizens.

You know, the idea that government is going to save us all. We are going down that road of government, more government, more government, more government, and more government. You know, government is already the biggest employer in this country. It is the biggest consumer in this country. It is the biggest landowner in this country. It is the biggest spender in this country. It has most of the money. And when it runs out of money, it takes money from the people when they are alive and even when they are dead because of the death tax.

Just a few months ago, the government took control over the financial industry, the mortgage industry, the banking industry, and the automobile industry, just to name a few. But I don't believe the people in this country are broken, and they are not defeated. They showed it when they came to Washington, D.C., this week. They are concerned about government. It is a bigger issue than health care. They are concerned about government running roughshod over their lives. They exercised, even with all of the critics and cynics, they exercised their right to peacefully assemble and petition government for redress of grievances. It is in the First Amendment. It is first because the First Amendment is the most important.

But people are fearful of government, of government control over their lives. This health care bill is just one example of us moving down that road of government is going to take care of us all; it is going to save us all.

Mr. Speaker, this country has never been great and will never be great because we have government programs. Government programs have not made this country what it is today. Individuals have made it. But, also, the individuals that had the right and have the right of liberty, to make decisions on their own rather than government taking care of them all. We are great because of the people here and who have not been defeated by the government of the United States.

So I hope we in this House would turn against the temptation of turning everything over to government. This is one place where we can put the brakes on and say no to government running the health of this Nation. Because government doesn't do it better. You know, this government-run health care plan has the confidence of FEMA, the efficiency of the Post Office, and the compassion of the IRS, and we should start over and fix the problems that we have rather than expecting government to take care of us all.

And that's just the way it is.

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

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

FIXING HEALTH CARE IN AMERICA

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, the Democratic health care bill fixes a number of long-standing problems with health insurance and health care in America. The health insurance industry is exempt from antitrust law in the United States. That means they can and they do get together and collude. They collude to drive up your premiums, they collude to curtail your coverage, they divide up the world and determine where each of them might or might not sell policies so there isn't competition in any way. That is all legal. They are exempt.

The Democratic bill with my amendment repeals that privilege for this industry. They will have to play under the same rules as every other business in America. That will lower premiums between 10 and 25 percent, according to the Consumer Union. That is one step. That is in the Democratic bill. The Republicans wouldn't touch that with a hundred-foot pole. The insurance industry is so generous at campaign time, they want to actually give new loopholes to the industry, which I will get to in a moment.

The Democratic bill outlaws denying you coverage because you were once sick, preexisting condition. The Democratic plan denies canceling your policy when you have been paying your premiums for years because you got sick. That is called rescission by the industry. No more. No lifetime caps which are hidden in the small print. People find out about them when they get a serious illness. Outlawed by the Democratic bill.

And, also, the Democratic bill will put annual caps on people's spending. No one will ever again lose their house in America because they lost their job and their health insurance and they got sick. Yes, the hospital still has to take them, but they will take your house. That won't happen if the Democratic bill is adopted. The Republicans will deal with none of those abuses, in their obeisance to the Republicans, their patrons in the insurance industry.

We are going to begin to fill in the doughnut hole which they created. We are going to help small businesses buy plans with health credits. It is a good start. It is not perfect. It can be improved as we go through the process. But it is a good start at reining in the costs of an out-of-control health care system.

Now the Republicans' alternative, as I said, they continue the anti-trust exemption and the price fixing by the insurance industry. They allow them to continue to deny you coverage because you were once sick. They allow the insurance industry to do rescissions and cancel your policy when you got sick, even though you have been paying your premiums. And, of course, individual coverage will not be limited, so they will still have bankruptcies and people losing their houses.

But wait. It gets better. They have something called the new national plan. That is the key to what they are doing here. You can buy a national policy, and it will be cheaper. And, oh, wait a minute. Here is the small print, page 122 of the Republican bill: Your national policy will only be subject to the rules in the State in which it is written. Not where you live. If you have a problem, you will have to file with the insurance commissioner in the State where it is written. That is probably not too good because we have some States that basically don't regulate the industry at all.

But it gets better. The Republicans are so creative. They have created a 51st State called the Northern Mariana Islands because of the convicted Republican lobbyist Jack Abramoff and the scandals around him, the sweat shops, the sex scandals, all that stuff. That is where your new national plan will be based, is the Northern Mariana Islands.

So if you buy a policy in my home State of Oregon and you want to file a complaint, you will be calling the insurance commissioner in the Northern Mariana Islands. And perhaps, when he gets out of jail, that might even be Jack Abramoff. What a great deal. It would be a joke if they weren't serious about it. This is something that the industry wanted. They wanted a new loophole to better abuse consumers, and the Republicans want to deliver it to them. They can't be serious.

So I would say to my colleagues, you can throw in with the insurance industry which they seem to think is totally benign and always there for the American people. Or you can throw in on the side of consumer protection, lower costs, and health care for all Americans. That's the choice tomorrow.

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

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

HEALTH CARE

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

Mr. BUYER. Mr. Speaker, the President and the Democrat leaders here in Congress are not listening to the American people. Today, our Nation's unemployment rate is 10.2 percent, the highest level in 26 years. This is an astounding level of unemployment. It tells only part of the story of the struggles Americans are experiencing and Washington is ignoring.

A deeper look at the unemployment numbers reveals the true costs of the Obama-Pelosi economic policies. The actual unemployment rate in America is 17.5 percent. When the currently unemployed, those who are unable to find work and those who have given up looking for jobs are included, it is 17.5 percent unemployment.

We must focus on the economy first. We should start by cutting government spending to shore up the U.S. dollar. We should encourage job creation in the private sector and increase private investment. We must rely on the proven methods to get our economy back on track such as an immediate tax relief, decreasing the capital gains tax rates, and reducing the tax burdens on small business.

We are living in an economy in despair as we face a two-front war. The President needs to address the economy first; and, as Commander in Chief, he needs to make a decision on Afghanistan.

Mr. President, you cannot vote ''present'' on Afghanistan. You need to make a decision.

Instead, he and the Democrat leadership are jamming legislation through Congress with massive spending increases, bailouts, greater government control of businesses, and job-destroying taxes and regulations, all while leaving our troops in limbo in Afghanistan.

Washington has it all wrong. Unfortunately, the President, Speaker PELOSI, and Senate Leader REID are proceeding with a 2,032-page bill that promotes the government takeover of health care; and most Republicans have been shut out of the process.

With little room for engagement, though, I have been successful to help improve a bill that I do not like. I have done this for a reason. It is because of our veterans. I have been able to provide important protections for our veterans and servicemembers who would have been significantly impacted by this health bill had the Democrats had their way at the beginning. I have been able to ensure that the veterans enrolled in VA health care cannot be hit with a 2.5 percent tax. Also, I sought to ensure that the VA is reimbursed by the government-run health plan for nonservice-connected care it provides to the veterans. I appreciate them including these amendments.

After succeeding with an amendment to ensure veterans and servicemembers have the ability to obtain additional health care in the health insurance exchange created by H.R. 3962, my amendment was altered; and, under H.R. 3962, veterans' and servicemembers' choice of health insurance will be left to the administration to determine.

Again today I tried to fix this with an amendment, but it was denied in the Rules Committee. A number of veterans and military groups, including the VFW, share these concerns and support the amendment that I submitted to the Rules Committee today. I will include for the RECORD the letters from the AMVETS, Blinded Veterans Association and the Retired Enlisted Association.

□ 1945

Our veterans and military organizations in support of the Buyer-McKeon amendments are the VFW, the Air Force Sergeants Association, MOAA, the Association of the United States Army, National Military Family Association, and the Enlisted Army National Guard, U.S.

Also, there are Members who are cosponsoring these amendments: JERRY MORAN of Kansas, HENRY BROWN of South Carolina, JEFF MILLER of Florida, BRIAN BILBRAY of California, DOUG LAMBORN of Colorado, GUS BILIRAKIS of Florida, Dr. PHIL ROE of Tennessee, VERN BUCHANAN of Florida, and RODNEY ALEXANDER of Louisiana.

Our veterans have earned the VA health care as well as the liberty to choose whatever other coverage they prefer. I find it outrageous that the government would attempt to dictate where and how these veterans and servicemembers would obtain health care.

Additionally, under H.R. 3962, the authorities of the VA and DOD Secretaries are jeopardized, and the health care systems that they oversee could be affected by the new health care czar created in all but one section of this bill. Again, the Democrat leadership has not addressed this issue that I sought to address, and these amendments have been denied today.

As the Blinded Veterans Association stated in their letter to me: ''It is critical to ensure that the authority of the Secretary of the VA and the Secretary of DOD could never be challenged or obstructed by any provision in the bill or by a Secretary or a commissioner from another sector of government.''

Finally, it is important to note that under H.R. 3962, veterans and servicemembers enrolled in VA health care and TRICARE will not be eligible for the affordable tax credits . . . available to other Americans living under 400% of the federal poverty level. I submitted an amendment, which would have allowed individuals enrolled in VA health care and TRICARE to receive these tax credits, and this amendment was denied consideration by the Democrats.

I oppose H.R. 3962. This legislation restricts veterans' health care options and imposes a sweeping government takeover of our nation's health care system, and I support the Republican plan to improve our nation's health care and lower premiums, thereby increasing access to quality healthcare.

According to the non-partisan Congressional Budget Office (CBO), the Republican health care reform legislation would reduce health insurance premiums by up to 10 percent for employees working in small businesses, up to 8 percent for individuals who do not have access to employer-provided health insurance and up to 3 percent for employees who get coverage through large businesses.

All told, under the Republican plan, health insurance premiums would cost Americans nearly $5,000 less than the least costly option under Speaker PELOSI's plan. All of this without a government takeover of our health care system and ⅙ of our nation's economy.

The Democrats' plan is not about insuring the uninsured or bringing down health care costs. In fact, under Democrat proposals in Congress, up to 114 million Americans could lose the private health insurance that they enjoy today, and CBO found that the House Democrats' bill will make health insurance more expensive than it is now, raising insurance premiums about 30 percent more than currently projected by the year 2016.

We must focus on the uninsured and the uninsurable. The Republican health care plan does just that by creating new health insurance options for small businesses—the economic engines of our economy—enacting real medical liability reform so that physicians can continue to focus on their patients and not junk lawsuits, guaranteeing affordable health insurance for individuals with preexisting conditions, protection seniors' Medicare benefits, and lowering health care premiums for all Americans.

Our nation's health care system can be improved without increasing taxes and jeopardizing the jobs we still have in America. The President and Democrat leadership in Congress must reorganize their priorities. They must stop focusing on job-killing policies. It is time to start listening to Americans and fix our economy first.

AMVETS,
Lanham, MD, November 6, 2009.

Congressman STEVE BUYER,
Rayburn House Office Building,
Washington, DC.

CONGRESSMAN BUYER: On behalf of AMVETS, one of the nation's largest and most inclusive veterans' service organizations, I want to express our support for your amendments to H.R. 3962, the Affordable Health Care for America Act.

Since health care reform legislation was first introduced, AMVETS has vocally called on leaders in Congress to ensure that any reform legislation would not have a negative impact on health care options for members of our military, veterans, or their loved ones. AMVETS believes that your amendments help to ensure that those who have served our nation are cared for appropriately.

When the most recent version of health care reform was released, AMVETS raised concerns on the clarity of the language and whether or not veterans and their loved ones would still have access to the health care exchange, should VA and military health care prove insufficient for their needs.

AMVETS believes that the three amendments you have offered today help to clarify language in the bill that members of the military and veterans will still have access to the exchange without penalty.

AMVETS fully supports your amendments to ensure that our nation's heroes have access to the quality health care they have earned.

Sincerely,

RAYMOND C. KELLEY,
National Legislative Director.

BLINDED VETERANS ASSOCIATION,
Washington, DC, November 6, 2009.

Hon. STEVE BUYER,
Ranking Member, Committee on Veterans Affairs, Cannon House Building, Washington, DC.

DEAR RANKING MEMBER BUYER: On behalf of the Blinded Veterans Association (BVA), the only congressionally chartered veterans' service organization exclusively dedicated to serving the needs of our nation's blinded veterans and their families for sixty-four years, BVA is writing to express strong concerns about H.R. 3962, America's Affordable Health Choices Act of 2009. As currently drafted, without your amendments BVA would consider this legislation inadequate because it could limit the health care choices for veterans, and threaten veterans who currently utilize the high quality of VA health care offered to veterans through the VA health care system by forcing them into private insurance plans. Earlier this year, BVA along with five other congressionally chartered veterans service organizations wrote to support your amendments and serious concerns about provisions contained in the previous House health care reform bill, H.R. 3200 that could have had negative effects on veterans, their families, and the Department of Veterans Affairs health care system. BVA and other VSO's had been assured that key amendments by you including protection of veterans enrolled in VA would be retained as the bill moved forward and this is not the case today.

The Veterans Health Administration (VHA) provides medical care services to its 8 million enrolled veterans at more than 1,400 medical centers, outpatient clinics and other points of service. With over 270,000 employees, the VHA runs the largest integrated health care system in the United States, and over the past decade the quality of care provided has risen to amongst the finest health care systems in the nation. Under H.R. 3962, VA health care and TRICARE would be deemed ''qualified'' coverage but we point to this section as now written as it is ambiguous and could be interpreted to disqualify individuals enrolled in VA health care or TRICARE from participating in the exchange. This amendment was accepted at the Energy and Commerce Committee, but it failed to be included H.R. 3962.

It is critical that congress ensure in the current health care reform effort to ensure that the authority of the Secretary of VA and Secretary of DOD could never be challenged or obstructed by any provision in the bill or by a secretary or commissioner from another sector of government. As currently written, H.R. 3962, would provide for the Secretary of Defense and the Secretary of VA to retain sole authority over their respective health care systems only as it pertains to Subtitle A, the Health Insurance Exchange. The original Buyer Amendment adopted in Energy and Commerce Committee did this but the current legislation leaves this open and vague. Second key issue we support being amended is in section 342 of the bill to allow individuals enrolled in VA health care and TRICARE to be eligible for affordable tax credits. Currently, H.R. 3962 defines an ''affordable credit eligible individual'' as one who is not enrolled in acceptable coverage—which would exclude individuals enrolled in VA health care or TRICARE.

Unfortunately, as currently drafted, H.R. 3962 fails to adequately recognize, protect or preserve this invaluable system for our nation's 24 million veterans. BVA once again supports Ranking Member Buyer amendments to ensure that veterans are protected. Enrollment in VA health care, especially in the case of service-connected disabled veterans, should never become a bar or obstacle to the receipt of benefits that non-veteran citizens receive in this or any other health care reform bill. Any national health reform legislation must make certain that all veterans, including all of those enrolled in VA health care, remain eligible to enroll in any Exchange-participating health benefits plan offered under H.R. 3200 through the Health Insurance Exchange, or in any other public or cooperative health insurance program.

The VHA provides a uniform medical benefits package to all enrolled veterans, regardless of their enrollment priority group, that emphasizes preventive and primary care, and offers a full range of outpatient and inpatient services and prescription medications. Accordingly, enrollment in the VHA health care program must be considered acceptable coverage in the same manner as members of the uniformed services and their dependents, including Civilian Health and Medical Program of the VA (CHAMPVA) coverage furnished under section 1781 of title 38 United States Code, so that they will not be subject to any tax or penalty for lack of health care coverage.

Finally, BVA would stress again, that it is imperative that any other health care reform legislation considered in Congress, must make clear that the health care system of the Department of Veterans Affairs shall be run by the Secretary of Veterans Affairs to meet the health care needs of veterans, dependents and survivors, and that this authority shall not be infringed by any national health care organizations or any other departments, agencies or independent organizations of the federal government.

Ranking Member Buyer on behalf of the Blinded Veterans Association membership we represent, and for the benefit of the millions of veterans living today and future veterans, we support the amendments you are offering today with your colleagues to clarify the current language in H.R. 3962 to protect the health care system of our veterans. Unless the changes and clarifications discussed above are made in the legislation, we will oppose movement of H.R. 3962 or any other legislation that could negatively impact the current health care system for our nation's veterans.

Sincerely,

THOMAS ZAMPIERI,
Director, Government Relations.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, VA, November 6, 2009.

Hon. STEVE BUYER,
Ranking Member, Committee on Veterans Affairs, House of Representatives, Washington, DC.

DEAR CONGRESSMAN BUYER: The Retired Enlisted Association (TREA) shares the concern that H.R. 3962 does not ensure that veterans and TRICARE beneficiaries would have access to the Health Care Exchange, and that the same beneficiaries would be excluded from eligibility for ''affordability credits''. Thus, we do support amendments to the bill that would address these concerns.

While it is no doubt true that most veterans and TRICARE beneficiaries would not have a problem if the legislation were enacted as it currently stands, those who live in remote areas could find themselves in dire straits with regard to their health care without the changes you seek. These are precisely the people who frequently have difficulty in accessing the health care benefits which they have earned and have just as much right to as every other veteran or TRICARE beneficiary.

Finally, we recommend that the language you propose to insert at the end of section 202 be changed from ''EXCEPTION FOR VETERANS AND MEMBERS OF THE ARMED FORCES'' to ''EXCEPTION FOR VETERANS AND MEMBERS OF THE UNIFORMED SERVICES'' NOAA and USPHS members are not considered to be members of the Armed Forces but are TRICARE beneficiaries.

Sincerely,

LARRY MADISON,
Legislative Director.

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.)

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, this House and our Nation are poised for a historic vote tomorrow. That vote will determine whether tens of millions of people who are uninsured and underinsured will finally have access to health care. But beyond that, it will begin to transform the current sick care system which is draining this country, not just of its finances, but of some of its brightest and best who, because they are not able to access the fantastic health care this country has to offer, are not as productive as they would or should be.

It will enable many, those in our rural areas and our territories, those in blighted urban areas and racial and ethnic minorities who have been left out of the health care mainstream to finally have access to wellness and more productive and fulfilling lives.

Our vote tomorrow will also determine how successfully we will compete in the global community where everyone is in a race to the top, whether or not we will, through reducing the highest health care in the worlds, set our country on a more sustainable economic footing, and whether we can regain our leadership in this world by raising our health indicators, like infant and maternal mortality, to levels that match or better the other industrialized nations we now lag behind.

To me, a vote against this bill is a vote against what is best for our country.

No one ever thought we would have had a perfect bill, but what we have in H.R. 3962, the Affordable Health Care for America Act, is as near a perfect bill as anyone could have conceived when we started out this process. I applaud the outstanding leadership of our Speaker, our leader, our whip, our caucus Chair and vice Chair, the chairmen

of the respective committees, and Chairman Emeritus JOHN DINGELL for the bill which will be before us tomorrow.

H.R. 3962 covers at least 36 million of the now uninsured, expands and improves Medicaid, strengthens Medicare, begins to close the doughnut hole, and makes it, as well as other insurance, more affordable. It will provide a robust benefits package, new prevention and wellness programs, with no copayments for preventive care. It ends insurance abuses that have led many families to bankruptcy or near bankruptcy—no exclusions for preexisting diseases, no dropping your coverage or putting limits on how much insurance will pay for you when you get sick.

It expands the health care workforce and especially supports the training of primary care physicians, nurses and physician assistants, as well as that of now underrepresented minorities. It provides community health centers and community health workers as well as programs that help communities to better prepare to take advantage of the new health care system. And it will strengthen our public health infrastructure and workforce. The bill is fully paid for, and will reduce the deficit over the 10 years.

What is not to vote for? I know that some of the hesitation is over abortion issues. I don't understand it because H.R. 3962 keeps the Hyde amendment in tact. It prohibits Federal funds from being spent on abortion. It excludes abortion from the basic benefits package. It prohibits discrimination against providers who do not perform abortions by insurance plans. It does not require any insurance plan in the exchange to cover abortion, and it provides that the exchange would have an insurance option that does not cover abortion.

I, like every Member of this body, I am sure, am deeply committed to life—to protecting lives, to saving lives, and to improving the quality of lives. Without passage of this bill, many will suffer the unnecessary loss of life that happens every day in this country of plenty to those who are uninsured and in people of color, whether they're insured or not.

In this 21st century, every year 88,000 African Americans alone, not counting American Indians, Latinos, Asians, or Pacific Islanders, 88,000 African Americans die who would not have if they were insured and if they had equal access to the services that this bill would now provide them, some of them for the very first time.

Have those who oppose this bill because of concerns of abortion considered that this bill would even reduce the need for abortion? Something everyone, no matter what side of the debate you are on, would want. It would do so by ensuring that everyone would have access to comprehensive health care and the kind of family-life counseling that is a part of it.

Tomorrow, we have the opportunity to save millions of lives. There is no more important reason to vote ''yes'' for the Affordable Health Care for America Act than that. Everyone should want to be on the right side of the historic vote that awaits us tomorrow. We need health care reform now.

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

HEALTH CARE

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. This week, I had the honor of meeting 30 Kansas World War II veterans at the national World War II Memorial. These veterans, who are in their 80s and 90s, were part of Honor Flight, an organization that brings veterans to Washington, D.C. to see the memorial dedicated in their honor.

Welcoming these Honor Flight veterans is an incredible privilege and one of the most rewarding experiences of my time in Congress. As I visited with these veterans about the sacrifices they made, the friends they lost, and the love they have for their country, I was reminded about how serious my responsibility is as a Member of the United States House of Representatives to do right. It also caused me to reflect on the importance of this weekend's vote on health care reform.

As Chair of the House Rural Health Care Coalition, I know how important health care is to the survival of Kansans and their home towns. The vote we will take this weekend will affect all Kansans at every age, those proud aging veterans, the senior couple counting out their medications each morning, the young family just starting out, the children playing hide and seek in the yard, and the small business owner looking over the budget report.

The decision we make this weekend matters; it matters from coast to coast and across the sweeping plains of Kansas. Our State has unique health care needs, different from much of the country. We have an aging population that has spread widely across a large area. I consider these unique needs in each policy decision that I make.

Changes are truly needed in our current health care system, and I have written about my ideas for reform and have shared them with folks back home and anyone up here who will listen. After studying H.R. 3962, Speaker PELOSI's health care reform bill, listening to the concerns of Kansans and visiting with Kansas hospitals to speak with doctors and nurses, patients and administrators, I have concluded that the Speaker's 2,000-page bill will do great harm to Kansans, and I strongly oppose it.

The Pelosi bill is essentially the same version that the Speaker started out with months ago, except it's 1,000 pages longer. Instead of working to repair our current system, which a majority of Americans favor, the Pelosi bill will turn much of our system on its head by creating a new government-sponsored health care program financed by deficit spending and taxes.

This bill levies taxes on businesses, cuts Medicare benefits to seniors, eliminates jobs with employer mandates, and enables bureaucrats to define what form of health coverage is acceptable for Americans.

The bill would create 118 new boards, bureaucracies, commissions and programs to carry out its so-called ''reforms.'' I am especially troubled how $500 billion in Medicare cuts and proposed reimbursement rate changes contained in this bill will affect Kansans with our high population of seniors. Only in Washington does cutting billions of dollars from a near bankrupt Medicare program seem like a good idea. These cuts will reduce benefits and raise premiums for Kansas seniors and make it harder for us to find a doctor or nurse when we need one.

We strengthen our health care system by reducing cost. The Speaker's bill does nothing to reduce cost. In fact, Medicare and Medicaid's own actuaries have warned that the plan will dramatically increase Federal health care spending.

The veterans I met at the World War II Memorial fought for a country they love and that country's promise of liberty and opportunity. After the war, these men and women returned to their homes and ventured off in different directions, some rejoined families and jobs, some got married, some went to college, and some started a business. But one thing they all shared was the desire to continue fighting to make a better life for their children, a life better than the one they had for themselves. This is the desire that my mom and dad—my dad who turns 94 tomorrow—had for my sister and me, and the one that my wife, Robba, and I have for our daughters. This is what we do in America: we leave the next generation better off.

I have concluded this bill will not make health care more affordable or more accessible to Kansans. I have also concluded that, coupled with all the other bad ideas of this Congress—stimulus packages, bailouts, Cash for Clunkers, cap-and-trade—we will be leaving our children with more debt, less freedom, diminished personal responsibility, and fewer economic opportunities. Worse, we will have failed to honor the dreams of those Kansas soldiers for a better life for another generation of Americans.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr.

MCDERMOTT) is recognized for 5 minutes.

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

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this has been an engaging debate and discussion by my colleagues, and it is a momentous time in our history.

Earlier this evening, I reminded my colleagues of the imagined debate for those of us who were not here when Medicare was introduced to the American people. Medicare can document the number of lives that were saved. And we are privileged to have in the House Chairman JOHN DINGELL, who was here during that debate and who has crafted this legislation based upon decades of attempting to achieve universal access to health care for all Americans.

My friends are talking about how we rushed this legislation through. They obviously have not kept up with history's stories. For America has been working on providing access to health care for all Americans since the 1930s, the 1940s, the 1950s, the 1960s, 1970s, 1980s and the 1990s.

We must come to grips with the collapsed system that allows 18,000 people to die because of lack of insurance, that has a number of States with high uninsured rates, meaning that their population is uninsured.

It seems like an oxymoron to suggest that a city that can be called the energy capital of the world, with all of the attributes and wonderful neighborhoods that Houston has, the spirit of the people, NASA, so many things to call America, and yet our numbers are very high for those who are uninsured, hardworking Houstonians who desire to have access to health care.

