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House of Representatives

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

PRAYER

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

Lord God of history and present in our day, help this Congress to move forward in hope. Each new day in this land of freedom is an opportunity for Your people to venture forth, alone or connected to others, into the vast horizon of the future.

Relying on Your hope, give to Your people vision in place of confusion, and confirmation of noble ideas and good judgment. Help the representatives of Your people to work for the common good, with discerning eyes, contemplative listening, and reasoned decisions.

May they lead this Nation to be people of faith by being attentive to Your commands, to become Your instrument and accomplish Your holy will, both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

ANNOUNCEMENT BY THE SPEAKER

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

EXTEND UNEMPLOYMENT BENEFITS

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

Ms. PINGREE of Maine. Madam Speaker, if this Congress does not act on unemployment benefits today, we risk gambling away those critical benefits for millions of men and women across the country. This couldn't come at a worse time.

Just weeks before Christmas, with winter settling in, thousands of people in my State of Maine will see their benefits run out. Although our economy has shown some signs of improving, far, far too many people are still unable to find a job.

Not only are unemployment benefits an essential part of the safety net, they are critical to keeping the local economy moving. When an unemployed Mainer gets a benefit check, he or she turns around and spends that money in the local community, at the supermarket or the gas station or the hardware store. In fact, every $1 of unemployment benefits generates $2 in local economic activity, according to the Department of Labor.

Madam Speaker, for the sake of out-of-work Americans and businesses across this country, I urge my colleagues in the House to come together and extend unemployment benefits so we can keep our economy moving.

LEADERSHIP ELECTIONS

(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, on November 2nd, the American people amplified their voices to command a new way forward. They were tired of lawmakers strangling them with Big Government regulations instead of creating much-needed jobs, and they were tired of excessive borrowing and spending.

Yesterday, the Republican Conference listened to the concerns of Americans and selected leaders who will transform the way business is done in Washington. I believe our team, led by JOHN BOEHNER and ERIC CANTOR, will curb spending, create jobs, and promote opportunities to keep money in the pockets of hardworking taxpayers.

I was particularly thrilled with the election of South Carolina's Tim Scott—from my birthplace of Charleston—to the leadership team. Congressman-elect Scott's business background and proven record of bringing jobs to South Carolina is a great addition to the new Republican leadership. I look forward to working with him to promote limited government and expanded freedom.

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

EXTEND UNEMPLOYMENT BENEFITS

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

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Mr. HIMES. Madam Speaker, today this House will take up the question of whether we should extend the temporary unemployment insurance programs currently in place. If this House chooses not to do that, 2 million Americans will go into the holidays wondering not whether they will just have a holiday meal, but whether they will have a meal at all.

But let's set aside what is probably the most important thing that each and every one of us should think about, which is those people and how the holidays will look for them. Let's talk history for a second.

The fact is that the Congress of the United States has never cut unemployment insurance benefits when unemployment was anywhere near where it is today. In fact, following the 2001 recession, the Republican-controlled Congress maintained temporary unemployment insurance until the unemployment rate fell below 6 percent, well below where we are today.

Let's do something else. Let's talk economics. Every Member of this House knows that the most important thing we can do right now is to help this economy recover: Jobs.

Financial institutions that look at this stuff tell us that if we allow unemployment insurance to go away, it will have a profoundly negative effect on the economy; a number of banks estimate half a percentage point of GDP. We must renew unemployment benefits.

MAKE IT IN AMERICA

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

Mr. CARNAHAN. Madam Speaker, today I rise in strong support of American manufacturing. The Make It In America agenda creates jobs in America, reversing the flow of jobs overseas, and rebuilding the manufacturing base in America, providing good jobs for hardworking Americans.

Back home in St. Louis, I had the chance to visit with Lunar Tool, a small business in my district. They shared with me their concerns about the future of manufacturing and that with the right incentives and a level playing field, they can compete with anyone, anywhere. That is what we were sent here to do, to help rebuild our economy, including American manufacturing.

I have and will remain committed to working with my colleagues on both sides of the aisle to give small business and manufacturing the resources they need to rebuild this economy and put Americans back to work.

According to the Alliance for American Manufacturing, every manufacturing job supports four additional jobs in other industries. Now is not the time to stall. We must tap American innovation, that spirit that helped make this country great, to get Americans back to work and make things in America.

EXTEND UNEMPLOYMENT BENEFITS

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

Ms. BERKLEY. Six months ago, I said the three most important issues in this country are jobs, jobs, jobs, and I said it 6 months before that. I say it now. But while we are working to restore our economy and put people back to work, we must extend unemployment benefits to the millions of Americans, our fellow citizens, who, through no fault of their own, find themselves unemployed.

In my congressional district of Las Vegas in the State of Nevada, we have been particularly hard hit. People, through no fault of their own, they're not spoiled, they're not lazy, they've worked every day of their lives. They've got no job because the economy is so bad. These are the people, our fellow citizens, our next-door neighbors, our family members that we need to help by extending unemployment benefits.

If we do not do this today, 27,000 Nevada families will have no way to put food on their families' tables. Their children will do without. They will not be able to pay their rent or put food on the table.

We have an obligation to our fellow citizens that we must help them until we get this economy back where it needs to be.

EXTEND UNEMPLOYMENT BENEFITS

(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, I rise today to highlight the need to immediately extend unemployment benefits and to make permanent the middle class tax cuts.

To the 14,600 Marylanders and 2 million Americans across the country who are facing the loss of their unemployment benefits, this Member of Congress and Members on this side of the aisle understand who you are and understand what you're facing.

I've stood in an unemployment line. I wasn't lazy, I wasn't not looking for a job, but I needed unemployment benefits. I've stood in a food pantry, and it's humiliating, the entire experience. And so the idea that we are going to allow Americans, hardworking American families who have earned their benefits, to go home at Thanksgiving and not know whether they're going to put a turkey on the table to feed their families, we should be ashamed if we allow that to happen.

I know that I am committed, my colleagues are committed, to make sure that the American public understands that you need your unemployment benefits and that you want to work, and that you have worked before and that you want to work again.

And so I would say to all of those out there who would choose to not allow Americans to put food on their tables to ask themselves who we are as a country.

□ 1010

MAKE IT IN AMERICA

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

Ms. WATSON. Madam Speaker, as we continue to work our way out of the recession with the help of economic incentives that create jobs and lay the foundation for long-term growth, one of the most important tools is the Make It In America program.

Make It In America creates jobs in America, will help reverse the flow of jobs overseas, and will help rebuild the manufacturing base in America, providing good paying jobs for hardworking Americans. It will also help America lead the world economy in the years ahead.

By creating a national manufacturing strategy, we will ensure a new prosperity by promoting American competitiveness and innovation. We are looking to building a strong 21st century clean-energy economy that will make Americans more secure.

Let's make it in America.

LARGE TAX INCREASES

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

Ms. FOXX. Madam Speaker, politicians like to talk about cutting deficits. President Obama and his fellow Democrats seem to think tax increases are the only way to lower the deficit. Earlier this year, the President released a budget that called for $1.8 trillion in tax increases.

In fact, since President Obama took office, Democrats have raised taxes by over $670 billion and have used nearly all of it to increase the size of government, not reduce the size of deficits. During the same 22 months, the Federal Government has spent $6.1 trillion.

But now Democrats are about to hand the American taxpayers the largest tax increase in our Nation's history. And House Republicans are determined to stop it. Congress should permanently extend the tax relief for all taxpayers.

Higher taxes are not the way to lower deficits. Washington must cut spending.

RECOGNIZING THE RETIREMENT OF ALONZO R. PENA

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

Mr. CUELLAR. Madam Speaker, I rise today to recognize the retirement of Alonzo R. Pena, Deputy Director of U.S. Immigration and Customs Enforcement, which is the ICE, in the U.S. Department of Homeland Security. He has worked to make our communities safe through law enforcement for over two decades.

Mr. Pena is a native of Falfurrias, Texas, where he began his career as a Texas State trooper. In 1984, he entered the Federal service as part of the ATF in California. After several years, he returned back to Texas and worked his way up to Assistant Director for the Smuggling Division. Mr. Pena also served as the ICE Special Agent-in-Charge in San Antonio, Houston, and Phoenix.

He played a key role in the creation of the ICE's Border Enforcement Security Task Force (BEST) initiative, which developed a comprehensive approach to combat cross-border crime and which started there in my hometown of Laredo.

Deputy Director Pena has led efforts to foster increased counternarcotics and law enforcement cooperation with Mexico as the State Department's senior diplomat to the Government of Mexico at the U.S. Embassy in Mexico City.

As the current Deputy Director of ICE, Mr. Pena has assisted intelligence-driven investigations through the assistance of and relationships with Federal, State, local, and international partners.

Madam Speaker, I am honored to recognize the unique dedication, commitment, and leadership of ICE Deputy Director Alonzo Pena, and his family.

THANKSGIVING WISHES

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, I have a series of Thanksgiving wishes, wishes that many in this country will provide the opportunity to extend unemployment benefits, but because of the stalling and the delay of those opposition kings and queens, we may not extend unemployment benefits so that many of the vulnerable in this country will have an opportunity to be thankful and to sit with their families and be able to celebrate.

These are hardworking Americans who have given their best to this country. How dare we not provide an extension of unemployment benefits? We must do it now.

I heard this morning someone indicate, what are we doing for small businesses? I don't know why our information does not translate to all of you hardworking small businesses. But we have given you in this Congress with this Democratic majority 16 tax cuts that you will be able to utilize and $30 billion right now in the banks of America for you to access credit because we believe in you. You are the job creator.

Then my wishes for the City Wide Clubs in Houston, Texas, to be able to feed the 25,000 that are needing to be fed in Houston this Thanksgiving. They need help and they need to have resources.

REPUBLICANS ARE HOLDING THE MIDDLE CLASS HOSTAGE

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

Mr. INSLEE. Madam Speaker, I urge our Republican colleagues to join us in doing the right thing for working families in this difficult time on unemployment. I've heard them say, well, we just can't afford this. Well, that's a little interesting to me when they say we can afford to blow a $700 billion hole in the Federal deficit by giving away tax cuts to millionaires.

We Democrats stand for working middle class folks to give them middle class tax relief but not grow the Federal deficit another $700 billion.

Now what is going on here is a hostage-taking situation, because the Republicans are holding the middle class hostage by not allowing 100 percent of Americans to have tax relief just so their friends who might be hedge fund managers or otherwise can get additional tax relief on top of it. Well, here is what we should say: Americans do not negotiate with hostage-takers.

We ought to have the right economic policy. And I'll tell you what: We are not going to allow the trickle-down economics of George Bush to be foisted on America anymore.

THE ORIGIN OF THE DEFICIT

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

Mr. COHEN. Madam Speaker, I think as we look at this lame duck session at the end of the 111th Congress, how we got where we are with the deficit, which was such a big issue—in 1994, Congress and President Clinton passed a bill to balance the budget, all Democrats. The result of it was the Democrats suffered a great election defeat in 1994. The Republicans took over with Newt Gingrich and had the House for the next 12 years. But we balanced the budget with a budget surplus by the year 2000.

Then President Bush came in office, and he gave these tax cuts away to a trillion-dollar war in Iraq, a war in Afghanistan, and passed Medicare part D, the largest extension of Federal benefits ever, tremendous deficit, increasing much more so than any health care bill passed since or the one that we passed, and we got this tremendous deficit.

Now the Republicans talk about earmarks. Earmarks have nothing to do with the deficit at all. It has to do with tough decisions to increase revenues or cut spending; $700 billion cuts to the richest isn't the way to do it. You've got to look at the Fed and other areas and be brave.

□ 1020

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1722, TELEWORK ENHANCEMENT ACT OF 2010, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1721 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1721

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1722) to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Oversight and Government Reform or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. It shall be in order at any time through the legislative day of November 19, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

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

Mr. ARCURI. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ARCURI. I also ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1721.

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

There was no objection.

Mr. ARCURI. Madam Speaker, H. Res. 1721 provides for consideration of the Senate amendment to H.R. 1722, the Telework Improvements Act of 2010. The rule makes in order a motion offered by the chair of the Committee on Oversight and Government Reform or his designee that the House concur in the Senate amendment to H.R. 1722.

The rule provides 1 hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment shall be considered as read. Finally, the rule allows the Speaker to entertain motions to suspend the rules through the legislative day of November 19, 2010. The Speaker or her designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

This is the third time this year that the House has debated and considered this bill. Each of the previous two times, a majority of the Members voted for the bill.

I have often heard my colleagues on the other side of the aisle speak eloquently of how much more efficient the private sector is and about the need for government to take more cues from business. Telecommuting could not be a better example of this. There is no reason that the Federal Government should not make full use of the perpetual advances being made in mobile technologies to ensure that our government's workforce functions as efficiently and cost-effectively as possible.

Telework policies are even more important during times of emergency. The Office of Management and Budget, OMB, has estimated that for each day the Federal Government was shut down during the mega-snowstorms that hit the Capital Region last February, we lost $71 million worth of productivity. It is important to point out that OMB also concluded that without employees at some agencies being able to telecommute, the cost of lost productivity would have been easily beyond $100 million.

The Telework Improvements Act will provide a framework to expand the current telecommuting program so that all Federal employees can take advantage of these opportunities.

□ 1030

Telecommuting also helps to reduce traffic congestion. Not only does this save gas and emissions, but it decreases rush-hour traffic for all residents of the D.C. metro area, whether they work for the Federal Government or in the private sector.

In the past, some have argued that telecommuting just allows lazy government employees to sit at home and pretend to work. That's simply not the case. This bill requires agencies to establish a telecommuting policy that authorizes employees to telecommute to the maximum amount possible only to the extent that it doesn't diminish employee performance or agency operations.

The Senate amendments to H.R. 1722 also require agencies to maintain a telework database for various research and reporting requirements, including a confidential hotline and email address to report abuses, and require agencies to submit a summary of abuse reports to the Government Accountability Office, the GAO. These measures will ensure that telecommuting workers are efficient and accountable.

I urge all Members to support the rule and the Senate amendments to H.R. 1722, and I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume, and I thank my colleague from New York for yielding me the time.

Madam Speaker, if a tree falls in the forest and there is no one there to hear it, does it still make a sound?

After their thorough drubbing on Election Day, it makes sense for the Democrats to revisit this metaphysical question. Despite the abundance of evidence and warnings from pollsters, from authorities across the political spectrum and from the American people, the liberals maintain their losses were due to miscommunication and voter ignorance, all resulting from the sour economy and nothing more.

They refuse to acknowledge the reality that voters rejected the liberals' government takeover of health care and the process that accompanied its passage. They refuse to recognize that their endless bailouts of megabanks, automobile manufacturers and unions could have possibly led to the historical election results. Stubbornly clinging to their failed prescription of bigger government and ever-increasing taxes, the liberals continue to defend the stimulus and their extravagant spending as cornerstones of their futile efforts at healing the economy.

So perhaps the question should now become: If American voters roundly reject the failed liberal agenda, will any Democrats notice? By continuing to spend hard-earned taxpayer money in an irresponsible fashion, it appears obvious that the answer is ''no.''

Republicans have been listening to the American people and warning the ruling liberal Democrats of the consequences of their Big Government overreach. However, those who think of themselves as liberal elites in Washington seem to have been the only ones in the country to have missed the writing on the wall and the message of November 2. The ruling Democrat regime ignored the clear evidence of voter discontent, and they continue their march lockstep with a liberal agenda which would embarrass many European states.

Their minions blindly followed further expanding government with nearly every bill they passed. Then, on November 2, the voters showed their feelings by removing the gavel from the grip of San Francisco liberal NANCY PELOSI. The liberals' response to an election of such historic proportions: Blame voter ignorance and the marginalized minority congressional Republicans. Voters rejected unconscionable spending and deficit increases. They rejected a government takeover of health care. They rejected the Federal ownership of any industry deemed too incompetent to fail, but they also rejected the heavy handed, autocratic rule of congressional liberals.

If we accept as truth liberal claims that unemployment is the exclusive issue of concern to all voters, one must wonder what the liberals plan to do about the stalled economy now that the voters have forced them to refocus.

The answer to reducing the unemployment rate: Pass flawed legislation that makes it easier for Federal employees to stay at home and get paid for work.

There it is, folks. The liberal Democrat elites have found the solution that has evaded them for so long. It is not to keep tax rates for small businesses from rising. It is not to look at ways to cut spending so that more capital is available to the private sector. It is not pushing for improved trade agreements that will increase exports and help restore our balance of trade. It is not to shrink the size and number of Federal regulations that are slowing job creation in the private sector.

No. Madam Speaker and ladies and gentlemen, they bring us an opportunity to reinvigorate America's strength by spending $30 million more to make it easier for Federal employees to work from home.

On September 30, 2010, the Senate passed H.R. 1722 with an amendment—adopted by unanimous consent—stripping out almost all of the provisions added to the bill by the House under a successful motion to recommit offered by Oversight and Government Reform Committee Ranking Member ISSA. The bipartisan House MTR provisions that were stripped out by the Senate are provisions which would:

require each agency to certify that the telework program will save money before authorizing any employees to telework; prohibit employees from engaging in any union or collective bargaining activities while teleworking; require employees of the executive office of the President to carbon copy their official email accounts on any official business communications that are made on personal email and social media accounts; make employees ineligible for telework if they have fraudulently applied for and received low-income home energy assistance payments for which they are ineligible or have seriously delinquent tax debts.

The removal of these provisions by the Senate will raise the cost of this legislation and will provide a teleworking benefit to individuals who clearly should not be entrusted with increased latitude and autonomy. Absent these provisions, telework becomes another perk for Federal workers whose salaries and other compensation already surpass those of their private sector counterparts.

The American people have grown tired of waiting for real solutions to

their problems. Fortunately, help is on the way. In January, this House will set a new course towards protecting individual liberties and shrinking the unending expansion of the suffocating Federal bureaucracy. I urge my colleagues to vote ''no'' on this rule and ''no'' on the underlying bill.

I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I guess, after the last election, I had naively thought that we could come back and get away from the political sniping and focus on governing, but it sounds like that is not the case, and that's unfortunate.

This was a bill that was passed in the House with strong bipartisan support. It certainly was not anything that was political but was something that was needed and necessary. Unfortunately, I think that we are going to continue to hear about politics rather than about governing.

With that, Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this bill as I appreciate his insightful comments about where we are and where we are going.

Madam Speaker, I, too, listened to what was not a debate on this bill but a continuation of the political rhetoric that the American public has enjoyed over the course of the last 3 or 4 months. Actually, I don't know that they enjoyed it, as the people I heard from back home actually got rather tired of it.

It was ironic that I heard my good friend Ms. FOXX talking about the government takeover of health care after I had just been visited by representatives of one of the largest health insurance companies in America, who was talking about their role in health care reform. They saw it as making a path towards better health care and that they'd have to do some things differently but that they were working on the implementation of it. I met with these representatives back home after the election. I met with a wide variety of people from health care, who were talking about how we move forward in this partnership that has been focused and in terms of how we improve Medicare for our seniors.

The notion that somehow this is a takeover is lost on the people who are actually in the health care arena, and the American public will find that out. We will be able to hear their suggestions going forward.

With regard to the notion of the failed stimulus, I just left a group of eight large corporate representatives, who were talking about moving forward on some of the infrastructure and energy items that were important to them. Yesterday, a dozen energy executives who thought it was important, as well as creating and saving jobs. The disconnect between the political rhetoric and what any American can verify by talking to the health care businesses that are involved will show that it's rather hollow.

□ 1040

But that is why the legislation before us got bogged down, because there were extraneous provisions in it that looked good in a sound byte but actually had little to do with the legislation. For instance, the provision that would have required denial of the ability to telecommute to people who were delinquent in their taxes was actually unenforceable. There was no way that the IRS could do what they wanted to do, and so they were willing to deny the ability of the Federal Government to be able to have the efficiencies that people back home in Oregon have with telecommunication in the private sector, rather they would continue to bog it down.

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

Mr. ARCURI. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. We in Congress can telecommute. It makes me available to be able to work 7 days a week whether I'm in Washington, D.C., or I'm in Portland. Our staff does it routinely, but they would deny the ability of Federal employees.

This is, as my friend from New York pointed out, bipartisan legislation. It's always had Republicans and Democrats supporting it. It's received strong majorities. I'm sure it will pass today. But I'm hopeful that we can focus on the business at hand, not hang up important work.

I want to make sure that any Federal employee who is delinquent in their taxes pays up. I'm happy to work with my friends on the other side of the aisle to focus specific legislation in that regard, and as a member of Ways and Means, I'm happy to work with them to do that. But for heaven's sake, let's deal with important things here, perhaps not repeat all the political talking points. Let's get down to some serious business.

Ms. FOXX. Madam Speaker, I just point out to my colleague from Oregon that telework already exists. Federal employees can do it already. What this bill does is allocate $30 million and create more bureaucracy. We're not stopping telework. We're not creating telework. We're expanding it and spending more money.

Madam Speaker, with that, I yield 3 minutes to my colleague from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Madam Speaker, I rise in opposition to the previous question and in support of this week's YouCut item, the elimination of taxpayer subsidies to National Public Radio.