This is not an indictment of the facilities in our community that work very hard to make this happen. The Harris County Hospital District, for example, the Texas Medical Center, the number of hospitals outside of that area, including St. Joseph's Hospital, the physicians and nurses and clinics that work in the area all work hard to provide access to health care.

But, Mr. Speaker, it's not enough. And our friends on the other side will introduce legislation tomorrow that they call ''cost saving,'' that will merely insure 3 million people. Well, I wonder what decision would have been made about Medicare if we had thought about penny-pinching, not cost containment, not being efficient, penny-pinching. And that is what's going on on the other side. There is no vision about what will happen if we wait one more decade without debating health insurance.

□ 2000

I have heard some of my friends say, ''Kill the bill.'' Well, we're killing Americans, and I believe most of us would rather not engage in those kinds of theatrics.

I believe that small business owners, of whom we are very concerned, will have the ability to secure insurance for their employees. All the time when I listen to them, they are committed and dedicated to their employees. They are the backbone of America. This bill exempts 86 percent of small businesses from the requirement to offer or to contribute to coverage by increasing the thresholds for exemption from a $250,000 payroll to a $500,000. It decreases obligations for employers of payrolls between $500,000 and $750,000. It allows those employees to go into the exchange.

Small employers and the exchange: It increases the size of small employers automatically allowed to purchase coverage through the exchange, which will include the public option, of up to at least 100 employees within the first 3 years. It permits an additional expansion to even larger employers in future years. A small business tax credit modifies the policy to limit the tax credit to a 2-year period per firm to help firms transition to providing health care benefits to their employees.

Health insurance co-ops provide startup loans to establish not-for-profit, or cooperative, health plans that compete with private insurers and the public insurance option all in the vein of bringing down costs.

It provides veterans and members of the Armed Forces the assurance that members of the Armed Forces, veterans, and their families have access to the exchange, to obtain health insurance if they choose and that they fulfill their responsibilities to have qualified health insurance if they are enrolled in a VA health care or TRICARE.

Remember, this legislation will allow Americans to keep their insurance. I am proud of that. As well, there is a definitive decline in the percentage that Americans will have to pay of their income for health insurance coverage. That is not the case now, and that is why you find so many Americans without health insurance.

Mr. Speaker, I would only say it is time now to move on health care reform.

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

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

THE MOTHER OF ALL UNFUNDED MANDATES

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

Mr. ROE of Tennessee. Mr. Speaker, I came to Congress to help enact health care reform. As a physician, I've seen firsthand the problems insurance companies have created for patients. I've seen firsthand how government programs have made beneficiaries worse consumers of health care. I've seen how the cost of health care has exploded so much so that many can't afford insurance. I've seen all of these problems, and I want to help fix them.

When I first heard that the Democrats were proposing to insert a government competitor into the insurance marketplace, I thought, surely, they can't be serious. When I realized they were, I thought I could change their opinions by telling them about the real-life failures I've seen under our State's program, known as TennCare, and how H.R. 3200—now H.R. 3962—is simply a bad extension of these mistakes.

For months, I've gone to the House floor with many of my physician colleagues to talk about the problems with this plan. The TennCare plan tried to provide universal coverage and to make health insurance affordable. In the end, it nearly bankrupted the State as the program's cost tripled. It created an incentive for beneficiaries to seek unnecessary care because it cost them nothing. It shifted costs to the private plans, which were forced to make up these underpayments of the government program by increasing everyone's premiums. In the end, 45 percent of those on the public plan previously had private insurance, and they either dropped their coverage or were dropped by their employers.

Our Democratic Governor, Phil Bredesen, saved our State's budget by doing something very hard. He cut the rolls. He controlled costs. He introduced an alternative plan called Cover Tennessee, which requires an equal contribution from employers, individuals, and the government. It is a model for shared responsibility. Incidentally, Governor Bredesen has called this bill on the floor the mother of all unfunded mandates.

Democrats continued to ignore this evidence. I have asked President Obama three separate times since July to sit down and talk about a health care bill and to talk about what I know the effects to be, yet I've received no call from the White House. It's one thing to disagree with evidence that undermines the premise of the reform you're pushing, but to not even consider it is unbelievable.

So here we are today with a health care bill that's over 2,000 pages. It's loaded up like a Christmas tree with special interest provisions. Sanitation facilities for Indian tribes, biofuel tax credits, nutrition standards for chain restaurants, and references to pizza and doughnuts all made it into this bill, but somehow Democrats could not come up with a real solution for medical malpractice reform except to try

to protect the trial lawyers' share of jury awards. Malpractice has proven to cost the health care system billions of dollars each year, but the reforms being proposed make the current system worse.

This bill taxes everyone and everything. It taxes medical devices. It taxes individuals who choose not to purchase insurance. It drives up premiums for individuals who do purchase insurance. It taxes employers who fail to offer health insurance. It then taxes them further if they try to increase their employees' wages. It taxes small business owners, who would be creating jobs and getting us out of this recession. Instead, it forces them to cut jobs or wages. It taxes health savings accounts, which reduces the use of catastrophic health insurance coverage.

It cuts Medicare. Home health care, skilled nursing facilities, and Medicare Advantage will all be cut. Seniors with prescription drug coverage will see their premiums increase. Seniors oppose this bill because they get it. Their care is going to be decreased, and costs are going up.

After the bill finishes up taxing everything and everyone, it spends all that money even faster. Despite the fact I've never heard anyone say they want access to this program, the bill dramatically expands Medicaid. It creates a huge, new Federal bureaucracy to navigate through, and it funds a government competitor to private insurance companies which will syphon people off of private insurance onto a Medicaid-like program, just like Tennessee did with TennCare.

After the Democrats finish spending $1.5 trillion, they say the bill is ''deficit neutral,'' but they ignore that every major government health care expansion before it—Medicare, Medicaid, SCHIP, which are just to name a few—have cost more than originally estimated. They completely ignore the fact that they use 10 years of revenue to pay for 7 years of new spending. In the second decade, this program will become an enormous unfunded mandate on State governments, on individuals, and on the Federal Government. Despite the largest deficit in our Nation's history, the Democrats are irresponsibly going forward to make it harder than ever to balance the budget.

Here is the bottom line: The bill costs too much. It taxes too much. It does little to improve health care. It will result in the majority of Americans being left with decreased access, decreased quality, and increased costs. It is, as The Wall Street Journal called it, the worst bill ever, and it deserves to be rejected.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

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

A GRIM ACCOUNTING

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

Mr. MCCLINTOCK. Mr. Speaker, this week, the House passed H.R. 3548, which extends unemployment benefits in States with high unemployment rates, and it continues and expands the popular tax credit to encourage home buyers into the market.

Mr. Speaker, I know these are very popular programs, but I believe that they are taking us in exactly the wrong direction. By increasing taxes to finance these programs, the government is placing increasing burdens on the economy which I believe are actually making the recession worse.

I am concerned that, by raising taxes, we end up making more people unemployed, and I believe that, by paying people to buy homes, we are creating yet another housing bubble that will continue to drain the resources of our Nation until it bursts. Let me walk through both of those concerns.

Under this bill, unemployed workers in States like my home State of California can draw up to 99 weeks of unemployment benefits—almost 2 full years. Now, I realize the quiet panic that haunts every waking and sleeping moment of unemployed families as they wonder from one day to the next how they're going to get by. I've known that feeling myself.

Yet there is a reason that California suffers one of the highest unemployment rates in the Nation. It has one of the highest tax and regulatory burdens in the Nation. Business and investment and the jobs that they create flee such hostile environments and seek out less expensive and less burdensome places. One needs only to watch the domestic migration within our own Nation from high-tax, high-regulated States to low-tax, low-regulated States to see this happening right now before our very eyes.

According to the Congressional Budget Office, this bill imposes a net tax increase of $2.5 billion on our economy at a time when we can least afford it. It contributes to a self-defeating paradox: higher unemployment in order to help the unemployed. Yet we all know that the only antidote to unemployment is a genuine job.

It's true. Family breadwinners can see the additional unemployment checks in their hands, and they feel the immediate relief. That's why this bill is so popular. What they don't see are the jobs that could have ended their agony but that have now disappeared in order to pay the higher taxes to support those unemployment checks. It is a vicious, downward spiral that the supporters of this bill have already tacitly acknowledged when they admitted that they will have to return before the end of the year to extend the program yet again.

Simply stated, we cannot help the unemployed by creating more of them, yet that's exactly what programs like this are doing. We can see it in the steadily increasing unemployment figures despite record amounts of government spending and borrowing.

The second part of this bill is equally popular, and it is equally delusional. It extends and expands tax credits for home buyers to buy homes that they otherwise could not afford. Have we learned nothing from the past year of economic hardship? We all know that the catalyst for the current recession was a housing bubble that was created by government policies that encouraged lenders to make loans and borrowers to take loans to buy homes that everybody knew they couldn't afford.

What's our response now? We are going right back into that same market and are creating another bubble by, once again, encouraging home buyers to purchase homes that they otherwise couldn't afford. We're doing this just weeks after watching how the Cash for Clunkers program created the same artificial bubble in the automobile market, a bubble that came crashing down as soon as that program ended.

A society in which the government extracts billions of dollars from its economy in order to pay people to buy stuff they can't afford has a rendezvous with a grim accounting, and the longer these programs continue, the grimmer that accounting will be.

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

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

THE REPUBLICAN ALTERNATIVE FOR HEALTH CARE REFORM

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

Mr. GOODLATTE. Mr. Speaker, yesterday, I had the opportunity to speak about the Democratic plan that will encompass 2,000-plus pages, 400,000 words, more than $1.3 trillion in costs, over $800 billion in tax increases, and the likelihood that it will kill more than 5 million jobs. Today, I would like to talk about the Republican alternative that will be offered when this legislation comes up for a vote, and I would like to contrast it with what we are talking about.

The Republican alternative lowers health care premiums. According to the Congressional Budget Office, the

alternative would reduce health insurance premiums by up to 10 percent for employees who get coverage through small businesses with 50 or fewer employees. According to the CBO estimates, all told, under the GOP plan, premiums for millions of families would be nearly $5,000 lower than Speaker PELOSI's cheapest insurance plan.

It guarantees affordable coverage for patients with preexisting conditions. The Republican alternative makes it illegal for an insurance company to deny coverage to someone with prior coverage on the basis of a preexisting condition. So, if you lose your health insurance because you lose your job, because you move or get divorced or just want to change plans, you are protected.

It protects seniors' Medicare benefits. Under the plan offered by Speaker PELOSI, there are more than $500 billion in cuts in the Medicare program at a time when baby boomers—those born after World War II—are starting to retire. We're going to need to have reforms of the Medicare program to achieve savings, but those savings are going to have to be plowed back into the Medicare program to pay for the millions of Americans who are going to become eligible for that program.

□ 2015

The Republican alternative has no tax increases, none, nada, zip, period, no tax increases compared to more than $800 billion in tax increases primarily focused on small businesses.

In fact, the Republican alternative encourages small businesses to offer health care coverage without taxing job creation. Unlike Speaker PELOSI's bill, which punishes small businesses with onerous mandates and exorbitant taxes that the CBO says will be passed on to the employees in the form of lower wages, the Republican alternative plan gives small businesses the power to pool together and offer health care at lower prices just as corporations and labor unions do.

It enacts real medical liability reform to cut down on the amount of defensive medicine, and the Congressional Budget Office says it will save the Medicare and Medicaid programs $54 billion alone, much less additional savings that will come to private insurance companies and hospitals and doctors in terms of the reduction in defensive medicine that will be practiced. It prohibits abortion funding, a serious problem in the Democratic alternative that has caused a great deal of turmoil on their side of the aisle.

There's no entitlement expansions, forcing Americans on to a government-run plan, and it reduces the deficit. According to the CBO, the Republican alternative reduces the deficit by $68 billion over the next 10 years and continues to reduce the deficit in the second budget window.

Compare this to the plan offered by Speaker PELOSI, which will raise premiums on health insurance for individuals. It will reduce health care choices. It will cause delays and denials of care. It will take $500 billion in Medicare cuts and $729.5 billion in new taxes.

Now, this new bill that has been offered by the Democrats is 2,000 pages long. You may recall that the last bill offered by them was only a thousand pages long and had 53 new government agencies and programs. In fact, many may be familiar with this diagram that shows what additional new programs were created under the 1,000 page bill. You might think this is pretty confusing and would cause a lot of difficulty for a lot of people. Well, guess what?

With a 2,000-page bill they added another more than 90 new programs and agencies to the 53 that are on the original chart. Here is the original chart. This is all of the bureaucracy and confusion and cost that has been added in this new bill. If anyone on either side of the aisle has any doubt about whether the simple proposals offered by the Republican alternative have broad-based public support, most of these proposals, 60, 70, 80 percent of the American people support. Certainly they do not support this kind of bureaucracy. Certainly they do not support the kinds of tax increases that could cost as many as 5.5 million jobs, according to one projection out today. And they certainly do not support this kind of government takeover of our American health care system.

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

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

HEALTH CARE

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

Mr. GINGREY of Georgia. Mr. Speaker, let me introduce you and my colleagues to someone. I would like to focus for just a moment on this first poster.

This is the Health Choices Czar. You may not know him today, but if Democrats have their way and they pass their government takeover health care, we will all know him soon enough.

In the fictional Hazzard County, Georgia, he was known as Boss Hogg from 1979 until 1985. Portrayed by the late actor Sorrell Booke, he was an infamous government corrupt official on ''The Dukes of Hazzard,'' who every week tried to exert his will on the people he was supposed to be serving. On the show, if it wasn't for honest citizens like Bo and Luke Duke and Crazy Cooter, he might have been able to run Hazzard County into the ground.

Mr. Speaker, Boss Hogg is a fictional character. The Health Choices Czar created under the Democrats' health care bill, unfortunately, is not. This boss, created by President Obama and NANCY PELOSI, is very real. This boss will have the power to tell you what health products you can and cannot buy. This boss will be able to decide whether you need to pay him a tax. This boss will decide whether your health coverage is legal or not. In its roughly 2,000 page manifesto, this boss will soon control every decision you and your doctor want to make.

Mr. Speaker, throughout the health care debate, I have heard a number of complaints from the majority that we are focused too much on the number of pages in their government takeover bill. In addition to the sheer number of pages of H.R. 3962, I think it's equally important to point out other numbers associated with the bill that are even more troubling.

$1.2 trillion—the total cost of the bill for the American taxpayer.

$2.5 million—the cost of each of the 400,000 words in this bill for the American taxpayer.

$730 million—this is the amount of new taxes created in this bill for small business, individuals who cannot afford health care coverage and employers who cannot afford to provide coverage that meets the Boss Hogg's standard.

10.2 percent—the Nation's current unemployment level reported just yesterday by the Department of Labor.

190,000—the number of jobs lost in the month of October reported yesterday by the Department of Labor.

5.5 million—the estimated number of jobs that could be lost as a result of taxes on businesses that cannot afford to provide health care coverage. This is according to a model developed by one of the President's chief economic advisers, Christina Romer.

114 million—that's the number of people who could lose their current health care coverage—coverage, of course, that they like—under the proposed government-run health plan in H.R. 3962.

3,425—Mr. Speaker, the number of times the word ''shall'' appears in H.R. 3962 that results in new duties for bureaucrats and mandates on individuals' businesses and states.

118—the number of new bureaucracies created by H.R. 3962.

Mr. Speaker, when the Democratic majority says Republicans focus too much on the number of pages of H.R. 3962, they really avoid a deliberative debate, because this bill is bad legislation. In fact, the editorial on Monday's Wall Street Journal called H.R. 3962, ''The Worst Bill Ever.'' That editorial said, ''Epic new spending and taxes, pricier insurance, rationed care, dishonest accounting: The Pelosi health bill has it all,'' and I am quoting the Wall Street Journal.

According to this editorial, Speaker PELOSI and the Democrats in Congress are more like Boss Hogg looking to

exert their will on the American people than they are responsible Members of Congress. It states, ''Democrats have dumped any presence of genuine bipartisanship and moved into the realm of pure power politics.''

Clearly, the Wall Street Journal understands the ramifications that this legislation has for the American people. Quite frankly, I agree with that paper's characterization of H.R. 3962 that, ''In a rational political world, this 1,990-page runaway train would have been derailed months ago.''

Mr. Speaker, unfortunately, in the case of this legislation, it seems to me like we live in Boss Hogg's Hazzard County, instead of a rationally based society. I urge my colleagues to look beyond the rhetoric that Speaker PELOSI and the Democrats use to promote ''The Worst Bill Ever'' and look at the numbers associated with this legislation.

Mr. Speaker, Boss Hogg went off the air in 1985. Unfortunately, this legislation is real and poses a real threat to the foundation of our health care system. Tomorrow, or whenever we vote on H.R. 3962, I hope all of my colleagues have the sense to defeat this irrational legislation.

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

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

HEALTH CARE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, on Tuesday of this week I was here in this Chamber with my freshmen Republican colleagues, and we were preparing to do Special Orders about all the concerns we have with the 1,990-page Pelosi health care bill, and I had this bill with me, and it was in this bag. I was sitting in a chair and I was standing in the row next to it.

I was approached by one of the fine, dedicated public servants we have, employees here in this Chamber that are dedicated to our safety and security. They came up to me because somebody had observed this rather large unidentified object from the gallery and wanted to make sure that it wasn't something left there intentionally, a hazard. I assured him this was not a hazard to the Members here, that this was a 1,990-page Pelosi health care bill. Though, on second thought, it was a hazard, a hazard to anyone carrying it around, being as heavy as it is but a hazard to our health care system here in the country.

Mr. Speaker, my background is health care. Twenty-eight years I worked on rehabilitation services serving older adults, mostly, licensed as a nursing home administrator, dedicated to make a difference in the lives of individuals facing life-changing disease and disability. I am here with tremendous concerns on behalf of our seniors tonight on what this bill does to them.

Let me talk a little bit about Medicare. My Democratic colleagues must consider that Medicare is overfunded. I can tell you that it is not. Medicare today pays on the average of only 80 to 90 cents for every dollar of costs that a hospital or a doctor has, 80 to 90 cents. From the time that entitlement program was created, it was systematically underfunded.

This is a primary reason, actually, that commercial insurance is so expensive because of the underfunding of Medicare. Yet my Democratic colleagues consider Medicare overfunded. Well, how do I know this? Because the bill, this bill in front of me, has over a half a trillion dollars in Medicare cuts.

It must be overfunded in their minds if they can make half a trillion dollars in Medicare cuts. Where do those cuts fall at and where will they impact seniors? Well, it is going to impact seniors that go into hospitals, Medicare part A, significant cuts there, $175 billion, a minimum of that. That's cuts to those hospitals, and I know hospitals in my district are lucky to make a 1 to 3 percent margin annually. Out of that, they hopefully give cost-of-living increases and invest in new life-saving technology.

But they don't stop there. The Democrats go on to cut Medicare in terms of skilled nursing facilities. Now that's an area where I was licensed as a nursing home administrator. People who go into nursing homes today are the sickest of sick. That's the only alternative they have when they need that high level of skilled care. To cut services there, that's just unacceptable.

Let's move on to Medicare part B. Those are physician services. They are also outpatient services like rehabilitation. When an older adult, a senior citizen, has a disease or disability and they need rehabilitation, well, that's funded by Medicare part B. But Medicare part B, also, under the Democratic plan is scheduled and slated for significant cuts.

Another one that is under Medicare part B is hospice services. Mr. Speaker, hospice services, that's a service that reaches out and provides services to people that are in their end days, people who are in the process of dying. Hospice service allows people to die with compassion and surrounded by friends and pain management. Yet the Democrats feel that Medicare is so overfunded that we can actually make cuts to hospice services.

Medicare part D. Pharmaceuticals. Well, I never heard anybody say that our seniors actually have more than enough resources coming into pharmaceuticals, but that's one of the lines within this.

Then there are wheelchair taxes, medical devices, medical devices that are innovations that help people live with dignity, help people live with independence, to live outside of institutional settings, which are certainly more cost-effective places. Medical devices allow people an opportunity to be able to age in place for seniors.

Now, I assume my Democratic colleagues will assume that the people they tax, that will just come out of their pockets, but we know how that works. Taxes get passed on. And this will be passed on to the people on fixed incomes in this country, and that's unacceptable.

I want to talk briefly about the flawed math that went into this. One of my Democratic freshman colleagues, a Democrat that's on the Rules Committee, I heard him make a statement about how this bill is so much less expensive than the previous version we saw back in July. I have to tell you that's flawed math.

This bill was based on the fact that the Medicare growth rate would be at 4 percent. The average growth rate is 7 to 8 percent. In 2008, Medicare grew at 9 percent.

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

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

(Mr. HIGGINS 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 Virginia (Mr. WOLF) is recognized for 5 minutes.

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

□ 2030

A TANGLED WEB OF DECEIT

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

Mr. GOHMERT. You know, I thought about a little limerick Sir Walter Scott wrote. He was around back during those years during and after the American Revolution. But he penned an interesting line that went, ''Oh, what a tangled web we weave, when first we practice to deceive.'' I have heard that all my life, growing up as a kid. ''Oh, what a tangled web we weave, when first we practice to deceive.''

Now, we had the President of the United States come into this Chamber right here and speak from that podium there, and he made the statement that there would be no abortion funded in the health care bill.

Apparently, there are other ways that this will be done or can be done. On page 110 of the health care bill we are supposed to vote on tomorrow, Subsection B is entitled ''Abortions for

which public funding is allowed: The services described in this subparagraph are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is permitted.''

Now, we are hearing that tonight we are being held over here, which is fine. I don't mind going all weekend, going the rest of the week, the month, whatever. It is the job. It is fine by me. I think America is safer when we are not in session. But that is fine.

But we are hearing that supposedly we are in session because you have people browbeating Democratic Members who have taken the staunch position, and I think the wonderful position, a very moral position, that funds taken from the hands of law-abiding Americans who believe it is murder to kill a baby who is unborn should not go to fund abortion, and they are taking that wonderful, principled position. Now they are being told that they need to buy into this bill and do the right thing and vote for it.

We have others who have taken the position that if funding is not in this bill for abortion, they are not going to vote for it. So those who are trying to twist arms and get people to vote for this massive, terrible thing for America, this health care monstrosity, this power grab, as it is, are saying that they need to do the right thing for America and vote for this bill.

You have got some who believe what the President said at that podium right there, that there would be no funding in here for illegal aliens to have health insurance. And yet anybody that knows anything about the law knows that if there is no requirement to check the identity of someone who is being furnished free health insurance, then illegal aliens will be provided free health insurance.

So there are those friends across the aisle, Democrats who are principled, saying we need language in here so the President will be able to keep his word and he won't look like a liar. We need the language in there so illegal aliens will not be getting free health care, just like the President promised.

We have also been told by the President repeatedly, if you make less than $250,000, there will not be any tax of any kind levied on you. Yet we find Section 501, among many taxes in this bill that people are being forced and arms twisted to vote for, it is entitled ''tax on individuals without acceptable health care coverage.'' It turns out the provision basically says if you make too much money to be given free health insurance but you don't make enough to be able to afford to buy health insurance, then this Obama-Pelosi plan will tax you.

Oh, what a tangled web we weave, when first we practice to deceive. And that is exactly what has happened. This monstrosity of a web has been woven, and now it is catching so many in it as we approach this monstrosity of a health care plan.

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

(Mr. PAUL 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 South Carolina (Mr. BARRETT) is recognized for 5 minutes.

(Mr. BARRETT of South Carolina 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 New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

(Mr. FRELINGHUYSEN 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 Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

(Mr. WESTMORELAND 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 Tennessee (Mr. WAMP) is recognized for 5 minutes.

(Mr. WAMP 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 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.)

PROVIDING MEANINGFUL, STABLE AND SECURE HEALTH INSURANCE FOR ALL AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Florida (Ms. CASTOR) is recognized for 60 minutes as the designee of the majority leader.

Ms. CASTOR of Florida. Mr. Speaker, the House of Representatives is poised for a very historic milestone this evening. We are on the cusp of beginning debate on the Affordable Healthcare for America Act, and Democrats are going to deliver what American families and businesses have been asking for when it comes to their health: one, meaningful, stable, and secure health insurance; two, improved Medicare for our seniors; and, three, vital consumer protections.

For families with health insurance, health reform will provide coverage you can count on. All Americans will have affordable options, even if they change their jobs or if their employer does not offer health insurance. We are going to get into a few of the important consumer protections tonight with a few of my colleagues.

Under this revised bill, families will not have to worry about insurance companies canceling their coverage because someone in the family gets sick or is diagnosed with cancer or another illness. Health insurance companies will no longer be able to bar you from health insurance just because you have cancer that is in remission or you have had a heart ailment. We are going to ensure that our neighbors are not forced to go bankrupt when a serious illness strikes.

What is insurance for, after all? It must be meaningful for American families. You have to admit, American families have been doing everything right. They have been paying their copayments, they have been paying their premiums, even as the cost has risen astronomically. What our health reform bill says is, in return, these American families must have coverage that is meaningful, stable, and secure.

Now, we reached this historic milestone reflecting back upon other important milestones in American history. It was January, 1935, when President Roosevelt sent his economic security bill to Capitol Hill. At that time, the Congress took that economic security bill and renamed it the Social Security Act; and, after many months of heated debate, in April of 1935 the Congress adopted the Social Security Act. President Roosevelt signed that bill into law at a ceremony in the White House Cabinet Room.

After President Roosevelt, it was President Truman who sought to build upon Social Security and provide that important stability and security to American families by launching the health care initiative. Unfortunately, it stalled under President Truman; and we have been in that stalling pattern for decades after, with the exception of 1965, with the adoption of Medicare.

In 1965, the House took up consideration of the Medicare bill; and President Johnson signed that bill into law at a special ceremony in Independence, Missouri, in 1965. President Johnson at that time, over the objections of some aides, insisted that the ceremony happen in Independence, Missouri, and that President Truman, who launched the national health care debate, be in attendance.

At that signing, President Johnson said, ''No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy savings that they have so carefully put away over a lifetime so that they may enjoy dignity in their later years.''

Mr. Speaker, with our corresponding health reform act that follows upon Social Security and Medicare, no longer will illness crush and destroy American

families. They are entitled to dignity as well.

Now, during those debates, Mr. Speaker, there was a lot of opposition, great opposition from the Republican Party. The Republicans' record on Social Security and Medicare in America is not outstanding. They opposed Medicare from the beginning.

In 1965, the GOP said that Medicare was ''brazen socialism,'' and they have kept up that mantra year after year. They have tried to undermine Medicare. The Republicans have voted against protecting and strengthening Medicare since it was adopted. They have sought to privatize Social Security and Medicare. They have consistently wanted to move seniors into private markets. And, just this spring, House Republicans offered a budget that would eventually lead to the end of Medicare programs as they are presently known. If we had listened to Republicans, American seniors during the economic downturn would have seen their lifetime savings nearly disappear.

So here we stand again on the cusp of an historic milestone, to follow upon the legacy of Social Security and Medicare, the foundational values of the Democratic Party, popular initiatives that provide great security and stability to all American families; and we are going to deliver again for America's families.

We have some outstanding Americans here in the Chamber tonight. I would like to yield time to my good friend from Ohio, Mr. RYAN.

Mr. RYAN of Ohio. I thank the gentlelady, and I think that is a perfect articulation of what has happened and why that tomorrow and this weekend has become such a monumental day.

I know our friends on the other side have been trying their best to try to undermine and scare. I just was hanging in my office just answering the phone with people calling in with complete misinformation about what this bill is going to do.

This is very, very simple. When you look at what happened with Medicare, there was a gap in the capitalistic system. Insurance companies couldn't make money off of insuring our grandparents and older parents because there was no money to be made there. So the government had to come in and establish the Medicare program, which I am sure our friends on the other side of the aisle would not want to get rid of right now, and now they are actually sticking up for all the slowing of the growth and all the changes we are making.

But the bottom line is this: We have two issues here. We have an economic issue where health care will bankrupt our country if we do not start reining in the spending. In the next 10 years, one of every five dollars in our economy will be spent on health care. In 30 years, one of every three dollars will be spent.

If we do absolutely nothing, which up until two days ago our Republican friends wanted us to do, but now they know something is going to pass so they have to hurry up and hustle and get some plan together, but if we do absolutely nothing, the average family in our country will pay $1,800 more a year next year in their health care costs. That is if we do nothing. And keep projecting that out, $1,800 the following year, $1,800 the following year. Compounding is a very powerful thing. So we must for economic reasons get our health care house in order, and this bill does it. It reins in the spending for Medicare and makes it stronger and more efficient by closing the doughnut hole.

In addition to that, we have human rights issues that we are dealing with in this country. American people who are sick, who go to the insurance company and get denied coverage, as we heard the other day at our press conference, because of infertility. You get denied coverage. Then the kicker was that spousal infertility was a reason to deny coverage and diabetes and cancer and all of these issues that insurance companies use to deny coverage.

□ 2045

To me, that's a human rights issue; and we cannot, as a country, look ourselves in the mirror anymore as of tomorrow, hopefully, and at the end of this year and not say, Health care is a right in the United States of America. If we all collectively, through investments in NIH and private investments and premiums and money, have come up with ways to make someone healthy, but we, as a society, say, You know what, sorry, you can't afford this one, and just those of us in the club are going to be able to afford it, you can't.

So, you know, you're going to have to get sicker faster, and you are going to have to die earlier than everyone else because you can't afford it. That is unacceptable. I yield to my friend who has been such an instrumental part—I just watched you in the Rules Committee—and continue to defend what we're trying to do here. To explain to the American people how important this is, I yield to my friend from New Jersey.

Mr. PALLONE. I want to thank my colleague from Ohio who is here almost every night, it seems, talking about how important this health reform legislation is and explaining it very well, I must say, in commonsense terms. Your comments made me think about, actually, one of our Republican colleagues in the Rules Committee much earlier today—I was there for 6 hours—who basically talked about this bill in ideological terms and referred to it as socialism or a government takeover of health care. I explained in the Rules Committee, and I would like to explain now, how untrue that really is.

Basically, we're just building on the basic system and using a lot of the framework, if you will, that exists now in both the private and the public sectors. What I point out is that for people who get their health insurance through their employer, private health insurance, they keep it, and the majority of Americans will continue to get their health insurance through their employer. Nobody's changing anything in terms of the process for that. A lot of other Americans, if they're seniors or disabled, get their insurance through Medicare, which is a government program, and then those who are below a certain income get their health insurance through Medicaid, which is another government program.

And I could mention other government health programs. The Indian Health Service, the Veterans program, whatever. What's new here, really, is that for those Americans who have no health insurance because they can't access it, it's not affordable or they have all these discriminatory practices based on their preexisting health conditions or their gender or whatever, now we are establishing a health exchange. It is just basically an opportunity for to you go to your computer or to some office where the government will entertain, if you will, private health insurance companies to come in and say, Look, if you offer a certain benefit package that includes what we think should be included and you're willing to offer it through this exchange, you can.

The government will make this exchange available, and people can buy health insurance through the exchange. They would have a basic benefit package where they can pay for other things that are not in the package, you know, dental care or whatever.

But the advantage is now that this acts as a very large group plan. The reason that employers, you know, oftentimes are able to offer insurance is because they buy it through a large group plan that brings costs down, but for individuals or small businesses that try to buy health insurance privately right now, it's hard because if you buy it individually or you have a very small group of employees, it becomes much more expensive because insurance becomes cheaper the larger the pool is.

So if the government is now offering this exchange where all these private insurers come in and offer insurance, it's essentially like a group plan, and the cost comes down considerably because it acts that way.

Now within this health exchange, we're also going to offer a public option, which you can compare to Medicare or Medicaid if you'd like, and that's going to compete with these private insurance companies. So in addition to costs coming down in this exchange because it's like a group plan, costs also come down because there is now not competition between a public option, like Medicare, and all these private insurance companies. But, again, there is no ideology here that the public option is like Medicare and Medicaid. The private insurers are the

same private insurers that offer insurance now but, because it's a large group plan, the costs come down. So there is no radical change here in the way we're doing business.

We're not taking over health insurance. We're offering a public and private option. Now the third way that the costs come down is if you're below a certain income and you buy your insurance in this exchange, we offer you a major subsidy, and that can be 80 percent of the cost of your premiums if you're maybe making about $25,000 or $30,000 a year or maybe only 10 percent if you are making, say, $80,000 a year. So we're bringing costs down using innovative methods but methods that don't really take away from the private sector.

And for anybody to say this is a government takeover, this is socialism, this is radical—you know, I don't know what you want to call it, it's just not true. This is just a different way of doing things that I believe works and that I think collectively will cover everyone and make it affordable so that you don't have to worry that if you lose your insurance, you don't have a place to go.

Within this context, we're eliminating all the discriminatory practices so that insurance companies can't charge more because of a preexisting health condition or because you are a woman versus a man. They can't say that in the course of a year they'll only pay out a certain amount of money or in the course of your lifetime they'll only pay a certain amount of money. They can't drop you because you get sick. All of these discriminatory practices are very difficult and make it difficult for a lot of my constituents, I know, to find insurance. Those practices will all go away.

I yield back to the gentlewoman from Florida.

Ms. CASTOR of Florida. I would like to yield to the gentlewoman from California (Ms. WATSON). She has been here for a while and has been listening closely to this debate.

Ms. WATSON. Mr. Speaker, I have been here for about an hour and a half. I have heard the Affordable Health Care for America Act denigrated, demonized. I heard the most disrespectful description of our Speaker, of our President, and I have heard them call this socialistic. But what I never heard from all of those who are opposed, including the medical doctors, was a sense and a feeling for protecting the health of Americans. All I heard was them describing the number of pages. They even gave us the number of times that ''shall'' was used. They talked about this heavy load that they would throw out and abandon. But I never heard them throw in ''for the American people.''

There was something very insensitive about what they were saying. I never felt the depth of concern about protecting Americans' health. I heard misstatements. I even heard lies. And let me explain to you where I was able to pick up on the misconceptions. They talked about taxing, increasing taxes. They talked about small businesses going out of business. They talked about the debt on their children, their grandchildren and those yet unborn. Let me try to clear up some of the mythical misstatements that were used while I sit here in the last hour and a half.

Will the bill raise taxes? Get this: for the average individual, the bill would not—would not—raise taxes. If you are an individual who makes more than $500,000, that's a half a million dollars, or a couple who makes more than $1 million, you would be taxed 2.5 percent. That's not the average family's income. The average family does not make $500,000 or $1 million. It will be taxed, yes, 2.5 percent. If you make more than $250,000 and you do not purchase insurance, then you would have to pay a tax of 2.5 percent.

The Medicare part D prescription drug doughnut hole, this hole is created when a patient's prescription drug costs exceed a yearly limit. This includes those whose prescription drugs costs more than the initial benefit of $2,700. Catastrophic coverage begins after the beneficiary has paid $4,350 for medications. Over time, the bill creates a 50 percent discount for prescription drugs bought in the doughnut hole.

Will this bill increase health care costs? No. This bill is designed to reduce health care costs. The House bill is designed with a public option. Now what does the word ''option'' mean? It means, you have a choice. Option means your choice, your decision. So the House bill is designed with the public option which will compete with private insurers in the exchange and reduce health insurance premiums. Though the program is government run, it will be self-sufficient and not require tax dollars at the initial startup.

I have heard over and over again that the government will get between you and your provider. That is so untrue. People talk about government. These are the people who work for government and who are paid by government. And how do they get their pay? Because some taxpayer paid their taxes, and that's how we all get paid. If you're so against government, why did you run to be part of it? Because every minute you're here, you're using taxpayers' money. That's your salary. So if you don't believe in government, you ought not to be part of it. It was so irrational. I was steamed while I was listening, but I held my cool. Private insurers are unhappy with the public option and are, therefore, attempting to disqualify its advantages.

Now, you cannot tell me that the 10,000 people who were out there yesterday demonstrating just woke up and said, We need to go to Washington, DC, and demonstrate. It was an organized effort, my friends. Some people were paid. There were buses that were paid for to bring people in town. And what I said before, I will say again. Why is there so much anger and hostility over providing health insurance for all Americans? What does that anger portray? Why are people so irrational? Why aren't they more reasonable about what government is trying to do?

This started out covering those who were uncovered, about 38 million, and it's grown into, as our opposition says, a socialistic program to cover ineligible people, to cover those most feared people that are here illegally. I never heard compassion for Americans. So there was an organization that put that group together to come and shout and show their anger. I'm saying, Well, what is it that they're so angry about? They have been told that benefits will be taken away from seniors. Nothing can be further from the truth. Will the House bill negatively affect small business? No. The House bill exempts most small businesses from the employee mandate. Small businesses with a payroll less than $500,000 are exempt. Small employers with pay rolls between $500,000 and $750,000 will have contribution phases from zero percent to 8 percent required contribution. Businesses with payrolls above $750,000 will be required to contribute the full 8 percent of average salary for their employer.

□ 2100

What is the public option? Now, remember ''option'' means choice. ''Option'' means decision. It's a government-run health insurance option. It's like going into a market and having all these plans laid out and you make the choice. If you like your insurance, you keep your insurance. If you don't like your insurance or you want to buy insurance, you come to the marketplace. Taxpayers will not have to pay for the public option. It is a mechanism with which the government can encourage healthy competition in the health insurance market. Also an option that will be accepting of high-risk individuals. Now let me tell you what the immediate reforms will include:

There will be a ban on lifetime limits. There will be immediate sunshine or light against insurance price gouging. It will be transparent. We're creating a review-and-disclosure process for rate increases.

It will prohibit health insurance companies from rescinding existing health insurance policies when a person gets sick.

There will be limits on preexisting conditions. Insurance companies can only look back 30 days rather than the current 6 months.

Complete ban, existing conditions exclusive occurs in the exchange will begin in 2013.

It will prohibit domestic violence from being included as a preexisting condition.

It will immediately ensure the medical loss ratio of 85 percent of premium health care dollars.

Dependents can remain on their parents' insurance until the end of their 26th year.

It will extend COBRA coverage until the exchange is up and running.

Grants to States for immediate health reform initiatives will start immediately. And I want to say that again because I've heard people say that States will lose and be burdened. Grants to States for immediate health reform initiatives.

It improves benefits, reinsurance for early retirees.

It creates an immediate fund that will finance a temporary program for those who are uninsurable.

It creates a voluntary long-term care insurance program.

It increases funding for Community Health Centers.

It expands primary care, nursing, and public health workforce by increasing the size of the National Health Service Corps.

It increases Medicaid reimbursements to 100 percent Federal funding. And in 2013 the exchange will be up and running. Individual and employee mandates take effect.

Preexisting conditions cannot be used to refuse a health insurance policy.

It expands Medicaid to 150 percent of poverty.

It will be open to small employers with 25 or fewer employees.

Affordable credits issued to those below 400 percent of the Federal poverty level.

The public option then is operational, and the exchange expands to everyone over the next 5 years until 2018, when all employers will have to meet the essential benefits package.

So, Mr. Speaker, I conclude by saying this will be an historical movement for Americans. We are looking forward to a tremendous change in where we place our emphasis. We plan to build a stronger, healthier America, and I would hope that all Members of this House will recognize that we are bringing a health care benefit to our Nation so it will stay the greatest Nation on Earth.

Ms. CASTOR of Florida. I thank my good friend from California.

I can't blame you, after listening to some of the debate, for having some consternation because here we are, we are poised to take this historic step on behalf of the American people that really is akin to what this great body has done in 1935 for Social Security, again in 1965 for Medicare. The vast majority of Americans would never think of turning back the clock to a time before we had those very important securities, that stability for American families. But that doesn't mean that they came easy. They didn't. And a lot of the arguments that were used then against Social Security and against Medicare have been used over the past year.

But you just have to stand up. You have to stand up and speak out for the families, the seniors, the older Americans that you represent and understand what this reform will mean to those families, finally giving them health insurance that is meaningful.

One of my very good friends that has been so involved in this debate for many years, I've had the privilege of serving with him on the Energy and Commerce Committee and the Health Subcommittee, and he's simply an outstanding voice on behalf of the families in Connecticut. So I feel very privileged tonight, as we're poised to take this historic next step, to yield to my good friend, Mr. MURPHY from Connecticut.

Mr. MURPHY of Connecticut. I'm glad to be here and I thank my friend from Florida for yielding.

This is an historic moment. It doesn't come around very often when you have the opportunity to make good on a promise that seemingly every President has tried to make good on, frankly, with a couple of Republicans thrown into the mix over the years, to bring health care out to the millions of people that don't have it. And as my friend Mr. RYAN said, we don't have a choice any longer. If we allow the status quo to continue, we're not just going to bankrupt every family and business out there, we're going to bankrupt our government.

The sad thing is that at this critical juncture in the history of American government, the history of the American health care system, you would like to think that the arguments that were happening on the floor of the House or in the Rules Committee where Mr. PALLONE was all day or on the airwaves is a debate about what's best for this country. Instead, it seems that some of the debate is about what's best for one political party. This idea of the bill that we're debating being socialized medicine is laughable. It's laughable, but we have to talk about why we are hearing that phrase come up over and over again.

You have to go back to the spring of this year when the Republican Party's favorite pollster, Frank Luntz, came out with a memo, before the Democrats had even put their bill on the table, before there was a bill to critique, and the memo essentially said here's how you kill health care reform: You call it ''socialized medicine.'' You call it ''government-run health care.'' Before anybody had even looked to see what the bill was, the decision was made that for political purposes, a bunch of people are going to get behind killing this thing and they're going to call it these names no matter actually what's in the text.

Now, as it turns out, the bill that's presented before the House for a vote this weekend or early next week is so far from socialized medicine, from government-run medicine, to make that claim is absolutely outrageous. But if you make it over and over again and you get a few allies on talk radio and the cable news entertainment shows, the same people will start to internalize it.

The fact is that the Congressional Budget Office says pretty plainly that over the 10-year window of this bill's rollout, there will be more people, millions of more people, on private health care than there are today. Why? Because we fix the existing private health care market. We think that the salvation of our system can be the private market but not under the rules we're playing by today. Under those rules, the price of health care over the last 10 years has shot up by 120 percent for small businesses in my district. This year, our major insurer in Connecticut announced they were going to be raising rates by 30 percent in one single year for small businesses. The rules of this game have meant that millions of Americans are kicked off their health care just because they get sick and millions more can't get on health care because they were sick to begin with. The rules of this market don't work.

So all we say is let's set up some fair rules that aggregate the purchasing power of individuals, that don't deny health care to people that need it. Let's just fix the market. That's what this bill does. It fixes the market.

We are at the very last minute, Mr. RYAN, presented with an alternative bill from our friends. Now, you and I have been on this floor for a long time. We come down here and we talk about the differences between the Democrats' approach to health care and the Republicans' nonapproach to health care, but then over the last year we have talked about the places we agree on. And one of the places that we all thought we agreed on was that if you have a preexisting condition, you shouldn't be denied health care. I mean, I heard Republicans come down here night after night and say we should absolutely do that, and I listened to them on the talk shows and they said Democrats and Republicans should come together. We came down here on the floor and we wanted to lock arms and say you know what, let's do it. Let's stop sick people from being denied health care.

Then we see their proposal that they're apparently going to offer on the House floor as a substitute to the Democratic plan, and it does nothing for people that are sick and need health care. It doesn't even come close to banning the practice of insurance companies to deny coverage based on preexisting conditions.

So even the things that we thought we had agreement on we don't any longer, because when it comes down to it, the Republicans are more interested in preserving the profits of their friends in the health insurance industry, more concerned with stopping President Obama's quest to bring health care to Americans at a lower cost because it scores political points, Mr. RYAN.

Ms. CASTOR of Florida. I thank my good friend from Connecticut. What a great summary.

And I know my good friend from Ohio, just what you were saying when you kicked it off, we simply cannot stand still. We cannot wait a decade more to stand up for American families and provide them with some meaningful and stable insurance that they're paying. I mean, they have been doing everything right; isn't that right? Paying those copays, paying those premiums month after month after month, and then someone in their family gets sick. And the health insurance company oftentimes will say or find a way to say, We're sorry, your policy does not provide what you thought it provided.

I yield to the gentleman.

Mr. RYAN of Ohio. There are a lot of issues here.

Earlier in the evening, I was watching someone, one of our friends on the other side, in the Rules Committee explain the Republican plan. And one of the questions from one of the committee members was, Does your plan cover everybody? And after dodging that question for quite some time, the answer is no. And then he went on to say that, Well, our plan is incremental.

And that's the slow walk that our friends on the other side want to do here. They want to kill this and go back to the original political memo that was given: How do we kill health care reform? How do we not give Barack Obama a victory on health care? And that's all this is is playing the politics of it and to say, Well, our plan doesn't cover everybody. Our plan doesn't bring down costs. Our plan is not going to reduce costs for small business by allowing them to go in and do all this negotiation.

I mean, think about what our friends on the other side of the aisle are going to vote against when we take this vote in the next couple of days. They're going to vote against everyone in America being protected from being denied insurance because of a preexisting condition. They're going to vote against that. They're going to vote against our saying that no one in America will ever go bankrupt again because of a health catastrophe in their family. Our friends are going to vote against that. Subsidies to help middle class families afford health care, they're going to vote against that. Extending COBRA until the exchange gets set up, they're going to vote against that. Increasing the age to 27 years old so that people can stay on their parents' insurance, they're going to vote against that. And giving small business people an opportunity, instead of swimming with the sharks in the current insurance market, to go in and negotiate with hundreds of thousands, if not millions, of other people to drive costs down, they're going to vote against it.

□ 2115

So we are sitting here telling you, Mr. MURPHY, here is what we are for: the exchange, competition, choice, the public option, eliminate preexisting conditions, no more bankruptcies, stay on your parents' insurance until you are 27, here are some subsidies, close the doughnut hole on Medicare part D so our seniors can have consistent prescription drug coverage. They are going to vote against it.

We are here saying, this is what we are for, this is what is going to pass, and this is what is going to help the American people. You can call it whatever you want. Our friends like the socialized transportation system we have here when they fly into Reagan Airport and back to their own airports. They like socialized Medicare for their parents. They like socialized public schools. They like socialized roads, socialized ports, and socialized defense. They like all that. But the one thing that is not socialized, they try to label it as being socialized. It doesn't make any sense.

Ms. CASTOR of Florida. I think you have summed it up well, Mr. RYAN. We are simply going to stand up for American families against the powerful interests that oftentimes and unfortunately the way health care has developed in America, it is take the money from well people. And the profits of these health insurance companies has been astronomical.

Why is it so difficult when somebody needs to call upon that policy, they have been diagnosed with cancer, they high blood pressure, and it is a fight. It is not a fight when you have to send the premium or the co-payment in, but it is a fight when you need to call upon what you have been paying for month after month.

So our reform is going to give the consumer, these families that we have the privilege to represent, greater bargaining power when it comes to their health.

You have to hand it to President Obama. He has reached out. He reached out early on in a bipartisan way. I know each of us here on the floor tonight have done the same. Early on, I called a bipartisan meeting of the Members from the State of Florida to say, What are our Florida priorities? We came up with a number. We have a terrible doctor shortage. We want to improve Medicare. And I am glad some of those ideas are incorporated in our legislation.

We have been having bipartisan meetings. We have had committee meetings, hundreds of committee meetings over the past couple of years, and hundreds of amendments incorporated. Our families back home, this isn't something where we are only listening to one side of the aisle. I know all of us have been taking the ideas, no matter what your political persuasion, because this is a critical American issue and it demands a unique, American solution.

As we begin the debate, I know there will be a lot of partisan rhetoric, but I want folks at home to know that we are going to stand up for you and fight for your family to ensure that if you have a diagnosis in your family of a serious illness, we are not going to let that insurance company cancel you. And if you have to change your job and your cancer is in remission, our reform will ensure that you will have affordable options. These are our fundamental values.

I yield to Mr. PALLONE.

Mr. PALLONE. I want to thank all of you for what you have been contributing to this debate.

I was on C–SPAN this morning where they ask you questions. These are questions that I get from some of my constituents who initially at least were opposed to the bill. One question is from people who say, Well, why should I help contribute through subsidies, for example, to help pay for health insurance for people who don't have insurance? And another, I am young. I am healthy. This guy got on and said, Why should I have to have insurance at all if I don't want it?

The bottom line is, right now, a significant portion of your premium, whether you get it through your employer or you get it by buying it on the individual market, as well as a significant portion of Medicare and Medicaid, is paying for people that have no insurance. So when that person who has no insurance goes to the emergency room and they rack up a bill of $10,000 or $20,000, you end up paying for it if you have insurance. It could be 2 or $3,000 a year of your premium is actually paying for that uncompensated care.

The bottom line is, if everyone has insurance, even if you are subsidizing it in some way through your tax dollars, that brings your cost down because now that person, instead of going to the emergency room, they go to a doctor on a regular basis. They don't get sick and run up the costs of having to be hospitalized or put into a nursing home, and so the system saves money and you save money.

The next thing, what about the guy who was on C–SPAN this morning: I am 25 years old. I don't want to buy health insurance. Why should I buy it? I don't need it. I can probably stay around for another 10 years until I have any serious problem.

Again, it is the same thing that I mentioned before. The only way that insurance becomes cheaper is if more and more people are included in the insurance pool. So if you have this health exchange and you want to make insurance under this health exchange affordable, you have to have all of the people in it. Then you have the healthy and the young people, the older and the sick people, and you have a larger pool that essentially brings costs down because everyone is in it.

I think it is important to dispel some of these arguments about why should I help the other guy or why should I have to have insurance. The only way this works to bring costs down is if everyone is covered and everyone has access to a doctor on a regular basis and

everyone pays into the system. Either their employer pays or they buy it through the health exchange. That is the beauty part of this. Everyone gets covered and everyone contributes and the cost goes down and we emphasize prevention, not having people get sick and not having to go to the hospital because they don't have enough preventive care.

We could go on and talk about the idea of prevention and wellness, which is an important part of this system, but I yield back.

Ms. CASTOR of Florida. Chairman PALLONE, you have hit upon another important underpinning of this bill, and that is personal responsibility. We are, through many initiatives in this bill, calling upon the American people to take personal responsibility for their health.