National Public Radio's recent firing of longtime news analyst Juan Williams was a wake-up call for many Americans to political correctness and liberal bias at NPR. However, it's not the liberal bias that offends me so much as that American citizens are forced to subsidize it with their hard-earned tax dollars.

Long before the Juan Williams fiasco, I sponsored legislation to pull the plug on taxpayer funding for NPR. I enjoy some programs on NPR, but I have long believed that it can stand on its own.

The question is not the quality of programming on NPR. The question today is whether government programs and services that can be funded privately should be subsidized by taxpayers. As a country, we no longer have this luxury, if we ever did. With the national debt over $13 trillion, the government simply can't afford to continue funding nonessential services.

Americans voted through the popular Web site YouCut to place this proposal on the House floor for a vote today. The selection of this measure shows the American people desire to rein in unnecessary spending. My proposal would prohibit Federal dollars from going to NPR through any of the various Federal grants they now access. I myself enjoy NPR programming, but why should Americans foot the bill for this when we have to borrow about 40 cents on every Federal dollar?

NPR local radio stations directly receive congressionally appropriated funds that reached over $65 million in 2010 alone. Plus, local stations directly receive grants from other Federal sources such as the National Endowment for the Arts. NPR stations then use these taxpayer dollars on licensing fees for NPR programming, which are then funneled back to NPR headquarters here in Washington, DC. Taking this indirect funding into account, Federal funds now make up an estimated 20 percent of NPR's annual budget.

Let me be clear, this measure will not prohibit local stations from receiving any other funding. It will just prohibit them from using taxpayer money to acquire NPR programming.

Unsustainable Federal spending is a serious threat to the United States economy and to the future prosperity of the American people. Americans know this. We shouldn't wait until the 112th Congress to start solving this problem. Cutting spending begins now. We must begin the hard work of eliminating these deficits and creating jobs by making tough choices on spending today.

The American people have asked Congress to put a stop to out-of-control spending. Millions of them have voted through YouCut that prohibiting Federal funding of NPR is a good place to start. I urge my colleagues to heed the will of the American people to get Federal spending under control and vote for a sensible reduction of spending by opposing the previous question.

Mr. ARCURI. Madam Speaker, I yield 4 additional minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Thank you.

I was on my way out of the Chamber and I heard my friend from Colorado

talk about attacking out-of-control Federal spending by making sure that there's no direct or indirect ability for resources from the Federal Government to go to NPR. Madam Speaker, I find that really a sad reflection on the current state of affairs.

National public broadcasting is one of the few areas where the American public can actually get balanced information. It's not the bloviators on the right or the left. Public broadcasting, because it is not taking commercial advertising, because it has a commitment to public service and balanced information, has been the most important, unbiased source available to Americans from coast to coast.

The Federal investment in public broadcasting is relatively minor. It is 10, 15 percent, when you add everything up, but it is an important portion because it leverages vast amounts of money that otherwise would not be available.

I, like my friend from Colorado, participate. I go to the telethons. I contribute every year from my family, and I'm glad to do it. You know, but if this agenda, which is where the Republicans who took over last time were trying to go, to defund public broadcasting, is picked up even before they take control is successful, it's going to have very serious consequences. It's not going to affect Denver. It's not going to affect Portland, Oregon, or San Francisco or New York except that the quality of some of the programs will erode, frankly, because these are tough times and sponsorship from the business community is down and individuals are having to stretch to be able to contribute. These services are more important than ever, when we've got all these screaming heads on the air giving forth information that is hardly balanced and accurate.

But what will happen? Not only the erosion of quality and some of the programs for culture and education that are not going to have a commercial base will be eroded. What is going to have the biggest impact, if they have their way, will be the areas of America that don't have the population base. Rural and small town America will pay the price.

Oregon public broadcasting is one of the finest public broadcasting systems in the United States, but the most expensive persons to serve are the people in the far reaches of our State, where we put up expensive translators to be able to get the programming out there. We have programming that is designed to reach to the furthest extent of our State, and that is subsidized. If we are going to lose the modest amount of Federal subsidization, it will not only affect the quality in Denver and Portland and Charlotte, in Atlanta, in Ithaca, but it's going to make it harder for rural and small town America to be able to get this vital service.

□ 1050

You look at the costs that they bear, that will be an area that will suffer the cuts if we're not able to maintain funding. I think that's a tragedy. I think it is a tragedy to try to politicize NPR.

I'm not going to comment on the handling of the Juan Williams episode. There are others that have talked about it endlessly. The head of NPR indicated she would have handled it differently.

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

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

Mr. BLUMENAUER. When you mix NPR and FOX News and you go back and deconstruct that, they have rules of journalism that they follow, that people are supposed to follow, and Mr. Williams had trouble following those rules before.

But notwithstanding that, the point is we need to have the public in public broadcasting. The Federal minuscule dollars that are invested in that compared to the amount of money that is wasted in defense, in agriculture subsidy pales by comparison. And I think we are going to be able to work with some of the new Members of Congress to deal with things that have defied reform in the past. I am looking forward to some of what they say.

But public broadcasting is a resource, is a treasure for Americans from coast to coast. It is trusted by more Americans than any other resource in terms of the news, and it is far more than just news. It is education. It is culture. It is history. And it would be a tragedy to eat away at NPR to make it harder to serve the difficult-to-reach areas of our country.

Ms. FOXX. Madam Speaker, our colleague from Oregon has just given us another example of how out of touch our colleagues across the aisle are. If he thinks that public radio is balanced and unbiased and our taking away that funding will have serious consequences, he is obviously not in touch with the American people. Republicans are in touch with the American people. That's why we're making this proposal. I live in a rural area, and I understand that.

Again, you're blaming the victim. You're blaming the voters. Please, don't blame the voters. That's not what they're looking for.

I now would like to yield 1 minute to my colleague from Kansas (Ms. JENKINS).

Ms. JENKINS. Madam Speaker, folks back home in Kansas have been forced to tighten their belts and rein in family budgets to weather tough times, and we don't understand why Washington isn't willing to do the same. The Federal Government should have only a few foundational duties. Among those are protecting our citizens, maintaining a strong infrastructure, and upholding our rights as outlined in the Constitution. Notably missing from this list is the funding of political radio shows, particularly those that operate with a litmus test.

The Federal Government is leaking money left and right, and it's time to plug some holes. Today's YouCut proposal will save the American taxpayers over $100 million and will be proof that Congress is ready to shrink the size and scope of the Federal Government.

I urge your support. Please oppose the previous question.

Mr. ARCURI. Madam Speaker, I would like to take a moment to remind my colleagues about the true purpose of this bill, which is to make sure that the Federal Government is taking the steps necessary to increase its ability to function, even in times of national emergencies, because that is what we are here in Congress to do—to make sure that the government continues to function, especially in times of national emergencies.

The bill requires Federal agencies to implement policies and practices to allow employees to telecommute. It requires them to train their employees about how to do their work remotely so that the Federal employees can continue to do their jobs, even if they can't get to work because of a natural disaster or other emergency.

There has been some discussion about the need to police telecommuting employees, so I want to talk about some of the oversight and accountability measures that this legislation contains.

This bill requires the Office of Personnel Management to provide teleworking assistance and guidance to agencies, to maintain a telework database, and to establish various research and reporting requirements.

The bill sets up a confidential hotline and email address to report abuses and requires the OPM to report to the Government Accountability Office about any abuse reports it receives.

Finally, the Senate amendment to H.R. 1722 also requires OPM to consult with the National Archives about how to manage and preserve all records from telework, including Presidential and Vice Presidential records, something that was raised by the Republicans in their motion to recommit back in July.

So, you see that there are oversight measures built into these telework policies. This bill doesn't just say to agencies, ''Send your employees home.'' No. It directs the Federal agencies to set up policies and trainings so that their employees know how to work just as efficiently outside the office as they can at their desks in times of emergency, and those employees know that there is oversight by the agency of the work that is being done.

Those protections are included in this bill, just as they are in the telework policies used by companies in the private sector. That is why this bill makes common sense, because the Federal Government should be adopting policies like this that are commonly used in the private sector to make sure that our government functions efficiently and effectively, even during emergencies that prevent employees from coming into the office.

I continue to reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

You know, before we took our recess to be at home for the elections, every bill that was brought here was about jobs. That didn't work, obviously, because our unemployment rate is still very high. Now, are we to believe that all the bills are going to be about national security? I hope that Osama bin Laden has been put on notice: This is going to improve our national security, and he'd better watch out.

Madam Speaker, the underlying bill here spends $30 million to create additional opportunities for Federal employees to work at home. The American people are suffering because of our unemployment rate. Because of the failed policies of this Congress and this administration, the American people are learning to do more with less. Why can't Federal employees learn to do that? They are soon going to have to do that.

This is a travesty, to come here with our economy in the situation that it's in and say, We're going to appropriate $30 million more in order for Federal employees to stay at home. H.R. 1722 requires each Federal agency to create a teleworking managing officer, even though some agencies may not be big enough to warrant such a position.

So, again, the Democrats' answer to the 9.6 percent unemployment rate that has persisted for almost 2 years and the $1.3 trillion deficit is to create more Federal jobs and require that some of those Federal Government workers be allowed to work from home. Give me a break. The nearly 4 million Americans—3.811 million—who have lost their jobs since President Obama took office and over 6 million who have lost their jobs since NANCY PELOSI became Speaker in January 2007 continue to ask where are the jobs that they were promised.

The Congress is pushing this initiative to make it easier for Federal employees, who already have it much better than the rest of the country, to avoid the office. So why is this bill so popular with the ruling liberal Democrats? Perhaps it has something to do with their longstanding subservience to labor unions. According to the latest figures available on OpenSecrets.org, big labor donated $49,710,561, or 93 percent of its total campaign contributions, to Democrats and $3,444,042, or 6 percent, to Republicans in the last election cycle. Surely money like that isn't going to be wasted pushing legislation good for private sector employees.

It's true that a majority of American union members now work for the government, as 52 percent of all union members now work for the government, representing a sharp increase from the 49 percent in 2008. A full 37.4 percent of government employees belonged to unions in 2009, up 0.6 percentage points from 2008.

These changes in union membership are certainly not surprising, as unionized companies do poorly in the marketplace and lose jobs relative to their nonunion competitors. Government employees, however, face no competition as the government never goes out of business.

The recession has left union bosses looking for new membership targets, and where better to look than in government, which they see as having the deepest of all pockets and a host of sympathetic liberal Democrat politicians eager to please their political base.

□ 1100

In fact, according to the Heritage Foundation, when accounting for wages and benefits, the total average annual compensation for a private-sector worker is $60,078, as compared to $111,015 for the average Federal worker, representing an astonishing 85 percent compensation differential.