You are right. It is very expensive, very expensive, and American families know it. They know that one of the reasons that the costs have risen astronomically, and they are in the open enrollment period now, and families I hear from, they can't believe the rate of increase. But they understand, especially in a State like Florida where we have the second highest percentage of uninsured out of the 50 States, that we are paying, the folks with insurance are paying for the uninsured that show up in our emergency rooms, the most expensive place to receive care, and those costs have to be paid for somehow. Most often, it will make its way onto the copayments, premiums, and policies of American families that have taken personal responsibility, and that is just not fair. We can do better, and through our Affordable Health Care for America Act, we try to shift this very expensive way we deliver health care and make a historic investment in wellness and prevention.

Communities all across the country are going to have new incentives to build their communities in a sustainable way. Our hospitals are going to partner with universities and communities and nonprofits all across the country to focus on the most effective way to reduce childhood obesity and encourage folks to refrain from smoking, the way we can really control costs over the long term.

I appreciate the leadership of Chairman WAXMAN and you, Chairman PALLONE. You encouraged me to offer an amendment in the Energy and Commerce Committee to encourage small businesses to do more in wellness initiatives. Big companies encourage employees to exercise and eat right and quit smoking. But, oftentimes, it is the small businesses that are left in the lurch. Certainly in this economy, they do not have the wherewithal to initiate those types of wellness programs. But in our health reform bill, we provide grants to those small businesses that are willing to cut their health care costs through new wellness initiatives. I know that it will pay great dividends for families and those businesses.

Mr. PALLONE. If I can talk about small businesses, a lot of people don't understand that the way that this bill is set up in the bill that we are going to vote on in the next few days, small businesses, when they try to buy health insurance, like individuals, because the individual is only buying for himself or the members of his immediate family, the cost is high because he is not part of a large insurance pool.

The same is true for small business. In other words, if you have only five or ten employees and you try to buy a health insurance policy on the open market, you have the same problem. You are only insuring two, three, four, five, maybe up to ten people, and you are not part of a large insurance pool and so your costs are very prohibitive.

What we do in this bill is say that not only can an individual go to this health exchange and be part of this large insurance pool, but also a small business can do it. If a small business can't afford a small group policy or has one but it is increasing, the costs of the premiums are going up, they can go into the exchange. They don't have to have all of their individual employees and their family go into the exchange policy. They can go into the exchange and buy a small group policy, and it will probably be a better benefit package than they have now. So they are essentially buying a small group policy that is part of a larger pool that brings the cost down.

That hasn't really been brought up very much. What you mostly hear is, is my employer going to continue with his insurance or is he going to send me into this health exchange? The reality is that the business can buy a group policy for a lot less and with better benefits in the health exchange. I think you are going to find a lot of small businesses do that because they are going to get additional tax credits for it and it is just a better package.

So many people today complain not only about the cost of health insurance, but when they actually buy it, it doesn't cover anything, or it covers very few things and there are a lot of out-of-pocket expenses. So we are also trying to eliminate those problems, that you can buy a basic benefit package that has good coverage and that doesn't have a lot of deductibles and co-pays as well. That is an important part of the reform as well.

Ms. CASTOR of Florida. I thank you for that. Small businesses clearly are going to be big winners under this initiative.

Just a couple of months ago, I had a roundtable of small businesses from the Tampa Bay area, and there is one great business that has a lot of those retail shops in the airports. They do very well. She told me the story about trying to negotiate with health insurance companies. The problem, unfortunately, has grown over time where there is not much choice. There are so few options. As these small businesses attempt to go out and compete with their small numbers of employees, it is practically like sending a person out alone. It is just astronomical. I don't understand it because the profits of these health insurance companies are so high, but they don't offer affordable options to small businesses.

She told me this terrible story where, because they have a largely female and young workforce, it was very important to them that they have maternity care covered. And so they negotiated and had an agent, and maternity care was covered. The only problem was the health insurance company refused to pay for the baby's delivery of one of her employees.

□ 2130

These kinds of tricks have got to end. It's time that we stand up for families across America, make insurance meaningful, provide some stability, some security, just like Social Security did in 1935 and Medicare in 1965. These are the types of commitments we are trying to make with the American people.

We have great support as we launch the debate. I mean, let's go over a few of these great endorsements from just this week. Coming from the State of Florida, the AARP endorsement will ring out loud and clear because the AARP advocates for older Americans and our seniors. And the American Medical Association, also, doctors across America believe in our health reform initiative.

Mr. PALLONE. If I could ask the gentlewoman to yield on that.

Ms. CASTOR of Florida. I will yield to my friend.

Mr. PALLONE. The major reason why the AMA, which is the major doctors association of this country, I believe supports the bill is two reasons: first of all, right now under Medicare the reimbursement rate for physicians as well as hospitals is rather low; it doesn't pay for the actual cost of their delivery services under Medicare. So we have a major increase in here for provider payments, in other words, both hospitals and physicians.

Part of the problem under Medicare is, I know in New Jersey it's not hard yet, but it's starting to get more difficult to find a doctor who will actually take Medicare. If you're on Medicaid, it's almost impossible because the reimbursement rate under Medicaid is about 30 percent of actual cost in New Jersey, and we increase that rate as well.

With regard to hospitals, by eliminating the uncompensated care, because now everybody is covered, they are getting more money for Medicare, more for Medicaid, and we have eliminated the people that don't have any insurance, which basically, you know, they have to sort of eat that, it goes into their balance sheet. So we're going to make it a lot easier for hospitals to stay open. I've had two close in my district in the last 10 years because they were too dependent on Medicare and Medicaid, and they had too many people who didn't have health insurance.

I yield back.

Ms. CASTOR of Florida. And that's highly important because our hospitals oftentimes are taking care of folks who do not have health insurance. So there is a great amount of uncompensated care, and it feeds that vicious cycle in America where someone has to pay that cost. And it is put on to the backs of families with insurance oftentimes having to pick up the tab for some people who have not taken personal responsibility for their health.

As we launch into the debate, it is very heartening that we have groups like the American Medical Association and AARP on our side, along with the American Cancer Society, the American Academy of Pediatrics, the American Academy of Ophthalmology, the Campaign for Tobacco-Free Kids. I mean, these lists go on and on. These are Americans and interest groups from all across the country that have been involved for years in trying to get to this point to provide meaningful health care to American families, to ensure that that insurance, when you pay those premiums and copays, is really something you can count on. It's coverage that you can count on.

And then correspondingly, as we've gotten smarter and realize we need to do more in prevention and wellness, we're going to invest in a great new health care workforce. It means a lot to my home district in Tampa because we have a large research university, the University of South Florida, with a College of Medicine, College of Nursing, College of Public Health, Physical Therapy directly across the street from the busiest VA hospital in the country.

The new loan repayment scholarships that will be provided to young people, or anyone that wants to find a job in the health care workforce, this is a landmark investment in that new workforce. When you look at the unemployment numbers across America right now, the one sector where jobs are being created and there are opportunities is in health care. It might be in IT, in the electronic medical records, but we are going to need a modern health care workforce. Fortunately, that's what our initiative provides.

I yield to my friend.

Mr. PALLONE. Well, I will just say, I don't want to call it a jobs bill because that's not the major focus of it, but it essentially is.

This is an economic issue. We are creating jobs, and we are certainly making it a lot easier for businesses to function because they don't have all these additional costs that are associated with more expensive health insurance.

So this bill actually addresses a lot of economic problems in a significant way. I would characterize it as a jobs bill, and in some ways as an economic recovery package as well. And, again, I yield back. Thank you.

Ms. CASTOR of Florida. Well, I think as we begin to close our hour out, we are eagerly looking ahead to the debate. We've had many, many months—many years waiting for real health reform for American families and older Americans, and we are very close. I would really like to thank my colleague, Chairman PALLONE, for his years of service on behalf of New Jersey families and Americans when it comes to health care.

The Democratic bill that will soon be on the floor will finally deliver for American families, building upon those fundamental values and early initiatives that came under Social Security in 1935 and Medicare in 1965. It has taken us awhile to get to this point, but I think we will get home.

REPUBLICAN PRINCIPLES

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

Mr. FRANKS of Arizona. Mr. Speaker, I have some prepared remarks tonight about the Pelosi health care reform bill, but you know what I would like to do here in the beginning is just to talk about some things that Republicans believe in.

I have plenty of criticism about Ms. PELOSI's bill, and I will definitely make that known in a few moments; but you know sometimes I think it is incumbent upon all of us in this place, rather than just saying what we're against, to say what we're really for.

Republicans have believed since the beginning of the party that no matter who one was, that they had the right to be free, the right to live, and the right to pursue their dreams. This is something that we have felt was the essence of America from the very beginning. In fact, the Republican Party was born out of a commitment on the part of a group of people that believed that African Americans were human beings deserving of the same protection that all other human beings had, even though the Supreme Court of the United States had said that, under Dred Scott, that Dred Scott, a slave, was not a human being or not a full person under the Constitution.

Of course, you know there was some unpleasantness about that debate, Mr. Speaker; we had a great Civil War in this country. But the commitment on the part of Republicans to restore equal protection to all people regardless of their station in life sustained them in that crucible of that horrible Civil War, and I hope that Republicans will maintain their commitment to that no matter what happens.

We have been debating a great deal on trying to make equal access to health care in this country, and Republicans believe in that with all of our hearts. I've often heard in this Chamber, What are the Republican ideas? They have challenged us and said that we really don't have anything that we believe in, that we are just the Party of No. That is such tragic injustice because there are about 40 bills that have been introduced into this House by Republicans saying what we wanted to do with health care reform, and we have not had the opportunity for any of those bills to be presented on this floor, and oftentimes even our amendments are not allowed.

Mr. Speaker, for a moment let's just ask ourselves, What has given America the most powerful economic engine and force of productivity in the face of human history? It has been that thing called freedom, that thing that allows each person to pursue, to the greatest extent possible, what they believe to be true and good, whether it be in the area of their own self-interest or the area of trying to help other people or in the area of just trying to make a better world, that we believe freedom created innovation, it created a sense of almost dreaming about what could be. That innovation, I think, is probably the most important difference in the effect of the Republican's version and the Democrat version of health care reform.

Republicans believe that when health care is in private hands, that even the providers of health care—sometimes because they want to make money, sometimes because they want to help others—but the providers of health care are always seeking new ways and better ways to do things, new innovation, ways to come up with new, less expensive, but more effective procedures. I think that we all delude ourselves if we believe that we can accomplish making affordable health care available to everyone if we don't focus on this thing called innovation.

Let me, if I could, deviate and give an example, Mr. Speaker. There was a time in America where the government controlled our telephone company. It was true that our telephone company—at that time we called it Ma Bell—was a private company, but it was almost entirely controlled and regulated by government. Of course you know you had one old clunker telephone and you had to dial the number, and of course sometimes the operator would get smart with you if you asked her what time it was. It was a government-run system with all of the attending bureaucratic nightmares.

And the equivalent in today's dollars for long distance would be about $3.10 a minute. It was a real disaster. Now, it was nice just to have a phone system, but the reality is we never really saw a great deal of innovation.

But then, when I was just a young man in the legislature, we decided that maybe it was time to break this thing up and give it to the private sector and see if they couldn't do something better with it. And what happened was profound; we created a system that would serve everyone. In other words, we told those companies that if you're going to provide telephone service, you've got to make sure you provide it

to the senior citizens up in the mountains or something like that that wouldn't be able to compete in the regular process. We've got to make sure that they're taken care of, and they were.

But something else very wonderful happened, Mr. Speaker. When we turned the telephone company and broke it up and said now we're going to let the private sector come up with the innovations that they could and we're going to see if they can provide a better mousetrap for the country, if they can provide better telephone service at a cheaper price, look what happened, Mr. Speaker, look what happened.

Today we have cell phones, almost everyone does. You can pull up the Library of Congress on your cell phone. It is astonishing. The BlackBerrys that we carry around here can send messages anywhere on Earth, and we can even pull up our Web site. Boy, I'll tell you, for those that are narcissistic, that is a great little item. And it is just an amazing thing what has happened.

And guess what else has happened, Mr. Speaker? Today, long distance is around 3 cents a minute; sometimes it's less than that. It's getting to the point where a lot of the companies are just offering a system that you can say, well, you've got unlimited dialing and phone and voice and text now that you can use all you want for $50 a month. Isn't that amazing, Mr. Speaker? But that was because innovation occurred.

I truly believe that this country has shown a proclivity to create innovation that could absolutely revolutionize the health care industry in a way that almost none of us can imagine at this moment. Would we have imagined 25 or 30 years ago that the telephony, the telephone systems of this country, would be so amazingly transformed when we put it into private hands? Now, it was true that some of the people that were in that area were motivated by profit. Some of them made money, some of them lost money, some of them went broke. It was a typical free enterprise situation. All the chaos and the attending realities went along with that. People went broke; people made money. But the end result was the American people were served in a wonderful way and today we have the most magnificent communication systems in the world, and almost everyone takes part in that.

The poorest of the poor have a better life because we deregulated the telephone companies. And it had this magnificent effect on all of America. And now we are able to do things that we never could have done before.

□ 2145

Yet it seems like, when government has something, that innovation is stifled and that the things that would create a better system are somehow suppressed. Because, after all, what is the incentive for innovation in a government-owned system?

If you're a bureaucrat, you have a certain amount of money, and you are tasked with the job of delivering the service in your mission plan. It's not an evil or a bad thing. It's just a bad system. It just doesn't work very well, Mr. Speaker, because the bureaucrat kind of has two options. He is not in charge or she is not in charge of innovation. He is in charge of the delivery system that government doesn't deliver very well.

He has to make kind of a calculation. Well, we've got so much money, and we want to make the services available, and sooner or later, he or she runs out of money from the budget—it always happens—and they have to make some very hard choices. When that occurs, there is rationing or somehow they will distribute it in ways that are more amenable to the budgets that they have. It's just a very difficult situation.

I'm sorry that bureaucrats have that difficulty. It's a difficult thing to be a bureaucrat, and I kind of feel sorry for them, but I don't want to make more of them, Mr. Speaker. I don't want us to lose sight of the greatness of America and forget that it is not too late to make a better world. We cannot give up our freedom and expect that somehow socialist policies will do the same thing for the family of man as this thing called ''freedom'' has done for America. It has never happened.

Any time you have ever turned over any major process to a socialist environment or to a socialist enterprise—that's really a bad word. ''Enterprise'' and ''socialism'' don't belong in the same sentence. Any time you turn it over to a socialist, bureaucratic system—again, ''system'' is probably being pretty charitable—what happens is that all of the ways to improve the system are diminished or are completely eradicated.

So, Mr. Speaker, I think it's important that we don't lose sight of what made us a productive country. In that sense, what Americans need to realize is that there are ways that we can improve the health care system. There are ways that we can fix what is broken without breaking what is working.

About 83 percent of Americans believe that the health care system is working for them. Now, there are many people who simply cannot afford health care insurance, and they need it and they want it. Republicans have come up with a very simple approach to that, and that is either through tax credits or through some type of drafts or vouchers or something along those lines that we can put in the hands of people who cannot afford health care insurance, and we let them then be empowered to go out and to buy health care policies from the private sector which best meet their needs.

Now, there is still a raging debate about how much we should do or how we should do it or if we should do that. I understand that because I think that can move us in a dangerous direction as well, but it is still the safest way that we can use the mechanism of government to somehow provide for those who are less fortunate.

In the final analysis, it is important that we empower the individuals and not empower government, but if we did it the right way, if we could see innovation occur, Mr. Speaker, and if we could put this thing back the way that the Founding Fathers first envisioned it, health care would be one of those magnificent advanced systems in which everybody would be able to go to their own doctors and say, Well, you know, I've got this problem, and they say, Well, you know, we've got this new system that could really fix it.

I'll give you one example, Mr. Speaker. It is something that is completely untested yet, and it is something that isn't finished, and it is something that doesn't work yet, but there is an effort to try to treat cancer in a new way by injecting a substance into the body that disperses throughout all the cells in the body. It even passes the blood-brain barrier, and it literally is able to be disseminated into every cell. Now, that is the theory. I want to emphasize in the strongest possible terms that we don't have this kind of process or procedure yet, and it's too bad that we don't.

In any case, the dream—the hope—is that this substance would disperse throughout the entire body and that the person would be left in a dark environment and that within about 24 hours this substance would disperse out of the body or would be changed in nature to where it would be diminished or dispersed or eliminated and that the only cells which would retain it would be cancer cells and that, when this substance is exposed to very bright light, it would turns toxic and would kill only the cancer cells.

What an incredible idea. What an incredible dream. Now, I know it's a long ways away. I know there will be people who will like to pursue something like that. It's just not available yet, Mr. Speaker, but it could be, I believe. I believe, if we turn the minds of free people loose, that all kinds of wonderful things can happen. Something like that would cost a few thousand dollars, not the tens of thousands or the hundreds of thousands that are spent on advanced cancer surgeries and treatments today. It could change everything. Yet, if we don't allow the free market and free people to pursue those kinds of things, they will never occur, because one thing is very certain in a government-run plan: There are just no pursuits of those kinds of things. That is one of the great tragedies of forgetting that freedom still works.

Mr. Speaker, Republicans believe that there are ways that we can empower individuals to be able to go out and do things for themselves and that we can empower even those who cannot afford health insurance to buy it on their own and that we can still maintain this free market freedom that we talk about so often.

I truly believe in things like allowing us, as individuals in America, to be able to buy our insurance from any insurance company in America. We can't do that now. If you're in one State, you can only buy, in most cases, across the State that you're in. There are about 1,400 or 1,500 insurance companies in this Nation. If we could allow people to buy insurance from any of those, can you imagine the competition that would occur? Can you imagine the ways that they would work to try to be the ones to sell you your insurance? Can you imagine how much nicer they would be on the phone? Can you imagine that, when something would go wrong, they would try to work with you as much as possible because they would know, if they didn't, they would lose your business?

Unlike a private system like that, in a government system, if bureaucrats make you mad, tough luck. It doesn't really matter to them that much. There is no incentive for them to even be kind to you. You only have one place to go, and they know that. They have a monopoly as it were. I just think that that's one of the Republican ideas that could be very helpful.

Another one is just tort reform. You know, a lot of people don't know what that word ''tort'' means, and sometimes I wonder how they came up with that term. It simply means that we would try to have some sort of legal reform that would end these frivolous lawsuits which cause medical malpractice insurance to rise through the roof, and it would make all the difference in the world.

I mean the fact is that just what we could save on stopping frivolous lawsuits, Mr. Speaker, would buy every one of the 11 million people who we are projecting don't have health care insurance, who can't afford it but who would like to if they could, a Cadillac health care insurance policy. I just think that it is astonishing that we don't pursue things in that direction. There are so many things that we can do, and Republicans have some ideas to do that.

I told you, Mr. Speaker, that I have about 15 minutes of prepared remarks on Ms. PELOSI's bill, and I intend to give those, but first, if he would be inclined, I would like to yield to my friend, Congressman HOEKSTRA, if he is prepared to speak to the issue at all.

Mr. HOEKSTRA. I thank my colleague for yielding.

As we are moving forward now—and it looks like we are going to move forward on this debate and vote on the Pelosi health care bill, and we're going to have a massive government takeover—I would just like to have a dialogue with my friend to talk about some of the issues that the American people need to consider.

Before I came over, I think I heard my colleague talking about some of this, and I know what a fan you are of this document right here, called the Constitution.

You know, as you go through the Constitution and as you go through the first 10 amendments—the Bill of Rights—people wonder, now, if you can build a Nation off of 37 pages, why does it take more than 2,000 pages to build a health care system? It's very simple.

If you go through and take a look at the first 10 amendments to the Constitution, the first 10 amendments to the Constitution are all about enshrining freedoms: Congress shall make no law respecting an establishment of religion. The right to bear arms shall not be infringed. The right of the people to be secure in their persons, houses, papers, and effects shall not be violated. It's all about ''the government shall not.'' ''The government shall not.'' Again, it enshrines your freedoms and my freedoms.

The health care bill is 2,000 pages. What's in that bill? What's the difference between that document and this document?

Mr. FRANKS of Arizona. Reclaiming my time here, Congressman HOEKSTRA, the main difference is that that document that you hold in your hand primarily chains down government. It dictates to government, not to the individual. It empowers the individual.

You know, when George Washington and some of the other Founding Fathers put this together, they did something that was singular in history. They were in a position to arrogate all kinds of power under themselves. They had just thrown off the Crown. They had done some amazing things. The people of this Nation loved them, and they could have had any kind of power, any kind of government mechanism, really, that they had tried to put together, but they did something very amazing, and it has changed the world. They said, for once, we are going to empower the individual. We are going to give the individual the rights, and we are going to tell government what it can't do rather than tell the people what they can't do.

Mr. HOEKSTRA. If the gentleman would yield, I was having this discussion with a friend of mine.

He said, You know, you've got to get away from that term ''empower.''

Actually, that's exactly it. It's empowering the very foundation of American society and American Government. We made that decision more than 200 years ago that, in America, we would empower the individual, and the Constitution enshrined that, and it has worked phenomenally well.

This bill—I don't have it with me. I don't take it with me because you don't carry it too many places. It's 20 pounds. Tomorrow, we are going to unroll this bill. We rolled it up as a scroll. It's more than a third of a mile long, meaning that I could leave my district in West Michigan and go to Chicago. I could stand on top of the Sears Tower, and then I could put the Washington Monument on top of it. I could drop it, and it would be from the top of the Washington Monument on top of the Sears Tower, and it would just about get to the ground. That's how long this bill is. It's more than a third of a mile if you lay the pages from end to end. The Constitution is just 37 simple pages.

Like you said, which is a great way of putting it, the Constitution chained government and put limits on government. This health care bill chains you and me and each and every one of our constituents because, in this bill—I've not counted them all, but I think someone has said that it has the word ''shall'' in it—what?—over 3,000 times.

Mr. FRANKS of Arizona. If the gentleman would yield, I will give you the exact number. The word ''shall'' appears in this bill 3,425 times.

Mr. HOEKSTRA. So, where the Constitution has in it the words ''shall not,'' I would bet that those two words ''shall not'' do not appear together very often in this health care document, but over 3,400 times it says ''shall.'' It's the Health and Human Services ''shall,'' and most importantly, it is the commissioner ''shall.''

What we've done is we've taken the rights from this. We've taken them away. We've put them into this health care bill, and we've said the commissioner now shall make these decisions; shall make the decision as to what kind of insurance policies are available to you and to me and to our constituents and which ones are not; shall determine what benefits are going to be in a basic plan and which shall be available in a premium and in a premium plus plan.

The commissioner shall decide whether you and I can get health savings accounts. Actually, we've already made that decision. That's a decision that we in this House shall decide because health savings accounts will no longer be available.

So it is a great transfer of power from where the Founders wanted it to be to where now this House believes it should be, because this House now believes or may believe—I hope we stop this bill because, before I came here, you outlined some issues. They're not simple. They are complicated issues—tort reform, competition, availability, and those types of things.

□ 2200

But those are the types of things that we could do that would address the specific problems that we have in the health insurance market and that we have in the health care area today that would specifically fix those areas and make insurance more affordable and more available for the people who don't have it today, whereas this new massive bill says it's going to change for all of you. The commissioner shall decide.

For those of you that have a health care plan, you can keep it for 5 years maybe. But after 5 years you can be pretty well assured we all shall have a new plan that shall be determined by the commissioner, and we shall not be able to buy anything else.

Mr. FRANKS of Arizona. Mr. HOEKSTRA, the reality is that word ''shall''

should be pointed out as to what that means in this place. ''Shall'' is the preeminent word of law. In other words, that is, if there is any single word that makes law, it's that word ''shall'' in this place. You can say ''may,'' that's permissive. But ''shall'' or ''shall not,'' those are the key crux of all law in a sense.

It's astonishing to me that we forget that law is force. I had a wonderful friend many years ago that was in the State Senate. He said always remember, TRENT—I was a very young man—he said, remember that law is the gun.

He had big envelope on his desk. He had an old World War II pistol in it that was disarmed, and he always pulled it out and he said, The law is the gun. It is force. The word ''shall'' is what puts force to it. When you have this word ''shall'' 3,425 times in a bill, that's a lot of force. That's a lot of government arrogating great power unto itself and taking it away from the people.

Mr. HOEKSTRA. You and I have a tremendous amount of background in dealing with legislation that has a lot of ''shall'' in it. We can go back, you and I weren't here, but we can go back to a very novel and noble idea, the highway transportation bill back in 1956 under the administration of President Eisenhower. The goal was very, very good—build an interstate highway system, something that was very, very much needed, and we built it. That thing still exists.

Now what has it become? It has become this massive bill, this massive process where we take all of this money from the States, so a State like Michigan, and I don't know if you are a donor or a donee State.

Mr. FRANKS of Arizona. Arizona is a donor State.

Mr. HOEKSTRA. All right. Let's explain to our colleagues and our visitors in the gallery exactly what a donor State means. It means that Michigan, we send, on every gallon of gas, there is something like a 19-cent tax. For the 53 years that this program has been in existence, for every dollar that we have sent to Washington, Michigan has gotten back 83 cents. People wonder why roads in Michigan aren't in great shape.

I had a constituent a couple of weeks ago come to me and say, Congressman, why can't our roads be like West Virginia? We checked. For the average of 53 years, West Virginia has gotten $1.74 back for every dollar that they put in. That's a pretty good deal. No wonder their roads are better than our roads in Michigan, because they get $1.74 back. Michigan gets 83. I don't know what happens in Arizona.

Mr. FRANKS of Arizona. It's in the low nineties, Mr. HOEKSTRA.

It seems like what happens every time you send something into the Federal Government for them to send back or disburse, they always whack a little piece of it off as it goes by, don't they?

Mr. HOEKSTRA. They whack a little piece off, it goes into this bureaucracy. Then they allocate it according to people who may be more powerful than others, that's why your State and my State, why we are donor States. At one point in time it was to build an interstate highway system. Today that money is used for all kinds of things. That money now comes back to Michigan, and we've got to put up matching funds. Two years ago the money came back and it had to go to highway enhancement. You kind of look at it and say, What's highway enhancement? Well, our Governor figured out, working with the Department of Transportation, that the ''shall,'' you shall use this money for highway enhancement meant that rather than improving our interstate highway system by expanding capacity, perhaps putting on a new interchange, perhaps extending it into an area where we needed it extended, the ''shall'' meant you shall build a turtle fence.

And what's a turtle fence? Well, in Arizona, you probably don't have many turtles.

Mr. FRANKS of Arizona. We don't have many turtles.

Mr. HOEKSTRA. Well, in Michigan we have quite a few. It was $400,000 for you shall build a turtle fence, you shall not use it for an interchange, you shall not use it to fill potholes, you shall build a turtle fence. I didn't really know what a turtle fence was. I had an idea, but I asked.

A turtle fence is exactly what it's intended to do, what you would think when you hear the term. A turtle fence is intended to keep turtles from crossing the highway.

Mr. FRANKS of Arizona. We need a rattlesnake fence in Arizona.

Mr. HOEKSTRA. I don't know if a snake can go over a fence or not. But in Michigan, they decided to make sure that this fence would be turtle-proof, to make sure that no turtle would go over the fence, they built it about 3-feet high and then they put one of these round things over the top of it, 3- or 4-inch diameter, to make sure that for those turtles that were climbing turtles, they couldn't climb and climb over the fence.

The irony of this whole thing is I still drive that road and I drive it quite often; and I still see turtles that have been hit by cars. You say, now, how can that be? We've spent all of this money. We spent $400,000 to build this turtle fence and to study it. Why are there still turtles being hit on that highway?

Then you think about it and it's like, I know why, because this protects the turtles that are outside of the fence, because they can't get to the highway. But it's really a bad deal for the turtles that were fenced in. They have nowhere to go. They can't get out. Most of their living area now is the median, and a little bit of land on each side of the highway before you get to the fence. But for the turtles that are in the fenced-in area, they can't get to the river anymore, because that's fenced in, and they can't get out anywhere else. The only place they can go is stay in the median, or if they want to move at all, they get on the road. It really didn't work that well. The Federal Government, in its infinite wisdom, saying you shall spend it on a turtle fence. And the people say, PETE, why do you bring this up in the context of health care? Why are you and TRENT talking about this?

We will see the same kinds of decisions in health care. The money will come here, and it will not be fairly distributed to the States, just like you are a donor State and we are a donor State, and there are other States that are getting an unfair share. The same thing is going to happen to health care.

One of these days a Congressman from Michigan is going to come back home and someone is going to say, I was traveling through West Virginia, we got sick, and why do they have such better medical care, and their facilities are so much better than Michigan?

And the answer will be, well, you know, over the last 30 years of this Pelosi health care, West Virginia got $1.74 back for every dollar that they sent in taxes and Michigan and Arizona, they got 83 cents. There will be an inequity in health care.

Then the other thing it will be is we'll start spending it on foolish things because people here in Washington will all have their pet projects, whether it's rattlesnakes or whether it's turtles, they will start siphoning the money off and growing it to something it was never intended to be.

Mr. FRANKS of Arizona. I've heard a lot of strange stories about bureaucratic programs, but one that drives peace-loving turtles to suicide is just about too much, isn't it?

Mr. HOEKSTRA. Well, it is.

You and I have another program that I believe you and I fought together: No Child Left Behind. Congress in its infinite wisdom in 2001, again with the noblest of goals, just like building an interstate highway system, just like making sure we left no child behind, just like making sure we want everybody to have quality health care? What did we do in 2001? You and I voted against it, I believe.

Mr. FRANKS of Arizona. Yes, we did.

Mr. HOEKSTRA. We said taking power from parents, and you and I are working on this constitutional amendment together that enshrines in the Constitution that parents have the right to raise and educate their kids, protecting parental rights.

Again it says, Congress shall not, government shall not infringe on the right of parents to raise and educate their kids. We are enshrining rights. No Child Left Behind took rights away from parents and gave them to government.

Washington now forces States and local school districts to go through this paperwork and determine this process. Well, we'll determine whether your kid is making progress or not.

We'll tell you who is a good teacher or a bad teacher, what school is a good school or bad school.

You know what? I don't need to send money to Washington and have them come put a bunch of paperwork and try to tell me that.

Mr. FRANKS of Arizona. You know that's right, Mr. HOEKSTRA. It's amazing to me the parallels that we see in these things. When we talk about education, I think it's pretty significant to remember one basic equation. That is, that one of two people will decide the academic, the spiritual, the philosophical nature or the substance of a child's education. One of two people will decide what that's going to be. It will either be a parent that would pour their last drop of blood out on the floor for that child that they love very much; or it will be a bureaucrat who doesn't even know their name.

I would suggest to you that that's the same thing with this health care bill, that the parallel is profound here. We are either going to have one of two people make decisions in health care. I mean, we might have a little bit more involvement by the doctors, but ultimately the ones that decide what treatment they have or don't have, it's either going to be the patient or some bureaucrat.

Because the patient, when they are talking to their own doctor, if the patient is empowered, they can always go to some other doctor. But when we have this Pelosi nightmare shoved down our throats, I am convinced that all of a sudden those decisions that were better made by the patients will be made by some bureaucrat.

Mr. HOEKSTRA. You and I in 2001, we didn't call it the Pelosi nightmare, we called it, in not so many words—maybe we're a little kinder—but we both genuinely felt it was the President Bush nightmare for education. What have we found out? There were 41 of us, 41 of us that I believe stood up for the Constitution, stood up for parents, stood up for local public schools, stood up for the States and voted ''no'' on No Child Left Behind.

Eight years later, there are a lot of people who now recognize that program doesn't work, it's leaving more kids behind, it's wasting money. And the answer some people have now is, we've got to spend more. And it's kind of like, no, when you're sending a dollar to Washington and the thing that you highlighted, Washington skims off the top or bureaucracy skims off the top.

We now know that under K–12 education, when we send $1 from Michigan, whether it's from Holland or Lansing or Detroit or Pontiac and it comes to Washington, before it ever gets back into a classroom, we are actually doing what education dollars should do, which is educating children. We figure that we lose about 35 cents of that dollar in wasted bureaucracy.

I tried to talk to the superintendent—he and I have not been able to connect yet—the superintendent of Pontiac public schools. I give him credit. They took the Federal Government to court and said this is unconstitutional; it is unfair and inappropriate for the Federal Government to have these kinds of mandates on our schools, because what's the other thing that they do? When they say in No Child Left Behind, you shall, they don't give them the money to do it.

He said, or the school district said, you can't put all of these unfunded mandates on us, because what you are forcing us to do is to spend money on programs that we don't think are a priority for our kids. We know our kids. We know their names. We know what their challenges are. We have got these sets of priorities that we think we need to spend on our kids. That superintendent and those teachers and those parents and that community, you are right. They know those kids' names. They know what those kids need, and they want to spend the dollars to get the most advancement for those kids.

□ 2215

The bureaucrats here in Washington, what do they know? They know the book of rules and regulations and say, sorry, it says right here, Congress says you shall do these things. All I can do is make sure that is what they do. That is, again, exactly what is going to happen in health care.

Mr. FRANKS of Arizona. I would suggest that one of the more frustrating things about all of this, like in education, what happens when government controls it is the wealthy can still do pretty much what they want. Wealthy families in this country can choose private schools for their children, because they have the extra money to do it. The poorest of families do not. They are stuck in a system that government controls and runs and almost always makes it substandard because of that reason.

The same thing will happen in health care. The wealthy will figure out some way to get around this. We have offered amendments, as you know, Congressman, in this body to say for those people who either voted for it, or at least Congress, if they are going to have to pass this thing, should have to live under it themselves. Those amendments get voted down overwhelmingly because there are not too many Members of this body who want to live under a government-run health care system. But they are willing to put it on those people who have no choice, and there is something fundamentally wrong about all of that.

Mr. HOEKSTRA. Yes. What we have seen in the highway system is where the money comes to Washington, it gets distributed unfairly, and it comes back to States with mandates on it as to where they will spend it.

It is hard to believe. You send the money to Washington, and to get it back you have to have matching funds. So now they are also starting to impose taxes on the citizens of each of our States so we can actually get our own money back. So there is the infringement and the intrusion of the Federal Government on the highway system.

The same thing on education. Michigan has now gone through a process and they are considering some spending bills. And part of the spending bill is, well, you know, if we do this, we can get more Federal education money back, or we can get more Medicaid money back.

It is kind of like, why do we have to put up our own money to get our money back in the first place? And think if we left it in the States.

I think this is where we as Republicans lay out our vision for the future. I think one of the parts we are going to see on health care, on transportation, it is going to be devolution. Leave the money in the States. Send a penny out of every dollar to Washington to let them maintain and, if necessary, expand the interstate highway system. But leave 98 or 99 percent of the money in the States.

We ought to do the same thing with education. Devolve education responsibilities to the States. I don't need to send a dollar here and only get 65 cents back for the classroom.

Do the same thing for Medicaid and health care. Don't take health care down the same failed road of moving all of this power away from individuals, away from communities, away from States, to bureaucrats in Washington who will distribute it unfairly. The powerful will take more to their States. They will give less to the other States. The powerful will then establish the mandates so that we will run health care the way they believe it should be run, not the way that markets or individuals who want to direct their health care want it to be run. And they will be inefficient.

The bottom line is, it won't work. You and I know it. And we have seen the numbers. No Child Left Behind is not working. We are leaving more kids behind.

Mr. FRANKS of Arizona. It is always amazing to me, if we just happen to be a cursory student of history, that we can look back and see the highway of history is littered with the wreckage of socialist governments that thought they could manage productivity and that they could create a better distribution system than the private market. I don't want to join that litany, and I know you don't either.

You keep making the parallel in education. I think it is kind of interesting that, in Canada, they started this government-run system, and they ran into so many problems that people are now suing to get their freedom back. It is very difficult to get it back. It is the same thing with education.

Mr. HOEKSTRA. They also can opt out. They do two things in Canada. They cross the border and come across into Michigan to take advantage of our quality hospitals and our quality

health care; and for those that have a little bit more money, they fly down to Arizona, especially in the winter, and take advantage of your quality health care. They have got an escape valve.

Mr. FRANKS of Arizona. If they have a cold, they call a doctor up there. If they have cancer or something serious, they call a travel agent.

Mr. HOEKSTRA. If they have the resources.

Mr. FRANKS of Arizona. Mr. Speaker, what I would like to do, I hope in the next hour I will be afforded the opportunity to give my written comments, but I would like, if I could now, to yield to the gentleman from New Jersey, Mr. GARRETT.

Mr. GARRETT of New Jersey. I appreciate the gentleman from Arizona yielding, and I will be listening on the edge of my seat to hear your written comments momentarily. But I wish to join in with the discussion.

I commend your work. I have been watching for the last 45 minutes your discussion, and I know you have begun to make the shift over in the comparison with regard to No Child Left Behind.

In reality, of course, maybe you have already said this, with the huge burden, intergenerational burden that this bill will create, of course, what we are really talking about is no child will be left a dime.

Mr. HOEKSTRA. We are not going to educate them, and we are going to put a huge debt on them. Yes. Thank you.

Mr. GARRETT of New Jersey. We are indeed going to be placing a huge debt. This is going to be an intergenerational travesty for the next generation, for our children and their children as well, and that is the interesting thing.

Just yesterday, Thursday, at noon, there were literally tens of thousands of people outside, just outside the steps of this Capitol, people who are interested in freedom and liberty coming down here to have their voice heard. That despite the fact, I might add, I know there were some reports in the paper from Members of the other side of the aisle, the Democrat side of the aisle, that said, basically paraphrasing, I am not sure why people are coming to Washington and why people are calling, because they have made up their mind already, which is also a travesty.

Mr. HOEKSTRA. The amazing thing is they have made up their mind. The bill has been around for all of 8 days, and we have never had the opportunity now to take it home to any of our constituents or whatever.

But I was struck by reading the same comment. It was also laced I think with some profanity and saying, we don't care. We have made up our mind. The inference was, I think, we could have 100,000, we could have a million people out there. We don't care.

Unbelievable. Who do these people think they work for?

Mr. GARRETT of New Jersey. Right. I think you are being overly generous to the other side of the aisle when you said the bill has been out there 8 days. In reality, of course, as we sit here or stand here on the floor of the Chamber of the House of Representatives, the People's House, upstairs right now is the Rules Committee still debating, or not even debating, just listening to the Republicans make their arguments against the bill.

The final bill, as you are well aware, has not been created. The final bill, as you are well aware, has not been put to text. The final bill has not been presented to the American public, which is really strange when you think about it. Because back on September 24th, Speaker PELOSI said to the media and to the American public that she would give the American public 72 hours to be able to read the final version of the bill before it came to a vote.

Mr. HOEKSTRA. If the gentleman will yield one more time, I think maybe that is why we are doing this on Saturday, because they will finish the bill tonight, sometime tonight, and file it, I would guess, sometime through the night. And since most people have Saturdays off, maybe the Speaker is figuring that maybe everybody can have Saturday morning and Saturday afternoon to really study this bill, and if they have some input they want to give us, if they have some input they want to give us, they can maybe do it before 6 o'clock on Saturday night, when we are currently scheduled to vote.

That is actually brilliant on the Speaker's part, because I think most Americans are going to be just eagerly waiting to get this bill and go online and read it tomorrow.

Mr. FRANKS of Arizona. I think the gentleman is being entirely too cynical. I think the notion that any of the Americans are going to read a 2,000 page bill in the 6 hours that they will have, we have got maybe five speed readers in the country that can do that. So I think you are being too hard on them.

Mr. GARRETT of New Jersey. Cynical, or maybe overly generous to the other side of the aisle, that the majority and Speaker PELOSI would be so kind to allow the American public even that much time, when she specifically made the promise of 72 hours. Seventy-two hours, what is that? That is 3 days. And even at that, 3 days is a short period of time, I think we all would agree, to read 2,000 pages and get through it.

Remember back just several months ago, when was it that we had the cap-and-trade bill on this floor. That was the end of July, I believe, or August.

Mr. HOEKSTRA. Well, when they added 400 pages.

Mr. GARRETT of New Jersey. When they added the 300 or 400 pages to the bill, and you had Members on the other side of the aisle say, well, they had read the bill. There again, you have to remember the somewhat disingenuous statements, because there again, looking at a 1,000 page bill, and you indicated it was 3 o'clock at night, and the Rules Committee was doing what they are doing right now, and then slipping the bill basically in the dead of night to us, 300-some odd pages, and then having us vote on that bill, when you know that no one had actually read and understood the bill.

Just like that 1,000 page bill before, now we are looking at a 1,990 page bill. Even if you are one of those speed readers that can actually get through 1,990 pages, you know you will not understand the bill. And I will close on this and yield back, that that 2,000 pages also cross-references to a whole series of other pieces of standing legislation you have to understand as well.

So no one who is about to vote on this bill tomorrow, if we do vote on it tomorrow, will have read and understood the bill, and that is a travesty to the American public.

Mr. FRANKS of Arizona. I yield to the gentleman from Illinois.

Mr. ROSKAM. I thank the gentleman for yielding.

For those that are unfamiliar with the Capitol grounds here, it is really a thing to behold. Here we are, the four of us that have this great privilege of being in conversation, not just with one another, not with just the House of Representatives, but really with the American public, on this season of our life that we have really not seen before.

I was walking outside a couple of minutes ago, and I glanced up at the dome, and the light on the top of the dome was on. And those who have not been to Washington, D.C., before know that that is really a symbol of freedom. When that light is on at the very top of the dome, that signals that freedom is under way, democracy is afoot.

And I just decided, I literally have my trench coat, it is a cold evening here in Washington. My trench coat is literally over there. I walked up the stairs and walked in, and I thought, who is on the House floor? And I wasn't surprised to find the gentleman from Arizona. I wasn't surprised to find the gentleman from Michigan. I wasn't surprised to find the gentleman from New Jersey. Because I think what the four of us have an understanding of is that this is a time of choosing.

We are all familiar with the book of Genesis and the story of Isaac. Isaac had two sons. One was Esau and one was Jacob. Esau was the oldest son; and, as the Bible tells that story and as we all know, in that culture at that time, the oldest son had the lion's share of the inheritance, right? Really, when the old man died, he had everything coming to him.

As the story goes, Esau is out in the field. He comes in. He is hungry. He says to his younger brother Jacob, ''I am hungry.'' Jacob is making some stew. Esau says, ''Give me some stew.''

What does Jacob say? ''Give me your birthright.'' And Esau, like a fool, gives his birthright away for what? For a pot of stew.

The political left in this country is coaxing the American people right now, who are very uncertain. We are in uncertain economic times. They see health care costs that are skyrocketing out of control. They have concerns about preexisting conditions and jobs and a whole host of other things. And the political left is saying, give us your birthright of freedom. Give us your birthright of opportunity. Entrust it to us, who can't balance a budget, who are spending your children's prosperity away, and trust us.

What I think I am sensing, and I think what all three of us are sensing, the American public is saying, whoa. Whoa. We are not going to trade a birthright away, for what? For nothing? To entrust the future to people that literally cannot balance a checkbook? People who have taken our national debt and will double that amount in 5 years and will triple that amount in 10 years? That is incredibly sobering.

So here we are on the brink of Speaker PELOSI grabbing control of one-sixth of the American economy, one-sixth of the American economy. As we speak, the Rules Committee is meeting. They have not had the opportunity to fully vet this bill.

It went from 1,000 pages that was fundamentally rejected by the American public over the August recess, fundamentally rejected by the thousands of Americans that showed up over the last couple of days, and yet now she has doubled down. With all due respect to the Speaker, she has doubled down and taken 1,000 pages and turned it into 2,000 pages.

It takes away my breath. I think it takes away most Americans' breath, thinking about the amount of indebtedness being created and, ultimately, this generational theft.

□ 2230

Mr. HOEKSTRA. If the gentleman will yield, I think we also put this in the context of already what's happened in this year. Very early on this year, we spent $800 billion to stimulate the economy. It hasn't worked. Today we saw the numbers. They came out, 10.2 percent unemployment. If you include those who have stopped looking for work or those who are maybe working part-time because they can't find a full-time job, that goes up to 17.5 percent. So 17.5 percent of the American people are either unemployed, stopped looking for work or underemployed. You know, that's the effect of our stimulus bill that was passed. I don't think any of us voted for it.

Then we put on top of that the cap-and-trade vote that my colleague was talking about, which is going to just hammer manufacturing and put a huge tax on every American again and every business out of this new carbon tax. Then you put the health care bill on top of it, $1.2 trillion, and people are wondering, Why isn't the economy coming back? Because we put so much uncertainty into the business climate. We've loaded up the debt. People were talking about, you know, the debt under President Bush. In 1 year they've tripled the deficit from what, $450 billion. And that was the deficit under the Democratic Congress. I think the last time Republicans had control, the deficit was around $250 billion. It was going the other way. It was going down. Ever since the Democrats have been in charge of Congress, it's been going up, so that we are now at $1.4 trillion in a single year deficit.

All of these new taxes and new spending out there—the deficit is projected to be what, $1 trillion every year for as far as the eye can see, and people are wondering why there's not job creation? It's not hard to figure out. I yield back.

Mr. FRANKS of Arizona. I will just put this in my own perspective the best I can here. I have always believed, as I know the three of you have, that the true statesmanship was the effort to try to look to the next generation. Someone said that a politician looks to the next election, whereas a statesman looks to the next generation. Some of those issues have been my life. I was the director of what Arizona's version is of a children's department. We've always wanted to try to look to the future and look to next generations. That's why I was so intrigued by the gentleman from Illinois' comments about our birthright, about freedom because I believe of all the tragedies in the Pelosi bill, that the loss in freedom is the big one.

This is not the first time that we have struggled in this country about that. There was a time when the colonists were here that they were oppressed so badly by the Crown of England that they said that we have to somehow break free. But there were those who were afraid, and I understand that. See, they didn't have freedom at that time. They were trying to gain it. They were trying to go against all odds to try to do what they could. But some were afraid.

I will never forget Samuel Adams' words because I think it should apply to all of us here tonight. I think it should apply especially to those on the other side of the aisle that are struggling tonight with how they're going to vote. He said to the colonists who were afraid to fight the King, he said, If you love wealth better than liberty, if you love the tranquility of servitude better than the animating contest of freedom, go from us in peace. We seek not your counsel or your arms. Crouch down, and lick the hands that feed you, and may your change sit lightly upon you, and may posterity forget that you were our countrymen.

And I would say today that we need that same call to liberty that they had back then that made them march with bloody feet in the frozen ground to find liberty for us. I have got two little babies at home that are just a little over a year old, and I don't want to throw away their birthright or the freedom that I hope that they will walk in someday. I want them to stand in the light of the freedom that we see on the top of this Capitol dome. May it be.

HEALTH CARE

The SPEAKER pro tempore (Mr. MURPHY of New York). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate the privilege of being recognized by you, the Speaker and address on the floor of the House of Representatives in this seamless effort that we have to stand up and defend the freedom that this country needs. This has been for a long time about socialized medicine, socialized health care, the reason that so many people came to this Capitol and so many people have all across this country laid out and stood up and gone to congressional offices and joined in their groups, the tens of thousands of people who were here yesterday and so maybe people that are looking across the country, jamming the telephone lines, doing everything that they can. Mr. Speaker, the American people don't want this socialized medicine. I understand that the gentleman from Arizona has a presentation that he would like to make in a window here for a few minutes, and I am happy to yield to the gentleman from Arizona for that period of time before we pick up the balance of this exchange.

Mr. FRANKS of Arizona. Well, I certainly thank the gentleman. In the last hour, I tried to talk about some of things that the Republicans were for, but I had made a commitment to give some remarks on the Pelosi health care plan. So I really appreciate everyone's indulgence here because I feel like I'm taking more than my share, but I will make these comments and then I will make myself scarce, if that will be all right.

Mr. Speaker, only 1 week ago, on Friday, October 29, Speaker PELOSI and her fellow liberal Democrats introduced H.R. 3962. But they grossly mislabeled the Affordable Health Care for America Act. The bill would more accurately be entitled, The Big Spending, Big Taxing, Big Entitlement Pelosi Plan for Big Government Takeover of America's Health Care Act.

Despite House Majority Leader STENY HOYER claiming during their press conference that the health care bill was part of an open and transparent process to reform our health care system, the American people were oddly prohibited from even attending the liberal Democrats' publicity rally on the steps of the Capitol. Mr. Speaker, this really isn't surprising considering the Democrats' habit of closing Republicans completely out of the legislative process and negotiating the provision of this current health care plan behind tightly closed and locked doors.

Mr. Speaker, the new Pelosi plan looks and sounds starkly similar to the Democrats' first attempt at a Big Government takeover of health care, H.R. 3200. That is because essentially it is the same Big Government socialist nonsense Speaker PELOSI introduced months ago, the same plan that caused literally millions of Americans to speak out against it through letters, petitions, protests, and by showing up to register their staunch disapproval at town hall meetings throughout the country all summer and fall.

Now it seems clear that the voice of Americans have fallen upon deaf ears in this House of Representatives, Mr. Speaker, and Ms. PELOSI and Mr. REID are determined to shove this partisan nightmare down the throats of the American people.

Now, buried within the contents of this 2,000-page bill as well as a separate 13-page bill that would increase the deficit by more than $200 billion are details that will see a massive Federal intrusion in the health care of every American. For instance, Mr. Speaker, the Pelosi health care plan creates 111 new offices, bureaus, commissions, programs bureaucracies over and above the entitlement expansions. This includes, Mr. Speaker, a government-run insurance program that could cause as many as 114 million people in America to lose their current coverage. The Pelosi health care plan also abolishes the private market for individual health insurance, forcing individuals to purchase coverage in a government-run exchange.

The Pelosi health care plan enacts insurance regulations that would raise premiums and encourage employers to drop coverage. The Pelosi health care plan enacts trillions of dollars in new Federal spending that would exacerbate the deficit and imperil the Nation's long-term fiscal viability. The Pelosi health care plan also taxes all Americans: individuals who purchase insurance, individuals who do not purchase insurance and millions of small businesses.

Mr. Speaker, this will absolutely kill millions of jobs and raise health care premiums across the board. Mr. Speaker, the Pelosi health care plan also cuts Medicare by $500 billion, which will devastate the Medicare Advantage program and result in higher premiums and dropped coverage for more than 10 million seniors. And nearly 70,000 of those seniors, Mr. Speaker, live in my district alone.

The Pelosi health care plan would eliminate more than 5.5 million jobs as a result of taxes on businesses that cannot afford to provide health care insurance coverage, and this is according to the model developed by Christina Romer, the chairwoman of the President's own Council of Economic Advisers.

Mr. Speaker, in 2008 health care spending in the United States reached $2.4 trillion, and it was projected to reach $3.1 trillion in 2012 and $4.3 trillion by 2016.