A March 26, 2010, Wall Street Journal editorial entitled ''The Government Pay Boom'' reveals that: ''Nearly this entire benefits gap is accounted for by unionized public employees. Nonunion public employees are paid roughly what private workers receive.

''The union response is that government workers deserve all this because they're more educated and highly skilled. That may account for some of the pay differential, but not the blowout benefits. The unions also neglect one of the greatest perks of government employment: job security. Short of shooting up a Post Office, government workers rarely get fired or laid off.''

The Republican Study Committee released a policy brief recently indicating that the number of Federal employees making over $100,000 has increased by almost 15 percent since 2007. Currently, there are more people in the Federal Government making in excess of $100,000 than those making $40,000.

Since the recession began in 2007, public worker pay has risen 7.8 percent. While private-sector wages remain stagnant, the 2010 pay increase for Federal civilian employees was 2 percent. In 2009, the average Federal employee received a pay increase of 3.9 percent, and an average pay increase of 3.5 percent in 2008.

The average Federal salary, including benefits, is set to grow from $72,800 in 2008 to $75,419 in 2010.

In 2007, when the Democrats took over the Congress, the Department of Transportation had only one employee making over $170,000. At the end of last year it had 1,690 employees making that amount.

The Federal pay premium exists across all job categories, white collar, blue collar, management, professional, technical, and low skill.

Again, the public is asking, where are the jobs? Why aren't the Democrats who are in charge of the Congress doing something about private-sector jobs instead of focusing on creating more perks for Federal employees?

Madam Speaker, I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, my friend from North Carolina talks about passage of this bill being a travesty. I couldn't disagree more. The travesty would be if there were a national emergency and we were ill prepared for it because of the fact that we didn't act today, because of something that we could have done that we didn't do. That would be a travesty.

Additionally, the travesty is that she talks about this in political terms, when this is about governing. The days of the politics have to end. The days of governing need to begin. That's what this bill is about. It's about working together, in a bipartisan way, to govern, to make government run more efficiently in a time when we need it most, in a time of emergency. That is the travesty, not to act on it. Not to sit here and talk about the politics of it, but rather to talk about how, together, we can make this work so that government functions better for the people that we represent.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 4 minutes to the distinguished gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Madam Speaker, the issue is about spending. It is about stopping the rampant spending in Washington. And on November 2, Americans spoke decisively and sent an undeniable message to Washington to end wasteful spending.

In the new Republican majority next Congress, Madam Speaker, the YouCut program will be an integral part of our efforts to transform the culture of spending in Washington into one of savings. More than 2.4 million YouCut votes provide us with a clear mandate to rein in spending and make the tough choices to get America back on the right path.

This week's winning item, Madam Speaker, is a proposal developed by the gentleman from Colorado, Representative DOUG LAMBORN. This proposal would eliminate taxpayer funding for National Public Radio. When executives at NPR decided to unfairly terminate Juan Williams for expressing his opinion and to then disparage him afterwards, the bias of the organization was exposed.

To be clear, it is not the government's job to tell a news organization how to do its job. But what's equally as certain is that it should not be the taxpayer's responsibility to fund news organizations with a partisan point of view. Eliminating taxpayer funding for NPR is precisely the kind of commonsense cut that we have to begin making if we want to fundamentally alter the way business is conducted in Washington.

Over the past 2 years, Americans have become exasperated as they've watched the Federal Government grow

to an unacceptable level of spending, by spending record levels of money it simply doesn't have. In order to get America back to opportunity, responsibility, and success, Republicans and Democrats must come together and begin making tough choices. Today's YouCut vote is an opportunity for both parties to come together and to tell the people that have sent us here—message received.

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

Ms. FOXX. Madam Speaker, the evidence is in. The liberal Democrat agenda has failed. They need to go back to the drawing board and come back to the American people with real solutions to their real problems. This isn't the time to dither and blame the Republican minority for the disappointing collapse of governance we've seen since the liberal majority seized control of Congress in 2007.

I urge my colleagues to take this opportunity to force the ruling liberal Democrats to rethink their misguided proposals by rejecting this rule and underlying bill to protest the liberal agenda that continues to distract from private-sector job creation and getting the economy back on its feet.

Madam Speaker, I ask unanimous consent that the text of the amendment and extraneous material be placed in the record prior to the vote on the previous question.

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

There was no objection.

Ms. FOXX. Madam Speaker, I am going to urge my colleagues to vote ''no'' on the previous question so I can amend the rule to allow all Members of Congress the opportunity to vote to cut spending.

Republicans recently launched the YouCut initiative, which gives people an opportunity to vote for Federal spending they would like to see Congress cut. Hundreds of thousands of Americans have cast their votes, and this week they have directed their representatives in Congress to consider H.R. 5538, which is a bill that would prohibit Federal funding for the Corporation for Public Broadcasting, the parent organization of National Public Radio, after fiscal 2012.

According to the Republican Whip's YouCut Web site, National Public Radio's recent decision to terminate commentator Juan Williams' contract because of comments he expressed on another station have brought newfound attention to NPR's receipt of taxpayer funds.

NPR receives taxpayer funding in two different ways. First, they receive direct government grants from various Federal agencies, including the Corporation for Public Broadcasting, the Department of Commerce, Department of Education, and the National Endowment for the Arts. Over the past 2 years, this direct funding has totaled approximately $9 million.

But NPR also receives taxpayer funds indirectly. The Corporation for Public Broadcasting makes grants to public radio stations. While some of these grants can be used for any purpose, some can be used only to acquire and produce programming. Often this programming is purchased from NPR. Indeed, programming fees and dues paid by local public radio stations to NPR accounts for approximately 40 percent of NPR's budget, or about $65 million last year. A portion of these funds were originally Federal tax dollars provided to the Corporation for Public Broadcasting, to the local public radio stations.

NPR receives a significant amount of funding from private individuals and organizations through donations and sponsorship. For example, in 2008, NPR listed over 32 separate private donors and sponsors who provided financial support in excess of half a million dollars that year.

□ 1110

NPR officials have indicated that taxpayer funding makes up only a small portion of their overall budget. Therefore, eliminating taxpayer support should not materially affect NPR's ability to operate while at the same time saving taxpayers millions of dollars annually.

In order to provide for consideration of this commonsense legislation, I urge my colleagues to vote ''no'' on the previous question.

I yield back the balance of my time.

Mr. ARCURI. Madam Speaker, as I said in my opening, this is the third time this year that the House has debated and considered this bill. Each of the previous two times, a majority of members voted for the bill.

When the bill passed the House in July, the Republican motion to recommit was adopted on a bipartisan vote of 303–119. I know that some of my colleagues on the other side of the aisle are greatly upset that a number of the provisions that were adopted as part of the motion to recommit were removed by the Senate. I understand your frustration. The number of worthy measures that this body has sent to the Senate during this Congress is staggering. However, we must not let that frustration prevent us from sending this bill to the President, because the version of the bill in front of us today will ensure that our government continues to function efficiently and effectively—even during times of national emergency.

For this reason, I urge all members to vote ''yes,'' to avoid the politics, and get back to the governing that this Congress promised to do, vote ''yes'' on the previous question, vote ''yes'' on the rule, and vote ''yes'' on the Senate amendment to H.R. 1722.

Mrs. LOWEY. Madam Speaker, this is a blatant attempt to politically interfere with the programming decision-making of America's public radio stations.

Efforts to deny funding to public broadcasting for political reasons are a violation of America's standards of a free and independent press.

This represents a wholesale breach of local stations' ability to make local, independent decisions to meet the needs of local audiences.

Fundamentally, public broadcasting is rooted in local communities. Stations are locally licensed and governed, locally programmed and locally staffed. It is a system of local stations interconnected to enable local, regional and national program production and distribution, but committed to local service.

For more than 40 years, the federal government has provided financial support for public broadcasting—to provide essential educational, news and cultural programming that meets the local needs of American communities, large and small.

Public broadcasting is the last remaining source of independent, non-commercial, thought-provoking broadcast media in the country. In many communities, public radio is the only source of free local, national and international news and music and cultural programming. Public radio stations are located in nearly every major city and small town, delivering highly trusted, agenda-free news and information to 37 million Americans each week.

Federal funding has played an important role in assuring free and universal access to programs that inform and enrich the life of millions of Americans in every corner of the country.

Vote ''yes'' on the previous question.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 1721 OFFERED BY MS. FOXX OF NORTH CAROLINA

At the end of the resolution add the following new section:

SEC. 3. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6417) to prohibit Federal funding of certain public radio programming, to provide for the transfer of certain public radio funds to reduce the public debt, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for

further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 6417.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 239, nays 171, not voting 23, as follows:

[Roll No. 576]

YEAS—239

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

NAYS—171

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
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
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Barrett (SC)
Blackburn
Boozman
Boucher
Bright
Brown-Waite, Ginny
Clay
Clyburn
Davis (KY)
Davis (TN)
Delahunt
Edwards (TX)
Fallin
Fattah
Gallegly
Hill
Hoyer
Inglis
Kirk
Radanovich
Tiahrt
Van Hollen
Waters

□ 1144

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

Mr. COURTNEY and Ms. TSONGAS changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Ms. FOXX. Madam 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 235, noes 171, not voting 27, as follows:

[Roll No. 577]

AYES—235

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

NOES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
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
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—27

Barrett (SC)
Boozman
Boucher
Bright
Brown-Waite, Ginny
Clay
Clyburn
Coble
Davis (KY)
Davis (TN)
Delahunt
Fallin
Fattah
Gallegly
Hill
Hoyer
Inglis
Kirk
Markey (MA)
McNerney
Murphy, Patrick
Nadler (NY)
Perlmutter
Radanovich
Tiahrt
Van Hollen
Waters

□ (1152)

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TELEWORK ENHANCEMENT ACT OF 2010

Mr. LYNCH. Madam Speaker, pursuant to House Resolution 1721, I call up the bill (H.R. 1722) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telework Enhancement Act of 2010''.

SEC. 2. TELEWORK.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 63 the following:

"CHAPTER 65—TELEWORK

''Sec.
''6501. Definitions.
''6502. Executive agencies telework requirement.
''6503. Training and monitoring.
''6504. Policy and support.
''6505. Telework Managing Officer.
''6506. Reports.

"§ 6501. Definitions

''In this chapter:

''(1) EMPLOYEE.—The term 'employee' has the meaning given that term under section 2105.

''(2) EXECUTIVE AGENCY.—Except as provided in section 6506, the term 'executive agency' has the meaning given that term under section 105.

''(3) TELEWORK.—The term 'telework' or 'teleworking' refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

"§ 6502. Executive agencies telework requirement

''(a) TELEWORK ELIGIBILITY.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this chapter, the head of each executive agency shall—

''(A) establish a policy under which eligible employees of the agency may be authorized to telework;

''(B) determine the eligibility for all employees of the agency to participate in telework; and

''(C) notify all employees of the agency of their eligibility to telework.