□ 2240

Health care spending is 4.3 times the amount that we spend on national defense. And now the Congressional Budget Office has testified before Congress that the Democrat health care plan will actually increase that already sky-high health care spending.

Only weeks ago, Mr. Speaker, President Obama stood on this very floor and promised a joint session of Congress and the American people that he would ''not sign health care legislation if it adds one dime to the deficit now or in the future.'' But, unfortunately, Mr. Speaker, that is one of the many promises that will unequivocally be broken by the Pelosi health care plan. Adding in the more than $200 billion cost of the unfunded companion ''doc fix'' bill, H.R. 3961, the health care ''reform'' agenda proposed by liberal Pelosi Democrats totals more than $1.5 trillion, nearly double President Obama's stated figure.

Mr. Speaker, that unequivocally breaks the President's promise by increasing the deficit to the tune of hundreds of billions of dollars. Add the $1.5 trillion projected cost of this bill, and it's still a conservative estimate given the historic precedent of drastically underestimating the cost of government programs, Mr. Speaker.

When Medicare passed in 1965, the Congressional Budget Office predicted it would cost $12 billion per year by 1990. In reality, the cost of Medicare in 1990 was $110 billion, more than nine times greater than projected. Likewise, the Medicare expansion of it in 1987 was projected to cost $1 billion annually. By 1992, the actual cost was $17 billion, or 17 times the amount projected. What makes us think that a government takeover of more than one-sixth of our economy is going to be any different, Mr. Speaker?

Someone recently pointed out that a nearly 2,000-page bill of over 400,000 words that costs as much as this one does, that that plan amounts to over $2.2 million per word, and there are a lot of words in this bill, Mr. Speaker.

Moreover, the Pelosi health care plan is a massive increase in the size and scope of government, creating, expanding, or extending at least 43 entitlement programs and 111 additional offices, bureaus, commissions, programs, and bureaucracies over and above the entitlement expansions.

During the worst economic recession since the Great Depression, this bill would impose numerous new taxes.

Number one, it would impose a 5.4 percent surtax that would primarily be shouldered by small businesses. It would impose a 2.5 percent penalty tax on those who do not acquire health care insurance. New and increased taxes on a wide variety of health plans, including HSAs and HRAs. An ironic, and this one kills me, an ironic 2.5 percent tax on medical devices. And an 8 percent tax on businesses that can't afford to provide health insurance for employees, just to name a few, Mr. Speaker, bringing the total to $729.5 billion in new taxes on small businesses. Individuals who cannot afford health coverage and employers who cannot afford to provide coverage to meet the Federal bureaucrats' standards created under this bill will all pay the bill.

Now, our top marginal income tax rate right now is 35 percent. Mr. Obama wants to boost the top rate to nearly 40 percent in 2011 by allowing some of the tax cuts enacted under former President George W. Bush to expire. The new health care taxes imposed by this bill would come on top of that. This would mean that just the Federal tax rate alone would be 45 percent. And when you add in the State and local taxes, individuals and small businesses could see total tax rates of close to 60 percent, Mr. Speaker.

The cost of the Pelosi government takeover of health care and new taxes it would impose alone are a disaster of the first magnitude for America. But the monstrosity of the Pelosi health care plan doesn't even end there.

On September 9, during his address to the joint session of Congress, President Obama stated verbatim the following quote: ''One more misunderstanding I want to clear up—under our plan, no Federal dollars will be used to fund abortions.''

But despite promises and statements made by the President to the contrary, Mr. Speaker, this bill explicitly allows Federal funding of abortion and permits Federal subsidies to go to private insurance plans that cover abortion, making this bill potentially the largest expansion of abortion on demand in America since Roe v. Wade.

White House health adviser Zeke Emanuel is a longtime proponent of rationing as a means for controlling and distributing the vital health care services Americans need. And for all the furor over the ''death panels,'' a term that the Democrats so viciously mocked, H.R. 3962 would establish a new ''Center for Comparative Effectiveness Research,'' perhaps more accurately labeled a ''life and death panel,'' since the panel would be allowed to deny lifesaving treatments to patients on the grounds of cost savings, the same sort of rationing we see in Britain's national health care service which routinely denies costly patient treatments to those whose lives are deemed less worth saving.

This is the inescapable reality of government health care, Mr. Speaker. The scarcity of resources and the inevitable unresponsiveness of massive bureaucratic systems result in rationing of health care services, deciding on who may receive care and who is forced by the government to go without. And this should not happen in America.

These ''decisions'' would be in the hands of President Obama's new ''health czar,'' or the ''Health Choices Commissioner'' created by this legislation. The ''health czar,'' or the ''Health Choices Commissioner,'' could forcibly

enroll individuals in government-run insurance, and they would be required to conduct random compliance audits on health care benefits, allowing the Federal Government to intervene in the business practices of all employers who offer coverage to their workers. And that is unbelievable, Mr. Speaker.

The Pelosi bill also contains numerous so-called ''sweet treats'' for the notorious allies of liberal Democrats. The Pelosi plan makes groups like ACORN and Planned Parenthood eligible for Federal grants administered by the health czar. It refuses to address frivolous medical lawsuit reform while it actually creates new incentives for the trial lawyers to sue the doctors and medical industry into the stone age. Speaker PELOSI and her liberal colleagues are shamelessly sticking their thumbs in the eyes of the American people.

Mr. Speaker, Republicans have offered more than 40 alternative health care plans that would implement true health care reform in this country, including empowering those who cannot afford insurance with the ability to purchase their own insurance policy from the private sector; allowing families and businesses to purchase health care insurance across State lines; allowing individuals, small businesses, and trade associations to pool together and acquire health care insurance at a lower price, the same way large corporations and labor unions do; giving States the tools to create their own innovative reforms that lower health care costs; and ending frivolous lawsuits that contribute to higher costs.

Unfortunately, Mr. Speaker, it is clear that instead of listening to the American people and embracing these real solutions, Speaker PELOSI and her liberal colleagues have chosen to placate their most liberal allies, from ACORN to Planned Parenthood to trial lawyers, and to forcibly shove this bill down the throats of the American people.

But, you know, Mr. Speaker, in closing, of all the egregious things that I have just told you about this bill, the worst of it is the way that it steals America's freedom with the word ''shall.'' Mr. Speaker, the word ''shall,'' as we all know in this Chamber, is the key word in all government mandates and control. The word ''shall'' is government force. Unbelievably, the word ''shall'' appears in the Pelosi health care plan more than 3,425 times. The Obama-Reid-Pelosi Federal Government is using the force of law with the word ''shall'' 3,425 times to steal the freedom of the American people and forcibly insert a bureaucrat between patients and their doctors. The Pelosi health care plan is nothing but 2,000 pages of Big Government, higher taxes, and literally thousands of government mandates.

Mr. Speaker, flying in the face of NANCY PELOSI's claim that the health care bill that she has would be posted online for 72 hours for review before final vote, it looks like tomorrow this body will be forced to vote on a bill that will completely overhaul one-sixth of the economy and potentially devastate our health care system all against the will of the vast majority of Americans. And I encourage every last one of them, Mr. Speaker, for the sake of their children and future generations, to stand up against this bureaucratic socialist monstrosity.

With that, Mr. Speaker, I thank the gentleman from Iowa for his kindness in allowing me to keep this commitment.

Mr. KING of Iowa. I really thank Congressman TRENT FRANKS. Mr. Speaker, that presentation that we just heard over the last few minutes is something that I know he sat in his office in late hours and put this together and brought through and brought out some of the most significant components in this 1,990-page bill that has a 40-page amendment and makes it 2,030 pages altogether.

As we speak here tonight, the Rules Committee is off into something that started up at about 2 o'clock this afternoon, and it's 10 minutes to 11 tonight.

The real debate on this bill is us down here talking, Mr. Speaker, or the people up in the hole in the wall that finally has television cameras in it. For the first time, I think, in the history of the United States Congress, we see at least a significant bill that's being televised.

□ 2250

I have gone up there, and the Rules Committee by the way, Mr. Speaker, I don't disrespectfully refer to it as the hole in the wall. I am the person who thinks so much of the Rules Committee, up where they deny amendments to be offered here at the floor, at the direction I believe of the Speaker, up on the third floor of the Capitol, a little old room that doesn't even have room for all of the Members that want to engage in this, let alone staff, so the hallway is full of staff and Members. If there is information that needs to go in, they pass in papers like a bucket brigade to make an argument before a Rules Committee that is being asked to be an expert on everything that Congress, all of us, might want to know or vote on.

This is a piece of the process that for the first time the American people are learning about because they can now see on television what goes on. It has changed the dynamics in that room. I came down here 2½ years ago and called for television cameras in the Rules Committee. They weren't too impressed with that request, so I introduced a resolution to move the Rules Committee down to the floor of the House of Representatives because that is where the debate is taking place so the American people can see it.

Now we are on about maybe the third panel of the Rules Committee and the American people, some of them, and I have had people ask me would anybody go up and watch the debate in the Rules Committee. Well, people all over America are doing that. Some are watching this tonight. Some have keyed into the channel that is showing the Rules Committee. It is going on and on. There are people that seemed to be a little bored by that. Who is watching? Watch your e-mail account, Members, because they are sending messages in. The people who are watching the Rules Committee with eyes like an eagle are the ones who came to this Capitol yesterday by the tens of thousands and filled this place up and said, Keep your hands off of my health care. They want to see how this system works. Some of them are becoming experts. They are going to be, some of them, the future leaders that come into this Congress because they are fed up.

Mr. Speaker, the American people are fed up with the assault on American freedom and the complete disregard for the very foundations of American exceptionalism. In fact, I don't know if some of these people who are supporting this bill couldn't actually say the word sincerely that American is an exceptional country. We have a whole lot of reasons why we are exceptional, and at the core of each of them are freedoms. So that, Mr. Speaker, is the backdrop of what all is going on here.

The schedule is to bring a rule down and have a vote about 9 tomorrow, and then start carrying out a debate, and a debate that will be limited. It has already been announced by the chair of the Rules Committee, LOUISE SLAUGHTER, that they are only going to accept two amendments to the bill. Now when the public has been told by the chair of a committee that there are only going to be two amendments that will be allowed to be debated on the floor of the House and voted on, and I presume one of them will be the Republican leader's amendment and the other one may be a motion to recommit, but only two, I think it tells everybody in America who is watching this show up here in the hole in the wall of the Rules Committee, what the deal is.

If you are going to go to a committee and offer amendments to perfect legislation and in all good seriousness engage in the debate, and debate for hours and hours and hours before a chair and a committee that has already announced to the world that all of those amendments that are being offered save two will be rejected and have no value, that, Mr. Speaker, is what is going on right now. The American people are figuring it out. They have a nose and a sense for this.

So what I would like to do as this evening unfolds is recognize the gentleman from New Jersey (Mr. GARRETT) who has been such a strong and articulate voice and a dynamic leader. Mr. Speaker, anybody who is here tonight loves this country and loves our freedom and is absolutely opposed to socialized medicine.

I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman from Iowa for leading off with this discussion this evening with regard to the legislation that is going to be coming down the road very quickly. How quickly we do don't know, but obviously more quickly than Speaker PELOSI promised.

Before you got here, on September 4, Madam Speaker said at that time she would allow Members of this body, Republicans and Democrats alike, and she also promised the American public they would have 72 hours in order to look over the bill, read the bill, and understand the bill. She made that promise.

Now, as you point out as we speak here on Friday evening, almost 11 in the evening, we still don't know what the final bill is. That is somewhat ironic because a number of Members on the other side of the aisle, 190 or so, have already been out in the press saying that they will be supporting the bill when it comes up.

I have to ask, How are you saying you will be voting when the final version of the bill hasn't been printed yet, when you don't know what the amendments are or what the text is? But there are 190 who have said they will be voting ''yes'' on the bill at the first opportunity.

Speaker PELOSI said she would give us 72 hours for Members and the American public to look at it, but she has gone back on that promise. She said she didn't really mean with that period of time, so at 11 tonight or 1 in the morning, we may then see the final version of the bill out of the Rules Committee, whenever they decide to do it, in the dead of night, perhaps. And then the bill will come up as soon as they want it to. So, so much for that promise.

The other point, there is a much larger issue, and I think this issue was somewhat addressed at the rally yesterday on the steps of Capitol at noon Thursday, and that is the constitutional issue here. We discussed this a little, and other Members have come here with their Constitution, and it reminds Members of Congress and the public that we live under the rule of law in this country and the Constitution, and we can't go outside of those parameters. And the Constitution says there are certain rights and responsibilities and powers that the Federal Government has, and the 9th and 10th Amendment tells, the 10 Amendment specifically, all rights not specifically delegated to the States are retained by the States and the people respectively.

So you have to ask, How is it that this body believes, the Democratic majority and President Obama believes that we can impose a personal mandate on the American public? How can they begin under our Constitution to start telling people that they actually have to buy a certain product by private industry or through the public option, basically through the government, whether they like it or not?

I will just digress on that point for a moment. If you don't like it, if you don't purchase an insurance policy that the government tells you you have to, you will be fined. You will be fined upwards of 2½ percent of your income. The legislation also says if you do not pay that fine for not buying that insurance, then what will happen? Well, of course, section 7201 of the code says you can be fined an additional $250,000, a quarter of a million dollars, and you can be sent to jail for 5 years.

Mr. KING of Iowa. Would that be debtor's prison then in the bill? If you don't pay the fine, then you go to jail?

Mr. GARRETT of New Jersey. I would almost presume so. Think about it. Who is that language targeted for? Is it targeted for the Bill Gates of the world who probably can buy any sort of Cadillac insurance that they want? Or the people on Wall Street who have the expensive Cadillac coverage because their employers provide it for them? No, of course not.

Is that aimed at the poor, nonworking American who can't afford insurance because they are disabled or whatever? No, because those people are protected currently under U.S. law, under Medicaid, and they get health care insurance through Medicaid.

□ 2300

So who is that language in the bill really targeting? That is basically the middle class, those people who are struggling right now, with around 10 percent unemployment we're looking at in this country. Actually, it's 10.2 percent, I think, is the last number, looking at 10.2 percent. Those people are struggling and they're saying, I'm paying all my other bills—my mortgage, my credit cards, my kids' college education, and right now I have to make the decision that I'm not going to be able to afford to buy insurance right now. Guess what? Too bad. Under their bill, you are going to be fined for not buying that insurance policy. And if you don't pay that fine, you could be subject to punishment.

One last point on this, if I may, and then I will yield back to the gentleman. The other person, the other group that this is targeted at is the young. Before you came to the floor, the previous gentlemen were talking about how this relates to No Child Left Behind and that sort of thing and how the Federal Government is intruding in our lives in so many other areas, and how No Child Left Behind just didn't work at all, that's why I didn't support it.

And I coined the phrase—or maybe somebody else coined it before me—that actually this health care legislation is ''No Child is Left a Dime.'' And the reason that no child is left a dime is because this is a $1.2 trillion expenditure, and where is that $1 trillion coming from? Well, it's really not coming from you and I because we're already looking at, what is it, around $1.6 trillion, $1.7 trillion that we're in deficit right now? In other words, we don't have the money to pay for this bill. So who's going to pay for this bill? Your kids, my kids, America's kids, our grandkids.

So the benefits that are going to be paid to people today, you and me and the other people who are listening tonight here in the gallery and elsewhere, the people that are going to enjoy the benefits of this legislation today, such as they are, are going to be paid for by future generations. So there may be a lot of people who consider they're supporters of Obama, young people that in the past campaign said he's going to do great things for us. What is he really doing for the young people of today? Putting a tremendous burden on them as far as what they're going to have to pay for the people who are living today.

I will give you one example of that. There is something in the legislation called the ''class provision'' or the ''class act.'' What that basically is—yes, the class act, treatment of class act as long-term care insurance. What that basically is is trying to set up a program—good idea in concept—of trying to get people to have long-term care insurance. This is one of those budgetary gimmicks that's in the bill that makes it look as though we're actually saving money today. It makes it look as though the budget deficit is going down so they can say, hey, we're actually saving money. What are you talking about, Republicans? We're actually helping the budget deficit. Well, it's really a budgetary trick, and I can explain it in 30 seconds.

What that does is this: it starts collecting taxes today basically on people who are working, what have you. So young people today will be paying taxes today, and over the next 10 years those young folks will be paying in, what, $72 billion, a huge amount of money. But of course young people today will not be getting any advantage of that money. As a matter of fact, that money won't be going out the door to any large extent over the next 10 years because young people won't be needing long-term care coverage or insurance.

So basically you're putting in the bank all that money for the next 10 years. That makes the budget deficit look better, but in reality it's young people paying for benefits for people today. And their benefits—I'm not sure who's going to be around to pay for them and all of their needs and what have you. So it's a budgetary gimmick to make it look as though things are better than they really are to bring down the deficit. At the end of the day, after those 10 years, costs explode again and the next generation, our kids and grandkids, will be the ones who are not left a dime because it will all be right here in Washington paying for these benefits.

And with that—I see you have a chart to perhaps explain all of this to

us—I yield back to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman for his relentless effort and, I will say, a thorough understanding of what we know about these 1,990 pages-plus-40. And we do know that's 2,030 pages at least.

I have made the statement, Mr. Speaker, and I think it's important that the American people know this: yes, we should have an opportunity to evaluate all of the implications. There are going to be amendments that will come out that we have not seen that are likely to be approved by the Rules Committee because they will be giving direction, not because they will be doing a significant analysis.

The American people want to read this bill. We handed this bill out yesterday to the tens of thousands of people that came here to this United States Capitol, the 2,000-page bill. I don't think I will ever forget the image of JOHN CULBERSON standing on the wall tossing pages of the bill out to people who passed it around. They would each take one page and pass it to somebody else. And they went around this Hill and they began asking Members of Congress, tell me what this means, tell me what this page means. There were not enough pages of the bill to go around to all the people that came to oppose this bill yesterday, and there won't be enough pages to go around to all the people that come to oppose this bill tomorrow at 1 o'clock, east side steps of the Capitol. We've got another wave of American people that are coming in here to express their rejection for socialized medicine.

It is so important to understand this. When people say, well, I sat up and I read the bill, there are people out there, salt of the Earth, good regular people that took it upon themselves to read what's available for them to read, to work through those 1,990 pages, and they will do everything they can to understand it. If they don't understand it, they sometimes feel like they're inadequate because they're not a lawyer or they're not educated or they're not a legislator. Here is the statement that I think is important for the American people to know, Mr. Speaker, and that is, you can take the smartest person in the world and you can shut them up in a room with a desk or a table and a chair and give them 6 months in that room to read this bill and ask them to write up a summary of what the bill does, the effects, the costs, the implications, and the nuances that would be interpreted one way or another with the latitude and license that's in the bill.

You can ask the smartest person in the world to analyze the 3,425 ''shalls'' that are in the bill; you can ask that smartest person in the world to analyze what it means, this one—there is more than one ''may,'' but one of the most important ''mays'' in the bill is, Members of Congress ''may'' utilize the newly formed government option. The government option for all this right over here, this public health plan, Members of Congress ''may.''

There was an amendment offered in Energy and Commerce—or maybe it was Ways and Means, or both—that said anybody that votes for this bill would be compelled to live underneath the health insurance policy that they would create under the Federal Government, the government option.

If Congress thinks this is such a good deal, they've got 3,425 ''shalls'' in the bill, why not make it 3,426 ''shalls'' in the bill and make ''Members of Congress shall live underneath this law.'' That would be the actual poison pill for this bill. If the people over here, the ones that have signed on to whatever document it is, the 190 or so that say they will vote for whatever bill NANCY PELOSI thinks should come to this floor, if they had to live underneath the law that they are imposing on the American people, all they have to do is do a little amendment that says, Members of Congress ''shall'' use the government option, not ''may.'' Strike ''may,'' put in ''shall,'' kills the bill, or it makes it a policy good enough that we can all live with and the American people wouldn't have to come and storm this Capitol. They wouldn't have to take this hill; they wouldn't have to hold this hill until we kill the bill. But we're going to have to do that. We have to keep this up.

We fought a great battle yesterday. There is a good battle going on up in Rules right now. There is another battle tomorrow at 1 o'clock here at the Capitol on the east side of the steps, Mr. Speaker. And this has to go on and on and on until this bill is killed.

This idea was killed back in 1993 and 1994. A bill never came to the floor then. I will give President Clinton credit; he wrote a bill, but it never came to the floor because the American people took it apart and rejected it. And someplace over there against the wall I have a chart of the original ''HillaryCare'' that we took off of the archives of The New York Times. It is a scary thing. It is a very scary thing. And if we can find it over there I will put it up, Mr. Speaker, so everybody can see it. It's in black and white.

This is the real color version of the original House bill, which is H.R. 3200. This bill and this analysis comes from KEVIN BRADY in the Ways and Means Committee. He has done a fantastic job of educating the American people. The flow chart that was created in 1993 and 1994 is the one that scared the living daylights out of me and caused me to get engaged in the political world because I could not tolerate what government was doing to me.

The people that believe that they are intellectual elitists, that think that they know more than the American people know and want to take away our freedom had drafted a bill called HillaryCare that really did swallow up at that time one-seventh of the U.S. economy. It didn't come to the floor because it was killed because the American people found out about it.

□ 2310

This is the flowchart that is now 15 years later.

This is the organizational chart of the House Democrats' original health care plan.

This is H.R. 3200. The new one is uglier, but I can tell you this is all pretty much in here. The colored boxes are new agencies. There are at least 32 colored here, and there are 53 in the bill. In the bill before, it was amended with a Ways and Means component of this thing, and it went from 1,000 pages to 2,000 pages. These 32 agencies colored and 53 all together now have grown to 111 new Federal agencies so that we can have a complete nanny state that will direct our lives from conception to natural death.

That sounds like a pro-life statement. Well, for me, it generally is, Mr. Speaker.

This bill of 2,000 pages that is before us does affect us from conception to natural death because it funds abortion and it has death panels and it regulates everything that has to do with our health care—the cost, the access—everything that has to do with it from conception to natural death.

On these charts with colors on it, I'd focus your attention to two things or, actually, to three things, Mr. Speaker. This one is the health choices administration, which we've heard the gentleman speak of. This is where they would regulate everything—all of the health insurance in America, all of the health care in America. This is the HCA commissioner, the health choices administration commissioner. He is the new czar. As I talk about the black-and-white version of HillaryCare, this is what we saw in 1994. This is the black-and-white flowchart that was created by the closed-door meetings that Hillary Clinton had when she was appointed the individual to write this all up.

Now, again, I give them credit. They wrote a bill. They met in secret. They met behind closed doors a lot of the time, and that caused them some problems.

Phil Gramm, who was down at the other end of that hallway—right out the center to the other end—stood on the floor of the United States Senate, and he said, This bill passes over my cold, dead, political body.

It was this scary flowchart that scared the living daylights out of me, and it scared me into the public service/political life to try to put the brakes on the overgrowth of government. The American people rejected this in 1994. They threw this out, and the bill never came up for a vote anywhere.

Now we have this full-color monstrosity of H.R. 3200, which is even scarier, but the focus down here is on the public health plan side which has to compete with the private sector

side. These two boxes exist today—private insurers and traditional health plans.

Private insurers: 1,300 companies selling insurance, not policies. 1,300 companies, Mr. Speaker, right here. There are 100,000 policy varieties to choose from, which is a tremendous amount of competition. There are some States that don't have much because it's like 70 to 80 percent in a few States where a single provider has that market share.

So what we do is we open it up to sell insurance across State lines. That provides the competition. It's all the competition we need, and it's more competition than the Democrats in this Congress are willing to accept.

So, Mr. Speaker, this public health plan which will be run by the new health choices administration czar—commissioner, commissar-issioner—will write the rules to benefit the Federal plan that will be subsidized by taxpayers. Then it will make it difficult, if not impossible, for the private health plans to compete against the public. We've seen it in the school loan program. We've seen it in the flood insurance program. This bill must not pass or that's going to happen to everybody's private insurance.

By the way, this bill that's up there before Rules right now cancels every health insurance policy in America in either 2011 or at the end of 2013, depending on the definition.

I yield to the gentleman from Texas.

Mr. GOHMERT. I thank my friend from Iowa.

I thought it was a point worth making since we heard on Thursday that AARP has now endorsed the plan. They came out at first and endorsed the Obama-Pelosi plan earlier this year, and then they lost so many members that AARP said, Well, we were basically endorsing a concept but not this particular bill, because people were mad about it. They came out on Thursday, and they put their stamp of approval on it.

It turns out, apparently, that AARP makes more money from selling insurance than they do from their membership dues. They apparently got a heck of a sweetheart deal that was cut with the administration. So, yeah, they're willing to put their stamp of approval on it because there's money in it for them, not for their members. Now, their members are going to get screwed around pretty big. They're going to have a $500 billion cut to Medicare. They're going to really get hurt badly, but the AARP people who run AARP are going to come out real good.

Then I noticed an article tonight that came out, which says: AMA members revolt over ObamaCare endorsement.

It turns out the association, or the AMA's board of trustees, failed to obtain delegate approval before endorsing this new Pelosi-Obama monstrosity. Let's see.

The president of the Florida Medical Association said: The delegates are pretty upset with the board of trustees right now, and they were submitting an emergency resolution to revoke that endorsement. The trouble is it probably won't come to a vote until Monday.

This article says: Rescinding the AMA endorsement would be a significant blow to ObamaCare at a critical point in the debate as reflected in the Democrats' reaction Thursday when they won endorsements from the AMA and AARP.

Well, we know why AARP endorsed.

Anyway, this says: AMA sources confirm a resolution that would effectively revoke the AMA's endorsement will be introduced during the delegates' conference at the association's general meeting in Houston.

The article also points out that the AMA board issued a similar endorsement back in July without delegate approval when it declared the AMA support for the earlier House version of the bill.

Then this article points out that, after that endorsement, 10,000 physicians logged onto Sermo.com. Ten thousand physicians. It's an online physicians' community. They logged on to voice their opinions. According to the Sermo Web site, of the doctors who responded, 94 percent do not support the bill, and 95 percent state that the AMA does not speak for them with its endorsement.

Isn't that something? The AARP is not speaking, really, for retired people. It's speaking for the executives at AARP who are going to do really well. I understand there are some waivers and some neat stuff for them in there. The AMA board, apparently, is not speaking for the medical doctors in America.

I would be glad to yield back.

Mr. KING of Iowa. I reclaim my time, and I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. You raise a fascinating point, and I posit two questions to you.

If the Congress were to pass this bill, we know what some of the ramifications would be. It's going to be raising premiums. That is according to the CBO, the Congressional Budget Office. It's going to reduce health choices. It's going to cause delays and denials of care. Here is the one where I'll put a question to you:

$500 billion in Medicare cuts. Why would it be in the best interest of senior citizens, which I presume are who AARP would supposedly be looking out for—why would they suggest that they would be looking out for seniors when they're going to be cutting benefits to seniors for $500 billion?

That's not my number that I came up with. That is language right out of the bill, and it can be verified with the CBO.

So it's counterintuitive that any organization would be doing something against their measures unless—and I just came in at the point when you were saying this—an organization is, maybe, making more money out of the deal for themselves than for the people whom they represent.

I'll yield.

Mr. KING of Iowa. Reclaiming my time, I would make this point.

I'm trying to run through the list of organizations in my mind that support this bill, and there are quite a lot of them. Then I'm trying to come up with a name of an organization that supports the bill that doesn't have a vested interest, and it seems as if it's a very broad approach to this from the perspective that—let's just say, as for the AMA, they get more dollars into the industry. They've done a calculation. It seems a little cynical. That's how it is. AARP, they're willing to take a $500 billion cut in Medicare benefits because they can make it back—and then some—by selling insurance through the exchange.

□ 2320

I would pose this question to the gentlemen that are so knowledgeable on this subject that are here on the floor, or anyone that would care to come down here, and I would be glad to yield to a knowledge base, if it exists, on the other side of this aisle as to where are the unvested interest supporters for socialized medicine? Who are they? Where are they? Can you name one? Is there either one of you that could answer that question or anybody here in the Chamber tonight that I could yield to that could speak to that? I am completely flummoxed when I think about altruism behind socialized medicine. Where are they? I would like to know. I'm finding all kinds of patriots that are for killing this bill.

I saw altruism like I had never seen before yesterday, patriotism in its purest form, of people that dropped everything. I shook hands with people from San Francisco and Oregon and most of the States in the country. I am convinced that we had people here from every State in America yesterday. They just want to have their freedom to buy the health insurance policy that they choose; they want the freedom to succeed; and they want the government to stop growing and start shrinking and un-tax them and take the burden off of children and grandchildren. And I see that. I see those salt-of-the-Earth Americans that are there. Any one of them could have showed up at a church picnic at my house or my place in my neighborhood. And the tears run down their cheeks because of what's happening in America. It's not just because of the song, it's not just because of the prayer. It's afterward, hours afterwards, and they're saying, What can I do? What can I do? I'm losing my county. And their faces are being washed with tears, and the cynicism that grows within me because of the vested interest, and nobody can answer me, where is the contingency of the people that just want to have what's best for America? I can't find them.

Mr. GOHMERT. Well, I can't name you one without a vested interest that supports this, but apparently just today the American Association of Neurological Surgeons and the Congress of Neurological Surgeons, two different groups, announced their opposition to the House bill.

I know from personal experience, when a brain tumor was killing my mother and eventually took her life, these neurologists and neurosurgeons are the ones that knew the most about what was best for my mother in those last years that the tumor was taking her; a brain tumor. Wow. An incredibly brilliant bunch of people, those doctors that work on the brain.

They apparently made no bones about it. They were not happy, apparently, that the AMA came out and endorsed it. They made it a matter of the minds on which they have, since they work on the mind, that this is not a bill that's going to be good for America, it's going to devastate America. In fact, the Congress of Neurological Surgeons' president stated, ''Overall we believe this legislation will ultimately limit patient choice by putting the government between the doctor and the patient which will interfere with vital patient care decisions. As it stands, this House bill could amount to a complete government takeover of health care.''

Mr. GARRETT of New Jersey. You raise another interesting point. Again, we have to start from the premise with what is in the bill right now, what the CBO has told us and what the bill will do, if they do pass it tomorrow or Monday, what it will do is raise our premiums for insurance, it will reduce our health choices, it will delay or deny care, it will take away half a trillion dollars from our seniors in Medicare, and it will raise taxes by $729 billion.

We know those are the facts. That will happen if this bill passes. But you were saying with regard to the delegates, the doctors out there, the real doctors that you and I have are fighting back and saying that they may take back the endorsement from the AMA. But it may be too late; which raises this question, then: What is the rush? What is the rush to judgment? Why are we doing this on a Saturday or maybe a Sunday? We have only ever voted on a weekend when it's an emergency situation, like for a war resolution or things dealing with the military or what have you.

Is there any reason why this bill could not lay over for a week while the Members go back to their districts for Veterans Day and meet with veterans, meet with seniors, meet with doctors, meet with the other real folks? I cannot think of one reason why Speaker PELOSI would not allow us.

I would ask, I am sure she is up at this hour—and we have a few minutes left—I would appreciate it if Speaker PELOSI could come down here right now and explain to us why we can't have a week when the veterans and everybody else gets to comment on this.

Mr. KING of Iowa. Reclaiming my time, I would make this point, that the legislative strategy for them is this, that they were queued up to ram this bill through before the August break. That's what they wanted to do. They rammed cap-and-tax through before the August break, and no one read the bill. Mr. GOHMERT from Texas stood here on this floor and he posed a series of questions, and the one that stands out in my mind, it will be historically remembered, I think, forever, that there was no bill in the well. There was no real copy of the bill. And I know no one read the bill because the bill didn't exist.

Congressman GOHMERT finally said, after 35 minutes of holding up the debate, ''Madam Speaker, if the House of Representatives passes a bill that doesn't exist, is it possible to message a bill that doesn't exist to the United States Senate?''

That was the question, Mr. Speaker. The result was, apparently, yes. Apparently in this Congress we can pass a bill that doesn't exist and message a bill that doesn't exist to the United States Senate. That's the subject matter that I think is important. And this 2,000-page bill that we have now, the reason that they are pushing on it is because we went home for August, and the town hall meetings were jam packed full all over the country. We saw real-time footage that came out, angry people, frustrated people, people that just want to be left to succeed and left to be free, filled up these buildings, filled up the community buildings, jammed these places. There were meetings held in Iowa outside because we didn't have buildings big enough for the town hall meetings. The tiny little down of Adel, over 600 people in a meeting just like that. What the message from that was, the American people don't want this bill. They don't want socialized medicine. They want to kill this bill. They made their opinions known loudly and clearly for the entire month of August and into September.

But now these Members of Congress have been in Speaker PELOSI's echo chamber since then, they haven't really been back home listening to their constituents the way they were in August; and now they have gone all wobbly again. She is afraid to let them go back home to be braced up by their constituents.

That's the calculation. It's a political calculation. It's not a logical one. I recognize the gentleman from New Jersey asked for a logical one. There is a difference between reasons and excuses. There isn't a reason. There are only excuses.

I yield to the gentleman from Texas.

Mr. GOHMERT. I think my friend from Iowa just made a great point about why there needs to be this rush to bad judgment by the Speaker and by the administration, and it answers the question of our friend from New Jersey about why this rush to bad judgment. That is exactly if the Democrats go home for the weekend, just when they think they are about to get the last vote by adding something that will get their vote, by twisting the arm—I don't know if we are threatening losses of committees, I understand that's gone on around here in the recent past, but they are so close, they think, to getting this vote done, this travesty against the American people, if they go home, they are going to hear about what's going on.

What I can't help but come back to, when my friend, Mr. GARRETT from New Jersey, asked about why rush? We have heard our President and all of those who seek to make excuses for him trying to make up his mind on what to do in Afghanistan say, He doesn't want to rush and make a bad decision. He wants to take his time.

Can you imagine the stress being heaped upon our soldiers who are either in harm's way in Afghanistan or get news, you are about to be sent into harm's way into Afghanistan, and you have a President that can't commit to whether he is going to give them what they need to win in Afghanistan?

I can't imagine anything more stressful and debilitating to hear, You are going to send me into harm's way? You've got a report that has been sitting on your desk since August that says if you don't give us the troops we need, we're going to lose this war. That means I am likely going to be killed while you are trying to make up your mind, and you are playing footsie with different groups and shows and doing all these fun things, and we are over here in harm's way; you can't make up your mind.

Okay. We will give him that he needs to take his time. We understand that he voted ''present'' probably more than anybody else in recent history in the Senate because he couldn't make up his mind down there, but how about giving us the same benefit of the huge doubt we have about his decision-making? Give it to the Congress.

□ 2330

Let us have time so a mistake, a huge mistake, is not made here. This is scary stuff, what is about to be heaped on us. Let us have the same amount of time that he has demanded.

Mr. KING of Iowa. Reclaiming my time, this is a destiny bill. This is a piece of legislation that changes the direction of the United States of America, Mr. Speaker, forever. There is no going back to a point. It isn't like we missed an exit on the interstate and we will just go to the next exit and get off and turn around and go back. This is taking the off ramp from freedom, and it is going into the abyss of socialism. It is the leap off into the abyss of socialism.

This bill, this is a socialized medicine bill that is the crown jewel of socialism. There is no other way to define it, when you take over 17.5 percent of the economy, one-sixth of the economy. This legislation cancels every single

health insurance policy in the United States of America, a good chunk of them at the end of 2011 and all the rest of them by 2013.

The promise that the President of the United States made was that if you like your health insurance policy, you get to keep it. Well, you get to keep it until they cancel it. Can you keep it until 2011 and think the President kept his word? I will leave that out there as a rhetorical question, Mr. Speaker. But that is something that brings me great concern.

We aren't going to raise taxes on anybody that makes under $250,000 a year. We know it raises the taxes on everybody.

We aren't going to hurt the little man. Here is a little, little man piece. It hurts them all. If they go with this rating that is in there, just in the individual market, a 25-year-old male in Indianapolis, we will pick that, that happens to be the state of our conference chair, he would be paying about $84 a month for his premium. If this bill passes, it jumps to $252. It is a 300 percent increase in the premium that he is paying.

Now, this is a young man that is trying to get into the workforce, that is trying to build an economic base. Usually when you start in, that is when you make the least, and you grow your income stream. You are young and healthy. You can't afford much insurance. You don't need much, because you are young and you are healthy. But this would triple the insurance premiums for a 25-year-old man and fine him or punish him if he doesn't buy the policy, and eventually put him in jail.

Then you have the family of four, roughly 40-years-old, a couple of kids. They would be paying today in Indianapolis about $535 a month for insurance. They can probably afford that, if they have been raising their income up. It is tough, I know, but usually they will find a way to maneuver. But this bill makes it so much worse. Now that $535 premium would go to $1,087. The premiums would be a 221 percent increase.

I can go on down the line, Mr. Speaker. I recognize the clock is ticking. I want to make sure if any of my colleagues have a last thing they have to say, they will let me know.

I yield quickly to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Just one last point, because I know the time is up here, is that going to the point of rushing through this, we are not in control. We are in the minority party. We cannot set the agenda. This bill could come up in an hour from now, or this bill could come up Saturday morning or Saturday afternoon.

We hope and wish the leadership on the other side, Speaker PELOSI, would give us the time they promised, at least 72 hours. We have the whole week to do so.

But there is still an opportunity, however, for the American public to come back here tomorrow at 1 o'clock and have their voice heard on the green here by the Capitol.

With that, I yield to the gentleman.

Mr. KING of Iowa. Reclaiming my time, I appreciate the gentleman from New Jersey bringing this up again.

Here is the message. We have had all kinds of battles in this country and people have paid a huge price. We had Lexington and Concord. We had patriots that marched through the snow with bloody feet to go to Trenton. We had Saratoga. We had Yorktown. We had Hamburger Hill. We had Pork Chop Hill.

We had the battle of Capitol Hill yesterday, and the American people took this hill. We have to come back to this hill tomorrow at 1 o'clock. We have to hold this hill until we kill this bill.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0225

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ARCURI) at 2 o'clock and 25 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3962, AFFORDABLE HEALTH CARE FOR AMERICA ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 3961, MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–330) on the resolution (H. Res. 903) providing for consideration of the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes, and providing for consideration of the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PATRICK J. MURPHY of Pennsylvania (at the request of Mr. HOYER) for today on account of the birth of a child.

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of responding to the needs of his constituents regarding the tragedy at Fort Hood, Texas.

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. HIMES) to revise and extend their remarks and include extraneous material:)

Mr. HIMES, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. HIGGINS, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, November 9 and 10.

Mr. WOLF, for 5 minutes, today, November 9 and 10.

Mr. PAUL, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, today.

Mr. BARRETT of South Carolina, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. WAMP, for 5 minutes, today.

Mr. BUYER, for 5 minutes, today.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today.

ADJOURNMENT

Mr. POLIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 26 minutes a.m.), the House adjourned until today, Saturday, November 7, 2009, at 9 a.m.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United

States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

WILLIAM L. OWENS, New York, Twenty-Third.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollar utilized for Speaker-authorized official travel during the third quarter of 2009 pursuant to Public Law 95–384 are as follows:

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PERU, PARAGUAY, AND COLOMBIA, EXPENDED BETWEEN AUG. 15 AND AUG. 22, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Price	8/15	8/19	Peru		1,271.00		(3)		[4] 23,827.18		25,098.18
	8/19	8/20	Paraguay		250.00		(3)		[4] 4,785.56		5,035.56
	8/20	8/23	Colombia		1,234.00		(3)		[4] 31,063.00		32,297.00
Hon. David Dreier	8/15	8/19	Peru		1,271.00		(3)				1,271.00
	8/19	8/20	Paraguay		250.00		(3)				250.00
	8/20	8/23	Colombia		1,234.00		(3)				1,234.00
Hon. Lois Capps	8/15	8/19	Peru		1,271.00						1,271.00
	8/19	8/20	Paraguay		250.00						250.00
	8/20	8/23	Colombia		1,234.00						1,234.00
Hon. Sam Farr	8/15	8/19	Peru		1,271.00		(3)				1,271.00
	8/19	8/20	Paraguay		250.00		(3)				250.00
	8/20	8/23	Colombia		1,234.00		(3)				1,234.00
Hon. Lucille Roybal-Allard	8/15	8/19	Peru		1,271.00		(3)				1,271.00
	8/19	8/20	Paraguay		250.00		(3)				250.00
	8/20	8/23	Colombia		1,234.00		(3)				1,234.00
Hon. Jim McDermott	8/15	8/19	Peru		1,271.00		(3)				1,271.00
	8/19	8/20	Paraguay		250.00		(3)				250.00
	8/20	8/23	Colombia		1,266.00		(3)				1,266.00
Hon. Ed Whitfield	8/15	8/19	Peru		1,271.00		(3)				1,271.00
	8/19	8/20	Paraguay		250.00		(3)				250.00
	8/20	8/23	Colombia		1,266.00		(3)				1,266.00
Hon. Brian Bilbray	8/15	8/19	Peru		1,271.00		(3)				1,271.00
	8/19	8/20	Paraguay		250.00		(3)				250.00
	8/20	8/23	Colombia		1,266.00		(3)				1,266.00
John Lis	8/15	8/19	Peru		1,271.00		(3)				1,271.00
	8/19	8/20	Paraguay		250.00		(3)				250.00
	8/20	8/23	Colombia		1,184.00		(3)				1,184.00
Margarita Seminario	8/15	8/22	Peru		2,380.00		(3)				2,380.00
			Return Airfare				1,647.41				1,647.41
Asher Hildebrand	8/15	8/19	Peru		1,271.00		(3)				1,271.00
	8/19	8/20	Paraguay		235.00		(3)				235.00
	8/20	8/23	Colombia		1,266.00		(3)				1,266.00
Rachel Leman	8/15	8/19	Peru		1,271.00		(3)				1,271.00
	8/19	8/20	Paraguay		250.00		(3)				250.00
	8/20	8/23	Colombia		1,266.00		(3)				1,266.00
Bradley Smith	8/15	8/19	Peru		1,271.00		(3)				1,271.00
	8/19	8/20	Paraguay		250.00		(3)				250.00
	8/20	8/23	Colombia		1,266.00		(3)				1,266.00
Guillermina Garcia	8/15	8/19	Peru		1,271.00		(3)				1,271.00
	8/19	8/20	Paraguay		250.00		(3)				250.00
	8/20	8/23	Colombia		1,216.00		(3)				1,216.00
Total					38,254.00		1,647.41		59,675.74		99,577.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Indicates Delegation Costs.

HON. DAVID PRICE, Chairman, Oct. 28, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
CODEL—MEEKS:											
Hon. Marcia L. Fudge—Aug. 27–Sept. 4, 2009	8/27	8/30	Tunisia, Africa		432.00		(3)		291.00		
	8/30	9/2	Rwanda		210.00		(3)		413.00		
	9/2	9/3	Zimbabwe		142.00		(3)		175.00		
	9/3	9/4	Senegal		393.00		(3)		146.00		
Committee total					1,177.00				1,025.00		2,202.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. GEORGE MILLER, Chairman, Oct. 28, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Howard Coble	6/27	7/1	Russia		1,489.00		7,439.80				8,928.80
Hon. Steve Cohen	8/16	8/17	Liberia		536.40		(3)				
	8/17	8/19	Ghana		294.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2009—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/19	8/23	South Africa		1,806.07		(3)				
	8/23	8/24	Morocco		341.00		(3)				2,977.47
Committee total					4,466.47		7,439.80				11,906.27

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. JOHN CONYERS, Jr., Chairman, Oct. 28, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Winsome Packer	9/27	9/30	Poland		887.13		1,378.00				2,265.13
Committee total					887.13		1,378.00				2,265.13

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Co-Chairman, Oct. 28, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

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

4576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Charleston Harbor Christmas Parade of Boats, Charleston, SC [CGD07–06–260] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Post Office and Civil Service.

4577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Babylon Bayfest Fireworks, Great South Bay, NY [CGD01–07–088] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cuyahoga River, Cleveland, Ohio. West Third Street Bridge Cable installment process [CGD09–06–092] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay City Fireworks Festival, Saginaw River, Bay City, MI [CGD09–06–093] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gatzeros Fireworks, Lake St. Clair, Grosse Pointe Park, MI [CGD09–06–094] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07–173] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4582. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Sabine–Neches Canal, Port Arthur, TX [COTP Port Arthur–07–004] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4583. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intracoastal Waterway, Treasure Island, Florida [COTP Sector St. Petersburg 07–100] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4584. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ft. Myers Beach, FL [COTP Sector St. Petersburg 07–104] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4585. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live Fire Exercise, Gulf of Mexico, Clearwater, FL [COTP Sector St. Petersburg, FL 07–137] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4586. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Emergency cable repair for the Sarah Long Bridge, Piscataqua River, ME and NH [CGD01–06–143] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4587. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Displays within the Captain of the Port Sector St. Petersburg Zone [COTP Sector St. Petersburg 07–144] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4588. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Emergency cable repair for the Sarah Long Bridge, Piscataqua River, ME and NH [CGD01–06–137] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4589. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zone; Waters River, Danvers, MA [CGD01–06–136] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4590. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Grucci and Associates Fireworks, Bay Shore, NY [CGD01–06–125] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4591. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blau Wedding Fireworks Display, Atlantic Ocean, Water Mill, NY [CGD01–06–106] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4592. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Christmas Cove, South Bristol, ME [CGD01–06–101] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4593. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Master Sand Castle Festival Fireworks, Revere, MA [CGD01–06–094] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4594. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ft. Myers Beach, FL [COTP Sector St. Petersburg 07–145] (RIN: 1625–AA00) received

October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4595. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Rhode Island Air National Guard Air Show, Quonset Point State Airport, North Kingstown, Rhode Island [CGD01–06–075] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4596. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coast Guard Live Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07–146] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4597. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cape Neddick, Maine, Shore Road Bridge [CGD01–06–058] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4598. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Dania Beach Super Boat Grand Prix Race, Dania Beach, Florida [CGD07–07–066] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4599. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Dania Beach Super Boat Grand Prix Race, Dania Beach, Florida [CGD07–06–150] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4600. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Wachovia Securities Annual Nantucket Clambake, Jetties Beach, Nantucket Island, Massachusetts [CGD01–06–050] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4601. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — SPECIAL LOCAL REGULATION: Devon Yacht Club Fireworks, Amagansett, NY [CGD01–06–047] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4602. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — SPECIAL LOCAL REGULATION: City of Stamford Fireworks, Stamford, CT [CGD01–06–048] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4603. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Regulated Navigation Area and Security Zone; Miami Harbor, Florida [CGD07–06–162] (RIN: 1625–AA00, 1625–AA11) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4604. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — SAFETY ZONE: North Kingstown 4th of July Fireworks, Town Beach, North Kingstown, Rhode Island [CGD01–06–039] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4605. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — SPECIAL LOCAL REGULATION: Barnum Festival Fireworks, Bridgeport, CT [CGD01–06–029] received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4606. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Piana Cup Regatta, Biscayne Bay & Intracoastal Waterway, Miami, FL [CGD07–06–214] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4607. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: 17th Annual Music and Arts Festival Fireworks, Miller Place, NY [CGD01–07–134] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4608. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Boca Raton Holiday Boat Parade, Intracoastal Waterway, Broward County, FL [CGD07–06–226] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4609. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blynman Canal Bridge over the Blynman Canal, Gloucester, Massachusetts [CGD01–07–126] (RIN: 1625–AA09) received October 15 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4610. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Vero Beach Evening Christmas Boat Parade, Intracoastal Waterway and Indian River, Vero Beach, FL [CGD07–06–242] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4611. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Patchogue Grand Prix, Patchogue Bay, Patchogue, NY [CGD01–07–108] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4612. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Martin County Christmas Boat Parade, North and South Forks of the St Lucie River, Stuart, FL [CGD07–06–243] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4613. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Susan Mackenzie Fireworks, Westhampton, NY [CGD01–07–099] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4614. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; St Lucie County Christmas Boat Parade, Intracoastal Waterway and Taylor Creek, Fort Pierce, Florida [CGD07–06–259] (RIN: 1625–AA08) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4615. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fire Island Pride Fireworks, Great South Bay, Cherry Grove, NY [CGS01–07–098] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4616. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Illinois Waterway, Joliet, Illinois [CGD08–07–008] (RIN: 1625–AA09) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4617. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Portland Harbor, Maine, Peaks to Portland Swim [CGD01–07–097] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4618. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Illinois Waterway, Joliet, Illinois [CGD08–07–018] (RIN: 1625–AA09) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4619. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Cumberland River, Clarksville, TN [Docket No.: CGD08–07–027] (RIN: 1625–AA11) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4620. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; International Docks, Toledo, OH Maumee River [CGD09–06–007] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4621. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fairfield Aerial Fireworks, Jennings Beach, CT [CGD01–07–094] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4622. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live–Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07–149] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4623. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live–Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07–150] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4624. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Charles River One Mile Swim — Boston, Massachusetts [CGD01–07–085] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4625. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 07–151] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4626. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Asharoken Fireworks, Asharoken, NY [CGD01–07–084] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4627. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Salisbury Beach State Reservation Ordinance Detonation, Salisbury, MA [CGD01–07–039] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4628. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Florida [COTP Sector St. Petersburg, FL. 07–152] (RIN: 1625–AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4629. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Florida [COTP Sector St. Petersburg, FL. 07–153] (RIN: 1625–AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4630. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas, Anchorage Grounds, Safety Zones; Security Zones; Tall Ships Rhode Island 2007, Narragansett Bay, Rhode Island [CGD01–07–013] (RIN: 1625–AA87, 1625–AA00, 1625–AA01, 1625–AA08, 1625–AA11) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4631. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Freedom Swim, Peace River, FL [COTP Sector St. Petersburg, FL 07–154] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4632. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hookers Point Dredge Removal, Tampa Bay, FL [COTP St. Petersburg 07–156] (RIN: 1625–A00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4633. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Coast Guard Live Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07–158] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4634. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Alaska, Narrow Cape, Kodiak Island, AK [COTP Western Alaska–07–001] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4635. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP St. Petersburg 07–183] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4636. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP St. Petersburg 07–177] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4637. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Albert Whitted Air Show; Tampa Bay, FL [COTP Sector St. Petersburg 07–175] (RIN: 1625–AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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:

[Filed on November 7 (legislative day of November 6), 2009]

Ms. SLAUGHTER: Committee on Rules. House Resolution 903. Resolution providing for consideration of the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes, and providing for consideration of the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians (Rept. 111–330).