''(2) LIMITATION.—An employee may not telework under a policy established under this section if—

''(A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

''(B) the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

''(b) PARTICIPATION.—The policy described under subsection (a) shall—

''(1) ensure that telework does not diminish employee performance or agency operations;

''(2) require a written agreement that—

''(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

''(B) is mandatory in order for any employee to participate in telework;

''(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

''(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

''(A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

''(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

''(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

''§ 6503. Training and monitoring

''(a) IN GENERAL.—The head of each executive agency shall ensure that—

''(1) an interactive telework training program is provided to—

''(A) employees eligible to participate in the telework program of the agency; and

''(B) all managers of teleworkers;

''(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 6502(b)(2);

''(3) teleworkers and nonteleworkers are treated the same for purposes of—

''(A) periodic appraisals of job performance of employees;

''(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

''(C) work requirements; or

''(D) other acts involving managerial discretion; and

''(4) when determining what constitutes diminished employee performance, the agency shall consult the performance management guidelines of the Office of Personnel Management.

''(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this chapter.

''§ 6504. Policy and support

''(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

''(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

''(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

''(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

''(3) consult with—

''(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies;

''(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care; and

''(C) the National Archives and Records Administration on policy and policy guidance for telework in the areas of efficient and effective records management and the preservation of records, including Presidential and Vice-Presidential records.

''(c) SECURITY GUIDELINES.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget, in coordination with the Department of Homeland Security and the National Institute of Standards and Technology, shall issue guidelines not later than 180 days after the date of the enactment of this chapter to ensure the adequacy of information and security protections for information and information systems used while teleworking.

''(2) CONTENTS.—Guidelines issued under this subsection shall, at a minimum, include requirements necessary to—

''(A) control access to agency information and information systems;

''(B) protect agency information (including personally identifiable information) and information systems;

''(C) limit the introduction of vulnerabilities;

''(D) protect information systems not under the control of the agency that are used for teleworking;

''(E) safeguard wireless and other telecommunications capabilities that are used for teleworking; and

''(F) prevent inappropriate use of official time or resources that violates subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch by viewing, downloading, or exchanging pornography, including child pornography.

''(d) CONTINUITY OF OPERATIONS PLANS.—

''(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency shall incorporate telework into the continuity of operations plan of that agency.

''(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

''(e) TELEWORK WEBSITE.—The Office of Personnel Management shall—

''(1) maintain a central telework website; and

''(2) include on that website related—

''(A) telework links;

''(B) announcements;

''(C) guidance developed by the Office of Personnel Management; and

''(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

''(f) POLICY GUIDANCE ON PURCHASING COMPUTER SYSTEMS.—Not later than 120 days after the date of the enactment of this chapter, the Director of the Office of Management and Budget shall issue policy guidance requiring each executive agency when purchasing computer systems, to purchase computer systems that enable and support telework, unless the head of the agency determines that there is a mission-specific reason not to do so.

''§ 6505. Telework Managing Officer

''(a) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

''(b) DUTIES.—The Telework Managing Officer shall—

''(1) be devoted to policy development and implementation related to agency telework programs;

''(2) serve as—

''(A) an advisor for agency leadership, including the Chief Human Capital Officer;

''(B) a resource for managers and employees; and

''(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

''(3) perform other duties as the applicable delegating authority may assign.

''(c) STATUS WITHIN AGENCY.—The Telework Managing Officer of an agency shall be a senior official of the agency who has direct access to the head of the agency.

''(d) RULE OF CONSTRUCTION REGARDING STATUS OF TELEWORK MANAGING OFFICER.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in an agency from serving as the Telework Managing Officer for the agency under this chapter.

''§ 6506. Reports

''(a) DEFINITION.—In this section, the term 'executive agency' shall not include the Government Accountability Office.

''(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

''(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

''(A) submit a report addressing the telework programs of each executive agency to—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

''(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

''(2) CONTENTS.—Each report submitted under this subsection shall include—

''(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and for each executive agency whose head is referred to under section 5312, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

''(i) the total number of employees in the agency;

''(ii) the number and percent of employees in the agency who are eligible to telework; and

''(iii) the number and percent of eligible employees in the agency who are teleworking—

''(I) 3 or more days per pay period;

''(II) 1 or 2 days per pay period;

''(III) once per month; and

''(IV) on an occasional, episodic, or short-term basis;

''(B) the method for gathering telework data in each agency;

''(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

''(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

''(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

''(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

''(i) emergency readiness;

''(ii) energy use;

''(iii) recruitment and retention;

''(iv) performance;

''(v) productivity; and

''(vi) employee attitudes and opinions regarding telework; and

''(G) the best practices in agency telework programs.

''(c) COMPTROLLER GENERAL REPORTS.—

''(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(ii) the Committee on Oversight and Government Reform of the House of Representatives.

''(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

''(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 6504(b)(2).

''(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

''(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

''(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

''(A) review the reports submitted under paragraph (1);

''(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

''(C) use that relevant information for other purposes related to the strategic management of human capital.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 63 the following:

65. Telework 6501

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2003.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003 (Public Law 108–7; 117 Stat. 103) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(B) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 99) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(C) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2919) is amended by striking ''designate a 'Telework Coordinator' to be'' and inserting ''designate a Telework Managing Officer to be''.

(D) APPROPRIATIONS ACT, 2006.—Section 617 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2340) is amended by striking ''maintain a 'Telework Coordinator' to be'' and inserting ''maintain a Telework Managing Officer to be''.

SEC. 3. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

''§ 5711. Authority for telework travel expenses test programs

''(a) Except as provided under subsection (f)(1), in this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Oversight and Government Reform of the House of Representatives.

''(b)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. Under an approved test program, an agency may provide an employee with the option to waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

''(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

''(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

''(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

''(c) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

''(d)(1) An agency authorized to conduct a test program under subsection (b) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

''(2) The results in a report described under paragraph (1) may include—

''(A) the number of visits an employee makes to the pre-existing duty station of that employee;

''(B) the travel expenses paid by the agency;

''(C) the travel expenses paid by the employee; or

''(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

''(e) No more than 10 test programs under this section may be conducted simultaneously.

''(f)(1) In this subsection, the term 'appropriate committee of Congress' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Oversight and Government Reform of the House of Representatives;

''(C) the Committee on the Judiciary of the Senate; and

''(D) the Committee on the Judiciary of the House of Representatives.

''(2) The Patent and Trademark Office shall conduct a test program under this section, including the provision of reports in accordance with subsection (d)(1).

''(3) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trademark Office worksite or provide an employee with the option to waive any payment authorized or required under this subchapter, if—

''(A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;

''(B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and

''(C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.

''(4)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.

''(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

''(i) provide for the effective and appropriate functioning of the program; and

''(ii) ensure that—

''(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

''(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

''(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

''(5)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

''(B) The Director of the Patent and Trademark Office shall—

''(i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and

''(ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

''(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

''(g) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2010.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of

title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

''5711. Authority for telework travel expenses test programs.''.

SEC. 4. TELEWORK RESEARCH.

(a) RESEARCH BY OPM ON TELEWORK.—The Director of the Office of Personnel Management shall—

(1) research the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal Government;

(2) review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency; and

(3) make any studies or reviews performed under this subsection available to the public.

(b) USE OF CONTRACT TO CARRY OUT RESEARCH.—The Director of the Office of Personnel Management may carry out subsection (a) under a contract entered into by the Director using competitive procedures under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(c) USE OF OTHER FEDERAL AGENCIES.—The heads of Federal agencies with relevant jurisdiction over the subject matters in subsection (a)(2) shall work cooperatively with the Director of the Office of Personnel Management to carry out that subsection, if the Director determines that coordination is necessary to fulfill obligations under that subsection.

MOTION TO CONCUR

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

The Clerk read as follows:

Mr. Lynch moves that the House concur in the Senate amendment to H.R. 1722.

The SPEAKER pro tempore. Pursuant to House Resolution 1721, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking member of the Committee on Oversight and Government Reform.

The gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. ISSA) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous material.

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

There was no objection.

Mr. LYNCH. I now yield myself such time as I may consume.

Madam Speaker, as chairman of the House subcommittee with jurisdiction over the Federal workforce, Postal Service, and District of Columbia, I rise in support of H.R. 1722, the Telework Enhancement Act of 2010. I am pleased to offer for consideration this bipartisan legislation which seeks to improve and expand the access to telework for Federal employees in the executive branch, as well as for government employees within the Government Accountability Office.

The cost-saving measure before us today was introduced by Congressman JOHN SARBANES of Maryland, along with myself and Representatives FRANK WOLF, GERRY CONNOLLY, JIM MORAN, DUTCH RUPPERSBERGER, and DANNY DAVIS back in March of 2009. This is the third time this good governance bill has been debated on the House floor.

This past July, the House considered and passed this legislation which subsequently was amended and passed by unanimous consent by our Senate counterparts in September. I would like to take a moment to thank Chairman AKAKA and Senator VOINOVICH on this legislation and to acknowledge Senator VOINOVICH's dedication to and respect for Federal employees. The Senator will be missed greatly by the Federal community.

Madam Speaker, despite the evolving nature of the way the Federal Government conducts its affairs, telework, which allows an employee to regularly perform work in a remote location, continues to be woefully underutilized by Federal agencies. Private and public sector employers that offer telework consistently experience increased productivity and retention rates, thereby lowering an employer's operating costs.

More specifically, independent research states that increased use of telework saves employers money by reducing the amount of needed office space, parking facilities, and building maintenance fees and utilities. Given that the Federal Government owns or leases over 8,600 individual buildings and spends upwards of $500 billion as a landlord annually, this legislation will translate into real-world savings in the near future.

Successful Federal telework programs such as those used by the General Services Administration and the Defense Information Systems Agency show how telework enhances an agency's customer's service offering for our citizens while at the same time achieving greater cost efficiencies and lowering taxpayer costs.

H.R. 1722 provides for increased numbers of Federal employees to participate in telework programs by requiring agencies to develop comprehensive telework policies within 1 year for authorized employees and by directing the Office of Personnel Management to develop regulations on overall telework policies and to annually evaluate and report on agency telework programs.

H.R. 1722 also seeks to elevate the importance of incorporating telework into the community of operations planning of agencies in order to ensure that they are better prepared to maintain essential operations during emergencies. I am confident all of my colleagues appreciate the need for agencies to be able to operate during a time of crisis when access to office buildings might be impossible.