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 Mr. YARMUTH (for himself, Mr. POLIS, and Mr. GEORGE MILLER of California):

H.R. 4037. A bill to establish a comprehensive literacy program, and for other purposes; to the Committee on Education and Labor.

By Mr. CAMP (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. MCCOTTER, Mr. CARTER, Mr. SESSIONS, Mr. MCCARTHY of California, Mr. BLUNT, Mr. KLINE of Minnesota, Mr. BARTON of Texas, Mr. DREIER, Mr. HERGER, Mr. TIBERI, Mr. DAVIS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. BOUSTANY, Mr. SCALISE, Mr. BRADY of Texas, Mr. REICHERT, Mr. ROSKAM, Mr. LINDER, Mr. STEARNS, and Mr. BUYER):

H.R. 4038. A bill to take meaningful steps to lower health care costs and increase access to health insurance coverage without raising taxes, cutting Medicare benefits for seniors, adding to the national deficit, intervening in the doctor-patient relationship, or instituting a government takeover of health care; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and 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. DENT (for himself, Mr. LEE of New York, and Mr. TIBERI):

H.R. 4039. A bill to improve the medical justice system by encouraging the prompt and fair resolution of disputes, enhancing the quality of care, ensuring patient access to health care services, fostering alternatives to litigation, and combating defensive medicine, and for other purposes; to the Committee on Energy and Commerce, 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. FARR:

H.R. 4040. A bill to redesignate the Monterey Ranger District of Los Padres National Forest in the State of California as the Big Sur Management Unit, to transfer certain Bureau of Land Management land for inclusion in the management unit, to adjust the boundaries of the Ventana and Silver Peak Wilderness Areas, to designate segments of Arroyo Seco River, Big Creek, Carmel River, San Antonio River, San Carpoforo Creek, and their tributaries as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. BARROW:

H.R. 4041. A bill to authorize certain improvements in the Federal Recovery Coordinator Program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KLEIN of Florida (for himself, Mr. CLAY, Mr. RODRIGUEZ, Mr. WELCH, Mr. SIRES, Mr. PETERS, Mr. BRALEY of Iowa, Mr. SCHAUER, Mr. BOCCIERI, Mr. HODES, Mr. SHULER, Mr. ALTMIRE, Ms. BEAN, Mr. SPACE, Mr. BOREN, Ms. SCHWARTZ, Mr. MAFFEI, Mr. ADLER of New Jersey, Mr. BARROW, Mr. COURTNEY, Mrs. DAHLKEMPER, Mr. DELAHUNT, Mr. HALL of New York, Mr. BISHOP of New York, Mr. MILLER of Florida, Mr. ROONEY, Mr. JONES, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. MANZULLO, Mr. GINGREY of Georgia, Mr. ELLSWORTH, Mr. MCCARTHY of California, Mr. DENT, Mr. BROUN of Georgia, Mrs. MCMORRIS RODGERS, and Mr. MCGOVERN):

H.R. 4042. A bill to amend the Internal Revenue Code of 1986 to extend the employer wage credit for employees who are active duty; to the Committee on Ways and Means.

By Ms. SHEA-PORTER (for herself and Mr. JONES):

H.R. 4043. A bill to amend title 10, United States Code, to recognize the spouses of members of the Armed Forces who are serving in combat or have served in combat through the presentation of an official lapel button; to the Committee on Armed Services.

By Ms. BERKLEY (for herself, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. HALL of New York, Mr. MICHAUD, Mr. COURTNEY, Mr. NYE, Mr. HARE, Mr. TEAGUE, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mr. ELLSWORTH, Mr. MOORE of Kansas, Mr. CROWLEY, Mr. ENGEL, Mr. SPACE, Mr. GRAYSON, Mr. WU, Mr. DRIEHAUS, Ms. TITUS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. SERRANO, Mr. ADLER of New Jersey, Mr. SCHAUER, Mr. MURPHY of New York, Ms. LORETTA SANCHEZ of California, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. HIGGINS,

Mr. MCNERNEY, Mr. CARDOZA, Mrs. KIRKPATRICK of Arizona, Ms. KILPATRICK of Michigan, and Mr. SARBANES):

H.R. 4044. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to restore plot allowance eligibility for veterans of any war and to restore the headstone or marker allowance for eligible persons; to the Committee on Veterans' Affairs.

By Ms. BERKLEY (for herself, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. HALL of New York, Mr. MICHAUD, Mr. NYE, Mr. HARE, Mr. TEAGUE, Mr. SNYDER, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mr. ELLSWORTH, Mr. MOORE of Kansas, Mr. CROWLEY, Mr. ENGEL, Mr. SPACE, Mr. GRAYSON, Mr. WU, Mr. DRIEHAUS, Ms. TITUS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. SERRANO, Mr. ADLER of New Jersey, Mr. SCHAUER, Mr. MURPHY of New York, Ms. LORETTA SANCHEZ of California, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. HIGGINS, Mr. MCNERNEY, Mr. CARDOZA, Mrs. MALONEY, Mrs. KIRKPATRICK of Arizona, Ms. KILPATRICK of Michigan, and Mr. SARBANES):

H.R. 4045. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. BERKLEY (for herself, Mr. WEINER, Mrs. MYRICK, and Ms. ROS-LEHTINEN):

H.R. 4046. A bill to enhance the reporting requirements on the status of the Arab League trade boycott of Israel and other trade boycotts of Israel; to the Committee on Ways and Means.

By Mr. CAO (for himself, Mr. SCALISE, Mr. ALEXANDER, Mr. CASSIDY, Mr. SESSIONS, Mr. MICA, and Mr. BOUSTANY):

H.R. 4047. A bill to use historical averages to calculate the Federal Medical Assistance Percentage for disaster affected States for purposes of the Medicaid Program; to the Committee on Energy and Commerce.

By Mrs. CAPITO (for herself, Ms. SCHAKOWSKY, Mr. MASSA, Mr. THORNBERRY, Mr. RODRIGUEZ, Mr. SESSIONS, and Ms. NORTON):

H.R. 4048. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program on the provision of traumatic brain injury care in rural areas; to the Committee on Veterans' Affairs.

By Mrs. CAPITO:

H.R. 4049. A bill to extend temporarily the duty suspension on 2-(Methoxycarbonyl)benzylsulfonamide; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 4050. A bill to extend temporarily the duty suspension on Diaminodecane; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 4051. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes; to the Committee on Armed Services.

By Mr. KIND (for himself, Mr. CARNAHAN, Mr. DAVIS of Alabama, Mr. HERGER, Mr. MELANCON, Mr. PAUL, and Mr. TANNER):

H.R. 4052. A bill to amend the Internal Revenue Code of 1986 to make certain disaster relief provisions permanent; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself and Mr. PASCRELL):

H.R. 4053. A bill to establish the Office of Childhood Overweight and Obesity Prevention and Treatment within the Office of Public Health and Science of the Department of Health and Human Services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, 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. SARBANES (for himself, Mr. COURTNEY, Mr. LOEBSACK, Mr. CUMMINGS, Mr. MCGOVERN, Mr. PETERSON, Ms. KILPATRICK of Michigan, Ms. LINDA T. SÁNCHEZ of California, Mr. PLATTS, Mr. MCINTYRE, Mr. KRATOVIL, Mr. BISHOP of New York, Mr. RUPPERSBERGER, Mr. NYE, Ms. BERKLEY, Mr. COHEN, Mr. SCHIFF, Mr. YOUNG of Florida, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. BLUMENAUER, Ms. BORDALLO, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. FRANK of Massachusetts, Mr. RAHALL, Mr. KAGEN, Ms. SHEA-PORTER, Mr. MCCOTTER, Mr. WALZ, Mr. WILSON of Ohio, Mr. GEORGE MILLER of California, Mr. ARCURI, Mr. GORDON of Tennessee, Mr. HASTINGS of Washington, Mrs. CHRISTENSEN, Mr. SHULER, Mr. GRIJALVA, Mr. KIND, Mr. MCNERNEY, Mr. VAN HOLLEN, Mr. ELLISON, Mr. HALL of New York, Mr. BARTLETT, Mr. SCOTT of Virginia, Mr. PASCRELL, Mr. WELCH, Mr. PERLMUTTER, Mr. CARSON of Indiana, Mr. WEINER, and Mr. YARMUTH):

H.R. 4054. A bill to amend titles II and XVI of the Social Security Act to provide for treatment of disability rated and certified as total by the Secretary of Veterans Affairs as disability for purposes of such titles; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself and Mr. POE of Texas):

H.R. 4055. A bill to authorize a national HOPE Program to reduce drug use, crime, and the costs of incarceration; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 4056. A bill to amend the Internal Revenue Code of 1986 to allow small businesses a credit against income tax for increasing employment; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 4057. A bill to amend the Wool Suit and Textile Trade Extension Act of 2004 to provide for certain payments from the Wool Apparel Manufacturers Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Washington:

H.R. 4058. A bill to amend title 10, United States Code, to establish the Veterans to Work program providing for the employment of individuals, especially veterans, who participate in apprenticeship programs on designated military construction projects, and for other purposes; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 4059. A bill to enhance Internet safety and security and to prevent exploitation of children online through the use of technology; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. HELLER):

H.R. 4060. A bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 to repeal a provision of that Act relating to geothermal energy receipts; to the Committee on Natural Resources.

By Mr. EDWARDS of Texas:

H. Con. Res. 210. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. GEORGE MILLER of California (for himself, Ms. LEE of California, Mr. MCNERNEY, Mr. STARK, and Mr. GARAMENDI):

H. Con. Res. 211. Concurrent resolution recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes; to the Committee on Natural Resources.

By Mr. CARTER (for himself and Mr. EDWARDS of Texas):

H. Res. 895. A resolution honoring the lives of the brave soldiers and civilians of the United States Army who died or were wounded in the tragic attack of November 5, 2009 at Fort Hood, Texas; to the Committee on Armed Services.

By Mrs. DAVIS of California (for herself, Mr. BRADY of Pennsylvania, and Ms. CASTOR of Florida):

H. Res. 896. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 1299, with an amendment; considered and agreed to.

By Mr. GUTHRIE:

H. Res. 897. A resolution recognizing the importance of teaching elementary and secondary school students about the sacrifices that veterans have made throughout the history of the Nation; to the Committee on Education and Labor.

By Mr. KING of New York (for himself, Mr. CROWLEY, Mr. MANZULLO, Mr. WOLF, Mr. ROHRABACHER, and Mr. PITTS):

H. Res. 898. A resolution expressing the sense of Congress regarding the immediate and unconditional release of Aung San Suu Kyi, a meaningful tripartite political dialogue toward national reconciliation, and the full restoration of democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and internationally recognized human rights for all Burmese citizens; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and 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 Ms. SHEA-PORTER (for herself and Mr. HODES):

H. Res. 899. A resolution honoring the members of the New Hampshire National Guard for their service to the State of New Hampshire and the contributions of the New Hampshire National Guard to the domestic and international missions of the Armed Forces through the patriotic service of its members and its innovative programs and dedication to military families; to the Committee on Armed Services.

By Mr. ISRAEL:

H. Res. 900. A resolution supporting the goals and ideals of a Cold War Veterans Recognition Day to honor the sacrifices and contributions made by members of the Armed Forces during the Cold War and encouraging the people of the United States to participate in local and national activities honoring the sacrifices and contributions of those individuals; to the Committee on Armed Services.

By Ms. MOORE of Wisconsin (for herself, Mr. KIND, Ms. BALDWIN, Mr. CAO, and Mr. MELANCON):

H. Res. 901. A resolution recognizing November 14, 2009, as the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana; to the Committee on Education and Labor, and in addition to the

Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H. Res. 902. A resolution expressing support for the designation of January 28, 2010, as National Data Privacy Day; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mrs. LUMMIS, Mr. CHILDERS, Mr. HELLER, Ms. KOSMAS, Ms. PINGREE of Maine, Mr. FLAKE, Mr. CASTLE, Mr. EDWARDS of Texas, Mr. GRAYSON, Mr. GRAVES, Mr. GRIFFITH, Mr. BUCHANAN, Mr. PASTOR of Arizona, Ms. WATSON, and Mr. CLEAVER.

H.R. 108: Mr. RODRIGUEZ.

H.R. 147: Mr. SERRANO, Mr. BOUCHER, and Mr. CAO.

H.R. 235: Mr. MILLER of Florida.

H.R. 391: Mr. CHAFFETZ.

H.R. 500: Ms. KILPATRICK of Michigan.

H.R. 622: Mr. BUTTERFIELD.

H.R. 669: Ms. KILPATRICK of Michigan.

H.R. 745: Mr. FATTAH.

H.R. 789: Ms. BORDALLO.

H.R. 881: Mr. GUTHRIE and Mr. LUETKEMEYER.

H.R. 930: Mr. HOLDEN.

H.R. 932: Mr. QUIGLEY, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 980: Mr. DINGELL, Mr. GORDON of Tennessee, and Mr. BRADY of Pennsylvania.

H.R. 1020: Mr. LEWIS of Georgia, Ms. WATERS, and Ms. RICHARDSON.

H.R. 1024: Mr. GRAYSON.

H.R. 1067: Mr. CHILDERS.

H.R. 1074: Mr. GRIFFITH.

H.R. 1086: Mr. CRENSHAW.

H.R. 1126: Mrs. NAPOLITANO.

H.R. 1175: Mr. SHULER.

H.R. 1203: Mr. MURPHY of Connecticut.

H.R. 1205: Mr. TOWNS and Mr. MEEKS of New York.

H.R. 1396: Mr. SMITH of Texas.

H.R. 1478: Mr. THOMPSON of California.

H.R. 1479: Mr. LYNCH.

H.R. 1521: Mr. CHILDERS and Mr. HARPER.

H.R. 1526: Mr. COURTNEY, Mrs. MALONEY, and Mr. FRANK of Massachusetts.

H.R. 1584: Mrs. CHRISTENSEN.

H.R. 1625: Mr. BACHUS.

H.R. 1677: Mrs. CAPITO.

H.R. 1766: Mr. JOHNSON of Georgia and Mr. QUIGLEY.

H.R. 1799: Ms. FALLIN.

H.R. 1835: Mr. ROONEY, Mr. TIAHRT, and Mr. BISHOP of Utah.

H.R. 1874: Ms. KAPTUR.

H.R. 1908: Mr. POLIS of Colorado.

H.R. 1924: Ms. RICHARDSON.

H.R. 1925: Mr. TONKO.

H.R. 1974: Mr. BOREN and Mr. DINGELL.

H.R. 1995: Mr. CONYERS.

H.R. 2000: Mr. VISCLOSKY.

H.R. 2139: Mr. DAVIS of Illinois and Ms. HARMAN.

H.R. 2246: Mr. NEAL of Massachusetts.

H.R. 2377: Mr. FILNER.

H.R. 2378: Mr. MOLLOHAN.

H.R. 2414: Mr. POLIS of Colorado.

H.R. 2452: Mr. ROYCE, Mr. PAYNE, and Mr. LAMBORN.

H.R. 2480: Ms. SUTTON.

H.R. 2492: Mr. YARMUTH.

H.R. 2517: Mr. PIERLUISI.

H.R. 2519: Mr. DOGGETT.

H.R. 2520: Mr. BRADY of Texas.

H.R. 2531: Mr. LUJÁN, Mr. BERMAN, Mr. MORAN of Virginia, Mr. SALAZAR, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. MARKEY of Massachusetts, and Mrs. LOWEY.

H.R. 2542: Ms. CASTOR of Florida, Mr. HERGER, Mr. MCCOTTER, and Mr. RYAN of Wisconsin.

H.R. 2562: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2567: Mr. GRAYSON.

H.R. 2573: Mr. THOMPSON of California.

H.R. 2625: Mr. ADLER of New Jersey, Mr. CONNOLLY of Virginia, Ms. LEE of California, and Mr. COURTNEY.

H.R. 2628: Mr. CARNAHAN.

H.R. 2642: Ms. ROS-LEHTINEN.

H.R. 2674: Mr. MCCOTTER.

H.R. 2733: Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Ms. BERKLEY, Mr. KING of Iowa, Mr. PETERS, Mr. BOOZMAN, Mr. TIBERI, and Mrs. MYRICK.

H.R. 2788: Mr. AL GREEN of Texas, Mr. CAO, Mr. DELAHUNT, Mr. PUTNAM, Ms. MARKEY of Colorado, Mr. FILNER, Mr. CAMPBELL, Mr. WITTMAN, Ms. FUDGE, Mr. HALL of New York, Mr. DAVIS of Tennessee, Mr. LANCE, Mr. DUNCAN, Mr. JOHNSON of Georgia, Mr. GALLEGLY, Ms. NORTON, and Mr. CARNAHAN.

H.R. 2842: Mr. GALLEGLY.

H.R. 2866: Mr. WILSON of South Carolina.

H.R. 2906: Ms. NORTON and Mr. RYAN of Ohio.

H.R. 2909: Ms. LEE of California.

H.R. 3012: Mr. SERRANO.

H.R. 3025: Mr. COHEN.

H.R. 3035: Mr. FATTAH.

H.R. 3116: Mr. TIM MURPHY of Pennsylvania.

H.R. 3126: Ms. CHU.

H.R. 3217: Mr. WITTMAN, Mr. HENSARLING, and Mr. CRENSHAW.

H.R. 3218: Mr. GOODLATTE and Mr. WITTMAN.

H.R. 3226: Mr. HALL of Texas.

H.R. 3227: Mr. MARSHALL.

H.R. 3240: Mr. TIERNEY and Mr. SHUSTER.

H.R. 3286: Mr. ROTHMAN of New Jersey.

H.R. 3312: Mr. BLUMENAUER.

H.R. 3321: Mr. BOYD and Mr. GRAYSON.

H.R. 3328: Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Ms. BALDWIN, and Mr. FATTAH.

H.R. 3339: Mr. SIMPSON and Mr. COSTA.

H.R. 3367: Mr. BOREN.

H.R. 3408: Mr. STARK and Ms. SCHAKOWSKY.

H.R. 3427: Mr. LIPINSKI.

H.R. 3488: Mr. POLIS of Colorado.

H.R. 3502: Mr. BACHUS.

H.R. 3503: Mr. GUTIERREZ.

H.R. 3519: Mr. SCHAUER and Mr. YOUNG of Florida.

H.R. 3554: Mr. COHEN.

H.R. 3560: Mr. GRAYSON.

H.R. 3567: Mr. BAIRD.

H.R. 3609: Mr. KIND.

H.R. 3610: Mr. TURNER.

H.R. 3612: Mrs. BLACKBURN, Mr. SIMPSON, and Mr. COBLE.

H.R. 3613: Mr. TURNER.

H.R. 3641: Mr. COSTA, Mr. CUELLAR, and Ms. BERKLEY.

H.R. 3646: Ms. ESHOO.

H.R. 3650: Mr. YOUNG of Florida.

H.R. 3668: Ms. MCCOLLUM, Mr. GENE GREEN of Texas, Mrs. BONO MACK, Ms. SCHAKOWSKY, and Mrs. CAPPS.

H.R. 3709: Mr. DEFAZIO.

H.R. 3715: Mr. QUIGLEY.

H.R. 3731: Mr. PRICE of North Carolina and Mrs. HALVORSON.

H.R. 3737: Mr. HINOJOSA and Mr. WELCH.

H.R. 3758: Mr. PAUL and Mr. LOBIONDO.

H.R. 3766: Mr. HOLT and Mr. GUTIERREZ.

H.R. 3790: Mr. WILSON of South Carolina, Mr. ROTHMAN of New Jersey, and Mr. GRAYSON.

H.R. 3791: Mr. LATOURETTE, Mr. OLVER, Mr. FILNER, Mr. KRATOVIL, Mr. LARSON of Connecticut, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. HEINRICH, Mr. HODES, Mr. CASTLE, Mr. BRADY of Pennsylvania, Mr. VAN HOLLEN, Mr. INSLEE, Mr. SCHIFF, Mr. LOBIONDO, Mr. MARIO DIAZ-BALART of Florida, and Mr. CAO.

H.R. 3821: Mr. CRENSHAW.

H.R. 3837: Mr. AL GREEN of Texas, Mr. LANGEVIN, and Mr. WELCH.

H.R. 3904: Ms. NORTON.

H.R. 3905: Mr. BOSWELL.

H.R. 3916: Mr. DENT.

H.R. 3922: Mr. NADLER of New York.

H.R. 3933: Ms. DELAURO, Mr. CROWLEY, and Mr. WELCH.

H.R. 3936: Mr. CROWLEY, Mr. KIND, Mr. DAVIS of Alabama, Ms. BEAN, Mr. MCCOTTER, and Mr. LATOURETTE.

H.R. 3940: Mrs. CHRISTENSEN.

H.R. 3942: Ms. ROS-LEHTINEN and Mrs. CHRISTENSEN.

H.R. 3943: Mr. SCHIFF, Mr. KLEIN of Florida, Mr. LEE of New York, and Mr. COHEN.

H.R. 3947: Mr. SHUSTER.

H.R. 4000: Ms. NORTON.

H.R. 4004: Mr. COHEN, Mr. DAVIS of Illinois, and Mr. PAYNE.

H.R. 4021: Mr. TEAGUE and Mr. CARNAHAN.

H.R. 4022: Mr. MELANCON, Mr. BONNER, and Mr. SCALISE.

H.R. 4034: Mr. MCINTYRE, Mr. LARSON of Connecticut, and Mr. INGLIS.

H.J. Res. 47: Mr. RAHALL.

H. Con. Res. 169: Mr. WAMP, Mr. CAO, and Mr. JONES.

H. Con. Res. 197: Mr. FORBES and Mr. SCOTT of Virginia.

H. Con. Res. 199: Ms. CHU and Mr. HASTINGS of Florida.

H. Res. 35: Mr. ORTIZ, Mrs. NAPOLITANO, Mr. BACA, Mr. CUELLAR, Ms. DEGETTE, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. SIRES, Ms. KAPTUR, Mr. SPACE, Mr. GUTIERREZ, Mr. LUJÁN, Mr. REYES, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. GRIJALVA, Mr. ENGEL, Mr. DAVIS of Tennessee, Mr. ETHERIDGE, Ms. LEE of California, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. BRALEY of Iowa, Mr. HODES, Mr. YARMUTH, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. THOMPSON of California, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. TITUS, Mr. WELCH, Mr. OWENS, Mr. HARE, Ms. SUTTON, Mr. COURTNEY, Mr. FATTAH, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. HOLT, Ms. CASTOR of Florida, Mr. AL GREEN of Texas, Mr. BARTON of Texas, and Mr. TERRY.

H. Res. 263: Mr. YOUNG of Florida, Mr. SMITH of New Jersey, Mr. MORAN of Kansas, and Mr. MCCLINTOCK.

H. Res. 664: Mr. RUSH, Mr. RAHALL, Mr. MOLLOHAN, Mr. LARSON of Connecticut, Mr. BOSWELL, Mr. COSTA, Ms. LORETTA SANCHEZ of California, Ms. DEGETTE, Mr. ELLISON, Mrs. NAPOLITANO, Mr. CLEAVER, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. LANGEVIN, Ms. JACKSON-LEE of Texas, Mr. GRAYSON, Mr. SCOTT of Georgia, Mr. CUELLAR, Mr. MCHENRY, Mr. DAVIS of Illinois, Ms. CLARKE, Mr. STARK, Mr. GRIJALVA, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Mr. JOHNSON of Georgia, Mr. CONYERS, Mr. PAYNE, Mr. MEEKS of New York, Mr. TOWNS, Ms. WATERS, Mr. HASTINGS of Florida, Mr. CLYBURN, Mrs. HALVORSON, Mr. KANJORSKI, Mr. MURTHA, Mr. JACKSON of Illinois, Ms. FUDGE, Mr. BURGESS, and Mr. INSLEE.

H. Res. 699: Ms. BORDALLO.

H. Res. 716: Ms. BALDWIN.

H. Res. 777: Ms. BERKLEY.

H. Res. 870: Mr. NUNES, Mr. JOHNSON of Illinois, Mr. KINGSTON, Mr. LEE of New York, Mr. SHUSTER, Mr. BOUSTANY, Mrs. EMERSON, Mr. DENT, Mr. DANIEL E. LUNGREN of California, and Mr. SCALISE.

H. Res. 874: Mr. SOUDER.

H. Res. 877: Ms. SPEIER.

H. Res. 882: Ms. WATSON.

H. Res. 888: Mr. SHULER, Mr. WOLF, and Mr. MANZULLO.

H. Res. 890: Ms. ROS-LEHTINEN.

H. Res. 892: Mr. TANNER, Ms. SCHWARTZ, Mr. MCGOVERN, Mr. ENGEL, Mr. SHIMKUS, Mr. WOLF, Mr. CARNAHAN, Mrs. EMERSON, Mr. MCMAHON, Mr. SIRES, Mr. KLEIN of Florida, Mr. CROWLEY, Mr. HASTINGS of Florida, Mr. HOLDEN, Mr. GALLEGLY, Mr. SHUSTER, Mr. COBLE, Ms. SCHAKOWSKY, and Mr. BURTON of Indiana.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. RANGEL

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 3961, the Medicare Physician Payment Reform Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. WAXMAN

The provisions that warranted a referral to the Committee on Energy and Commerce in H.R. 3961, the Medicare Physician Payment Reform Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative STUPAK, or a designee, to H.R. 3962, the Affordable Health Care for America Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.