A less distressing, but by no means less critical, role for the telework program is to assist agencies in carrying out their missions during difficult weather conditions. Office of Personnel Management Director John Berry estimates that the use of telework reduced the estimated cost of lost productivity during the 2009 snowstorms here in the Nation's capital by approximately $30 million per day.

□ 1200

According to the Congressional Budget Office, the legislation before us is PAYGO-neutral, meaning there is no mandatory spending in this bill. The Congressional Budget Office does, however, estimate that approximately $28 million will be needed over 5 years to implement the requirement in the bill. However, it is unlikely that any additional appropriations will be necessary because Federal agencies can reasonably implement the bill's requirements from existing budgets.

While you may hear from colleagues on the other side of the aisle that this telework is a costly and unnecessary legislative mandate, I must point out that the Congressional Budget Office estimate they are relying on looks only at the implementation costs and not at the bill's potential cost savings. A closer look at the potential benefits of increased telework will reveal that H.R. 1722 actually saves the government money down the road, which has also been the case among telework-embracing private sector companies such as IBM, which, for example, reports that it saves $56 million a year in reduced office space costs by permitting its employees to telework.

In fact, we only have to look at the Patent and Trademark Office to see such advantages within government. The Patent and Trademark Office, which has been an agency leader in telework efforts, reports that it was able to consolidate nearly 50,000 square feet of space, thereby avoiding $1.5 million in rent per year through greater use of telework. Additionally, the agency avoided securing $11 million in additional office space as a direct result of the agency's telework hoteling programs. Private-sector companies are seeing similar benefits from increased telework. We can expect many other government agencies to begin to reap the benefits of lower overhead costs because of this bill.

Telework also leads to greater worker productivity. Greater productivity in the Federal workforce provides an important benefit to the taxpayer. For example, the Patent and Trademark Office also reports that increased utilization of telework has reduced the amount of sick leave taken by its employees and increased worker retention. As we have seen, the government can benefit from this bill by lowering overhead costs and increasing worker productivity. This is a win-win for the

taxpayer. When we take a commonsense approach to our cost-savings efforts, it is easy to see that the potential to save tens of millions of dollars every year in increased productivity and lower overhead is an excellent return on an initial investment of $28 million over 5 years.

Lastly, this past summer, our committee worked in a bipartisan fashion with Mr. ISSA and with the Senate on amending this bill. While the bill before us looks somewhat different from what was previously agreed to in the House, I would like to note that the Federal employees who have been disciplined for being absent at work or for viewing, downloading, or exchanging pornography on a government computer while performing official duties will not be allowed to telework.

I urge my colleagues on both sides of the aisle to vote in favor of H.R. 1722, the Telework Improvements Act. This legislation is aimed at ensuring Federal agencies are able to operate 24/7, as the public expects a 21st century employer to act, and to do so more cheaply. A vote in favor of this bill is a vote for the future.

With that, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, in the interest of fairness to one of our Members who has been very engaged in this issue, I would like to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Speaker, I would like to thank my colleague from California for yielding.

Since the stimulus passed in February of 2009, the private sector has shed over 3.2 million jobs, and our national unemployment rate now stands at a staggering 9.5 percent. With the rest of America struggling to make ends meet, it is unconscionable that my Democratic colleagues think that we should give yet another perk to Federal employees. By requiring Federal agencies to duplicate an existing law, and allowing them to spend a fourth of their time out of the office and on a mobile work site, H.R. 1722 will cost the taxpayers another $30 million while promoting an even more inefficient Federal workforce.

Madam Speaker, this is now the third time the House will consider this legislation. When H.R. 1722 initially failed to pass under suspension of the rules in May, the Democratic majority brought it up again under a closed rule in July. It was only then that my Republican colleagues and I had the opportunity to amend this bill through a successful motion to recommit which made a number of improvements to this legislation. However, as H.R. 1722 was considered in the Senate, this motion to recommit was completely dismantled. A provision that required an agency to certify to the Office of Personnel Management that the agency's telework program will save money, rather than increasing spending, was stripped from the bill.

Furthermore, Madam Speaker, a provision that would prohibit Federal employees with seriously delinquent tax debts from teleworking was removed. A third item required employees of the Executive Office of the President to copy their official e-mail accounts on any business communications that are made on personal e-mail and social media accounts. This would ensure that Federal employees are actually working instead of socializing on official time. Unfortunately, this requirement is now gone. Finally, Madam Speaker, I am most disappointed that the provision included in the House-passed version of H.R. 1722, that would have prohibited Federal employees from engaging in union recruiting or collective bargaining activities while teleworking on official, taxpayer-funded time, has been removed by the Senate Democrats. OPM reported that in fiscal year 2008 alone, nearly 3 million official time hours were used in collective bargaining or arbitration of grievances against an employer. It equates to over $120 million of tax money spent on union activities, Madam Speaker. That's irresponsible to use these dollars for nonrelated official duties while on official time.

Madam Speaker, the motion to recommit was necessary to save precious tax dollars and ensure the integrity of the Federal workforce. How will we obtain the trust of the American people who are struggling every day in this economy if we allow Federal employees to participate in union activities while on official time, give them benefits when they're delinquent on their taxes, and increase spending in Federal agencies trying to make this flawed teleworking system work?

The SPEAKER pro tempore (Ms. DEGETTE). The time of the gentleman has expired.

Mr. ISSA. I yield the gentleman 15 additional seconds.

Mr. GINGREY of Georgia. I thank the gentleman.

Madam Speaker, in conclusion, now is not the time to increase the bureaucratic maze in Washington but to rein in the overlapping, redundant policies that have made the Federal Government so large. We must reduce spending and diligently work towards a more efficient and more effective government that can live within its means. I urge my colleagues to oppose the bill.

Mr. LYNCH. Madam Speaker, I yield 4 minutes to the gentleman from Maryland, Representative JOHN SARBANES, the lead sponsor of this measure.

Mr. SARBANES. Madam Speaker, I want to thank the gentleman for yielding. I want to thank Chairman TOWNS, Chairman LYNCH, Chairman DAVIS, who I worked with previously on this bill, cosponsors GERRY CONNOLLY, JIM MORAN, DUTCH RUPPERSBERGER, and others who have collaborated with us on bringing this bill forward. I also want to take a moment to salute FRANK WOLF, our colleague on the other side of the aisle. He has worked on this issue for two decades, and he has been a tremendous advocate for telework, and I appreciate all of his support and collaboration as we develop these ideas going forward.

I was listening to the end of that statement that was just made, calling for efficiency and effectiveness in government, ways to address the bureaucracy and so forth. I can't think of a piece of legislation that does more to meet those objectives than this does. It creates a nimbleness on the part of the Federal Government with respect to how the workforce operates. And if you look at the goals that it seeks to promote, they all make perfect sense. They are common sense. First of all, the benefits include that you can improve productivity among the workforce. All the studies show that morale goes up, productivity goes up. The U.S. Patent and Trademark Office, as it was referenced, can demonstrate huge increases in productivity among the workforce. So that is a benefit. It increases competitiveness. When the Federal Government goes into the marketplace, goes into the workplace to try to recruit good people, its ability to show that the telework opportunity is there is something that makes it more competitive in getting the best quality people to become part of our Federal Government.

When it comes to continuing operations in some kind of a crisis situation, if you have the telework capacity, you've got some recourse. The best evidence of this most recently was last year when we had the snowstorm shut down the government essentially for 3 days. But during those 3 days, those who had the ability to telework were able to continue to operate. And the estimate by John Berry, heading the Office of Personnel Management, was that it saved the Federal Government $30 million per day in terms of productivity that otherwise would have been lost. And that just gets to the cost question. Again, we've heard this objection based on the costs. The savings that will be generated when our Federal agencies adopt these telework policies will far outweigh any of the costs of implementing this program. So it's a very commonsense approach.

□ 1210

And what the bill does is very straightforward. It requires the agencies to have a telework policy in place to encourage it, to promote it, not to impose it on people who because of their particular job shouldn't be teleworking or don't want to do this, but to make sure that they have the opportunity to do it and to know that the agency encourages that kind of thing.

It appoints telework managing officers so there's a person designated within each agency who takes responsibility for this, so that they can actually help to implement it over time.

It has good evaluation components. The GAO and the Office of Personnel Management will conduct evaluations

on a periodic basis to determine the progress that this is making and come up with suggestions and recommendations going forward.

And then it also encourages, as I indicated before, that these agencies develop plans for continuing operations under difficult circumstances, taking advantage of telework.

So, for all these reasons, for the benefits that it bestows, for the objectives that it meets, for the commonsense aspect of it, I heartily urge my colleagues to support this legislation.

Mr. ISSA. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF), one of the early innovators that really brought telework to the Federal workforce.

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

Mr. WOLF. Madam Speaker, I would say, as the gentleman and I were talking, I did support the motion to recommit and I thought there were many, many good ideas in it. This bill, though, where we are today I think is a good bill for the country.

As someone who has worked on this issue for more than 18 years, I think it is good legislation. There is nothing magic about strapping yourself into a metal box and driving 50 miles and sitting at a metal desk, because that's not necessarily the way that we do things in the 21st century.

This bill saves money. It's important for Members to know that this bill saves money. This bill reduces the footprint of the government. This bill is deficit neutral and strengthens the continuation of operations plan in the event of a disaster such as a hurricane, like Katrina, or the massive snowstorm, as was previously mentioned, or in the event of an earthquake such as the Loma Prieta, the 1989 World Series earthquake, or in the event of a terrorist attack.

I was here on 9/11. The Pentagon was hit. Cell phones did not work. Nothing worked. The government was fundamentally shut down. If we had had more people teleworking, we would have had the continuity and have been better able to function, particularly during that dark day of the enemy attack.

During the February snowstorm, this bill saved money.

This legislation adopts many of the best management practices that many companies, most companies now in the private sector are using. Almost every major company in the private sector has telework. And when you say you want the government to be more like the private sector, this is the answer.

Lastly, Madam Speaker, every Member, or maybe almost every Member of this institution teleworks when they pick up their BlackBerry or their iPhone. To say that you have to be sitting at your desk office computer to be doing your work is just not accurate. That's like saying every Member is not working if they're not in their office sitting at their laptop. That doesn't make any sense.

This brings the government into the 21st century, and I urge strong support of this.

Madam Speaker, I appreciate the tireless efforts of the gentleman from Maryland, Mr. SARBANES, and was pleased to work with him to author this legislation. I also thank the gentleman from New York, Mr. TOWNS, and the gentleman from Massachusetts, Mr. LYNCH, for their work to advance this legislation, as well as our colleagues in the Senate who worked on the text of what we are considering today, including Senators AKAKA, VOINOVICH, LIEBERMAN, COLLINS, and COBURN.

This is good, bipartisan legislation, which was also strengthened in the House through the work of my colleague from Virginia, Mr. WITTMAN, and my colleague from West Virginia, Mrs. CAPITO.

My colleagues will detail why this legislation is important, that it is deficit neutral, that it strengthens our COOP, Continuation of Operations Plans, in the event of disasters such as a hurricane, like Katrina, or a massive snowstorm, like what occurred this past February, or in the event of an earthquake, such as the Loma Prieta, the World Series earthquake, or in the event of a terrorist attack. In all these instances, telework was vital in ensuring that our government continued to operate.

In their song The Boxer, Simon and Garfunkel said that "man hears what he wants to hear and disregards the rest." That, unfortunately, has been the case with this legislation.

Despite what you may hear, this is good legislation. Telework is good government policy.

This legislation is about doing more with less. Let me repeat—telework is about doing more with less. It is about adapting best practice procedures from the private sector that companies, such as IMB, use daily. It is about saving money. It is about reducing the size, the footprint, of the Federal Government. It is about forcing the Federal Government into the 21st century workplace.

During the February snowstorm, telework allowed the Federal Government to recoup the $30 million a day for each day that the government was shut down. Imagine how much would have been saved if more people were teleworking?

It was through my work with members, such as the gentleman from Maryland, Mr. HOYER, that we forced the government to recognize the benefits of telework. When I was chairman of the Science-State-Justice and Commerce Appropriations Subcommittee, I inserted the language to mandate that agencies increase telework opportunities for eligible employees.

Why? Because agencies weren't following our directives, our intent. The intent of the Congress to make the government more efficient. And this is what is happening now—telework isn't being used to its fullest extent. And maybe that's because of a lack of information, or reluctant management, or a combination of both. This legislation will not fix all the problems that exist. But it will go a long way toward improvement.

Work is something you do, not someplace you go. There is no magic to strapping yourself in a metal box and driving, sometimes up to an hour and a half to our workplaces, and sitting in front of our computers all day.

Information accessed at workplaces can just as easily be accessed from computers in our living rooms. With the American family under attack, telework provides the opportunities for parents to spend more time with their families, and everyone to enjoy things they like to do.

I urge a "yes" vote on the Telework Enhancement Act of 2010.

Mr. LYNCH. Madam Speaker, I thank the gentleman for his long time, 18 years, of leadership on this issue.

At this time, I yield 2 minutes to the gentleman from New York (Mr. TOWNS), our distinguished chairman and a champion of this cause as well for many years.

Mr. TOWNS. Madam Speaker, let me just say that I'm happy today to be here. And of course Congresswoman Wolf just indicated that he's been working on this for 18 years. And of course I think that the time is right to move this legislation forward.

As chairman of the Committee on Oversight and Government Reform, I rise in strong support of H.R. 1722, the Telework Enhancement Act of 2010.

I want to congratulate Representative SARBANES for his persistence and his hard work on the legislation. I also want to commend Representative LYNCH, the chairman of the Federal Workforce Committee, for his help in guiding this legislation through the process. I also want to thank the ranking member on the Republican side, of course, for his work as well.

H.R. 1722 will increase the Federal Government's use of telework. This will make the Federal workforce more efficient and better prepared to handle all emergencies. Telework saves the government money, reduces energy consumption, and increases worker productivity.

This bill passed the House by an overwhelming margin on July 14, 2010. The Senate amended the bill and passed it by unanimous consent on September 29, 2010. It is time for us to send this bill to the President for his signature.

The Senate changes in H.R. 1722 represent a compromise between the House-passed bill and Senate legislation introduced by Senator AKAKA. And of course I fully support this bipartisan compromise.

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

Mr. LYNCH. I yield the gentleman an additional 30 seconds.

Mr. TOWNS. The Senate amendment includes key provisions from the House bill, including language drafted by the ranking member of the Oversight Committee, Representative ISSA, and ranking member of the Federal Workforce Subcommittee, Representative CHAFFETZ. This discussion that led to the compromise we have before us today included Members from both sides of the aisle and both sides of the Capitol. This bill is the fruit of an inclusive and comprehensive process.

I strongly support this bipartisan, good government bill, and I urge all of my colleagues to vote "aye."

Mr. ISSA. Madam Speaker, I yield 3 minutes to the gentleman from Indiana

(Mr. BURTON), the former chairman of the full committee.

Mr. BURTON of Indiana. Madam Speaker, I support this bill, but I think there's something of an immediate import that needs to be discussed, so I'm going to diverge just a little bit from the subject matter.

Yesterday, Ahmed Ghailani, 36, who was involved in the killing of Americans at the embassies in Tanzania and elsewhere in Kenya that killed 224 people, including 12 Americans—the military tribunal down at Guantanamo was prepared to try him, but the administration and our Justice Department said he should be tried in civil court in New York and there would be justice meted out. He was indicted on 286 counts for murdering Americans and others at our embassies in those two countries, and he was let off on all but one count. Two hundred eighty-five counts were ruled out.

He killed Americans. He's a terrorist. He worked with Osama Bin Laden. He bought dynamite. He bought the telephone that set off the dynamite. He took the detonators to his house and stored them there. He is a murderer. He is a terrorist.

Now, right now we have American men and women serving in our embassies around the world, and this is the kind of message we're sending, that terrorists can get away with killing Americans in our embassies. It's unconscionable that this administration and the Justice Department should let this happen.

If you look back in history, this kind of an incident would have been tried in a military tribunal, and they wanted to do it. But our Justice Department and our President said no, they would get justice in the civil court. They got justice all right. But did we, the American people?

□ 1220

We've sent a message to terrorists around the world that, hey, you can kill Americans, but you'll get off pretty light if you get into an American courtroom. Isn't that tragic? It's tragic.

They're cutting off heads of people, they're blowing up embassies, they're blowing up ships. They flew a plane into the World Trade Center on 9/11. The mastermind behind that is down at Guantanamo. Are we going to try him in a civil case in New York? That's what they want to do. And if they do that, are we going to let him off? He was the mastermind behind 9/11 that killed over 3,000 people.

I would just say, if I were talking to the President—and I wish I could—I would say, ''Mr. President, this is a travesty of justice, and your Justice Department should be instructed to try these people in military tribunals.''

No more of this baloney. American lives are at stake and the security of America is at stake.

Mr. LYNCH. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY) who has been at the forefront of this debate and who has been a great advocate and champion on behalf of Federal workers.

Mr. CONNOLLY of Virginia. Madam Speaker, I thank my colleague from Massachusetts for his leadership, and particularly cite Congressman SARBANES for his leadership, and my Republican colleague from Virginia, FRANK WOLF, who laid out the merits of the case of the Telework Improvements Act.

I have spent the last 10 years here in the national capital region encouraging the public sector to follow the lead of the private sector in promoting telework.

In my district, for example, AT&T, a private employer, one-third of its workforce teleworks; not because it adds to corporate costs, but because in fact it detracts from corporate costs; not because it takes away efficiency, but in fact it improves productivity.

In the national capital region, there is almost no region in the country that lends itself better to telework because of the nature of the white-collar workforce than does this.

In the private sector, we are looking at close to 20 percent telework rates, improving productivity, improving retention and recruitment, improving the air quality of this region, and in fact contributing to the bottom line.

Unfortunately, in the public sector, we fall behind. We are only at 6 or 7 percent in the Federal workforce, and that is the largest single employer in the national capital region. And we are a nonattainment region in terms of air quality. We can and we must do better.

Telework is an important and cost-effective component of efforts to reduce congestion, greenhouse gas pollution, and smog. According to the Telework Exchange, if 20 percent of Americans teleworked, we could eliminate 67 million metric tons of greenhouse gas emissions annually, and reduce Persian Gulf oil imports by 40 percent, something many of my colleagues on the other side of the aisle I know are concerned about.

Reducing greenhouse gas emissions would lead to a reduction in ground-level ozone in our region, which is critically important to protect the health of our region's seniors and those with respiratory ailments.

Today, as I said, 6 to 7 percent of eligible Federal employees telework on a regular basis, even though the largely white collar workforce in our region is so well suited for it.

When I was the chairman of Fairfax County, we started an aggressive program to get to 20 percent of our eligible workforce teleworking by 2005. We met the goal, we exceeded the goal, we have sustained that rate ever since. I am here to tell my colleagues that it improved our efficiency, it saved taxpayer money, it improved productivity, and it gave us a tool to recruit and retain the workforce of the future.

We must remember that with the baby boom generation ready to retire, 47 percent of the entire Federal workforce will be eligible to retire this decade. We've got to have flexible tools that help us to replace those skilled workers. Telework is a great way that costs us no money that can make a big difference.

The Telework Improvements Act is an extraordinarily important piece of legislation because it will help us meet critical policy goals: savings of taxpayer money, improved federal efficiency, reduction of dependence on foreign oil, and improvement in Continuity of Operations Plans. I thank Congressman SARBANES, Congressman WOLF, Office of Personnel Management Director John Berry, and Subcommittee Chairman STEPHEN LYNCH for their leadership.

This legislation will save taxpayer money, and is PAYGO compliant. My colleagues will recall that the federal government was shut down for a week this winter due to snow. Regardless of whether future federal closures are due to snow, other natural disasters, or a potential terrorist attack, telework is an essential part of our Continuity of Operations Plans that allow the federal government to stay open despite disruptions to our transportation infrastructure. This February, the federal government saved $30 million every day by achieving a 30 percent telework rate during the snow storm. Each additional percentage point of telework achievement would have represented another million dollars saved for taxpayers. Let us not forgo that savings for taxpayers in the future.

Telework is an essential part of federal personnel policy because it can help recruit and retain federal employees, maintain continuity of operations in the event of an emergency, and reduce congestion and related air pollution. With 48 percent of the federal workforce eligible for retirement within the next 5 to 10 years, we must provide benefits that attract highly qualified employees.

Telework is an important and cost-effective component of efforts to reduce congestion, greenhouse gas pollution, and smog. According to the Telework Exchange, if 20 percent of Americans teleworked, we could eliminate 67 million metric tons of greenhouse gas emissions annually and reduce Persian Gulf oil imports by 40 percent. Reducing greenhouse gas emissions would lead to a reduction in ground level ozone in our region, which is critically important to protect the health of our region's seniors and other residents suffering from respiratory ailments or asthma.

Today, less than 10 percent of eligible federal employees telework on a regular basis, even though the largely white collar workforce in our region is well suited for telework. By contrast, Fairfax County, the largest suburb of the National Capital Region, has 20 percent of eligible employees teleworking at least 1 day per week, and other jurisdictions from this region are approaching that regional target. The Telework Improvements Act provides a vehicle to increase telework participation by designating a Telework Managing Officer from within current staff for each agency and by integrating Continuity of Operations Planning performance metrics. According to a recently completed survey from the Office of Personnel Management, at least 64 percent of federal employees are eligible to telework, yet most are not allowed to do so by their managers. The Telework Improvements Act will help

change management culture to support telework.

I urge my colleagues to support the Telework Improvements Act, which will improve the efficiency of the federal government, reduce our dependence on foreign oil, and improve our national security.

Mr. ISSA. Madam Speaker, I yield 3 minutes to the gentleman from the First District of Virginia (Mr. WITTMAN).

Mr. WITTMAN. Madam Speaker, I would like to thank the gentleman from California for yielding. I would like to thank him, also, for his leadership in this issue.

I rise today in support of the Senate amendment to H.R. 1722, the Telework Improvement Act.

This legislation will foster the use of telework by Federal agencies by ensuring that each agency has a telework policy, and that employees are informed about their eligibility to telework. This bill would ensure that those Federal employees who are eligible to telework are able to do so, with an emphasis on enhancing agency operations and productivity.

Virginia's First District is home to thousands of Federal employees, many of whom commute hours each day. Despite the fact that there are such numerous benefits to teleworking, such as reduced traffic congestion and energy consumption, cost savings, competitive hiring and retention, readiness and emergency preparedness, many Federal agencies continue to underutilize telework.

The snowstorm last winter, as we have heard referred to today, which closed the Federal Government several days is a good example of how teleworking programs can achieve cost savings. We saw during that time that 30 percent of our Federal workers actually teleworked during that snowstorm, achieving $30 million daily in reduced costs for that Federal workforce being offsite. As Representative WOLF so stated there, that, I think, is a great example of the potential savings that can be achieved through teleworking.

Under this legislation, Federal employees handling classified information, though, would not be eligible to telework. This policy effectively prevents the use of teleworking programs by employees who need access to classified information specifically in the areas of defense, homeland security, law enforcement, and intelligence.

The Director of the National Intelligence Agency's Vision 2015 states that there is a definite need for cross-organizational collaboration, cross-functional teams, and joint duty amongst the intelligence agencies, and this is going to require a much more agile infrastructure.

Vision 2015, as it is identified, suggests that the intelligence community will have to shift from the current centralized model, where employees are consolidated in a single location, to a model where a dispersed workforce can rapidly come together in a virtual environment to respond to new tasks and missions. This workforce is going to have to be flexible and is going to have to be spread out so that strategically we can meet whatever challenges this Nation may face in the future.

I look forward to working with my colleagues to further explore the potential of secure teleworking. Robust teleworking programs at Federal agencies will get cars off congested roads, enhance productivity, reduce costs, and ensure continuity of operations.

I urge my colleagues to support this bill.

Mr. LYNCH. Madam Speaker, I appreciate the gentleman from Virginia's remarks.

At this time, I would yield 2 minutes to the gentlelady from the District of Columbia, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. I want to thank Chairman LYNCH and Mr. SARBANES for this important bill which takes telework from policy to practice. What progress we have made in telework we owe largely to members of this region, but especially to Mr. WOLF.

The Telework Enhancement Act takes telework all the way from a piece of policy lying on paper to be picked up at will, or not picked up, to a real practice with savings in productivity flowing directly to the Federal Government. The bill converts telework from a passive to an affirmative policy of the Federal Government, along with all the productivity and savings that have been documented to occur. It essentially makes going to work by telework the functional equivalent of getting on the road or getting on a crowded Metro car.

Although this bill will be implemented nationwide, the two snowstorms in this region should have shocked private and public entities alike into telework. Admittedly, though, those are exceptional circumstances—9/11, natural disasters, continuity of operations—all are important, but they are far from the only reasons for this bill.

Government has spent billions of dollars in state-of-the-art technology. This technology is underutilized as long as telework itself is underutilized. Nothing is more inefficient for employees and the government alike than compelling an employee to fight some of the worst traffic congestion in the Nation to get to a Federal office. Nothing is more costly to the government than requiring every employee lockstep to come to a physical place and do the work that could be accomplished with increased productivity and output at home. Nothing is of greater benefit to the oil cartels and to the trade deficit than forcing people on the road. Nothing is more disruptive to two-parent and single-parent families alike than time spent from home, sometimes an hour or two each day in this region, which can now be converted to family life and more work accomplished right there at home.

□ 1230

This bill had a bipartisan vote in committee because there was no addition to the deficit, because management, training limits on who can qualify, and emergency measures are all in place. Going to the office to do a job that can be done in less time, more output, greater savings to the government is so 20th century. This is not 1950. It's time our government came into the 21st century to have in place a set of alternatives that provide employees a better way to get the same job done.

Mr. ISSA. Madam Speaker, could I inquire how much time each side has remaining?

The SPEAKER pro tempore. The gentleman from California has 18½ minutes remaining. The gentleman from Massachusetts has 11 minutes remaining.

Mr. ISSA. Could I further inquire as to how many additional speakers the majority has?

Mr. LYNCH. I have one additional speaker.

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

Madam Speaker, this is a bill, an underlying bill, an underlying concept that not only do I endorse and appreciate, but I knew and worked with extensively in the private sector. There's no question in the private sector telecommuting continues to grow. But there are a couple of things I would like to straighten up out here today in consideration of this bill.

First of all, Madam Speaker, every Member of Congress has a Blackberry. So do most major members of the Federal workforce. Many of us have portable devices like this iPad. The fact is there is no shortage of telecommuting tools presently at use in the Federal workforce. We are not talking about the ability to telecommute. We are talking about a new bureaucratic mandate within the Federal regime that requires each agency have a specific entity for that purpose, and we are doing so without the safeguards that my motion to recommit offered and overwhelmingly was accepted before the election.

When I say before the election, I think it's also important to note, this will be the first vote after the American people said ''no'' to government waste, fraud, and abuse; government growth, government spending. And yet the Senate, before the election, stripped out of this bill something as innocuous as each agency having to show that telecommuting additions were going to be net cost savings. In other words, with all the bravado about how this wasn't going to cost but it was going to save, what was stripped out of this was any kind of assertion, not an assertion that required an audit, but just an assertion by the agency head that their efforts were going to save money.

I was here for the snowstorm of last year, and I just want the American people who may not have been able to

be here in Washington, D.C., to understand that it was quite a snowstorm. And I appreciate the estimate of $30 million a day of savings. But I might also remind the American people that every restaurant was open and doing great business and the parks were filled with people having snowball fights. In fact, what really happened was the Federal workforce got a paid holiday while people who had to figure out how to make a buck found a way to get their people to work so they could still sell to those Federal workers who were having a holiday.

It is, in fact, more common for the Federal workforce to say, go ahead, stay at home. That probably begs the question of telecommuting. But then the question is where in this bill do we require people who are telecommuting not to get a day off because it snows since they are in their home where the snow shouldn't be affecting them?

We have a lot of safeguards not in the bill. I'm convinced today with the current majority that this bill will probably pass as it is. I intend to bring back in the next Congress additional reforms and hold oversight as appropriate to make sure that we improve that which is not being dealt with today. I expect I will have the same bipartisan support that we had throughout this process in the House. I am mostly disappointed that with an overwhelming, over 303 votes here in the House for the bill as it was, that it came back to us without things that we thought should be in it.

Madam Speaker, I don't want to be a partisan. But I do believe it's important that we consider that one of the items that was in this bill when it left the House was a prohibition on basically union work outside of the cover of office. We have collective bargaining agreements almost universally within the Federal Government. We also have regulations about these people whether they have to do other work or not. This bill lacks the safeguard so that somebody can basically take a Blackberry and a notebook, disappear forever and be almost unaccountable as to whether they ever did any of their core work while doing their union organizing and running activity. That's not in the best interest of the taxpayers. It's not what the last election was about. It's not what I had hoped to see.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I yield 3 minutes to the former chairman of the Federal Workforce Subcommittee, Mr. Danny Davis of Illinois.

Mr. DAVIS of Illinois. Madam Speaker, I want to first of all thank Chairman LYNCH for yielding time. I also want to commend Mr. SARBANES for the continuous work that he has done to bring this legislation before us today. I also want to commend Mr. WOLF because for a long time he has been the champion of this legislation, and all of us appreciate his work.

I'm pleased to be a cosponsor of this bill which provides opportunities to do a number of things. First of all, it saves money. All of us have talked about saving, trying to make sure that we are as efficient and as effective as a Federal Government, as any workforce, as we can possibly be. I don't think that there is any doubt in anyone's mind that we can save money.

It also provides an opportunity to deal with another issue, and that's the issue of the environment. How do we reduce the smog emissions? How do we help clean up and clear up the environment? Well if you could imagine, reducing not only in the Washington, D.C., area, but in other large metropolitan areas, the large number of vehicles that we have moving to and from, and especially in instances where we know the work can be done. And I think the U.S. Patent Office has proven without a doubt that you can, in fact, be effective, you can be efficient, you can do a good job, and you can get the job done.

So I commend all of those who are in support of this legislation. Again, I want to thank Chairman LYNCH for giving me time to participate.

Mr. ISSA. I yield myself the balance of my time.

Madam Speaker, I have said most of what has to be said, and I'm not going to use all of the time that the minority has. This bill, as I said, will probably pass, and it will be a shame. I would hope that all Republicans and Democrats who know this could be better and voted for it when it was better would also vote against it, not because the outcome is certain, but because we have an opportunity to say we're not going to produce a new bureaucracy without some reservation when we know it could have been better.

This is not a bill that creates the opportunity for telework. Every agency that sees this bill will look and say, darn, I've got to create a special entity that is a telework czar entity. They will know that for what it is. What it doesn't do is it doesn't give them the kind of additional new guidelines that really would keep this from being, in some cases, just a mandate for a perk, and in other cases a mandate for an agency creation within an agency.

I think that's the most dangerous part of what we do. We should never, never give the Federal Government a requirement to do something and not give them the guidance, authority, and statute necessary to make sure they do it right. We have that responsibility. The executive branch is, in fact, the administrative branch. For them to administer, we either need to give them the rules or require that they create rules that are sensible and then create oversight for it.

That's not what this bill does today. As I said, in no case will this create one new telework job. It simply will create a new bureaucracy, and it does so without any of the protections the motion to recommit, widely accepted by the House, brought before the elections.

□ 1240

Additionally, creating efficiency in government is now essential. When we reconvene in January, our problem will be $1.4 trillion worth of spending—spending greater than what the American people are willing to pay or are able to pay to fund our government. That means to us that we're going to have to find a way to have less Federal workers, Federal workers that cost less, Federal workers that need less facilities. So I will continue to support telework if it means that we're not building new Federal buildings, we're not causing the infrastructure to grow; in other words, Madam Speaker, that we're saving money.

I'm sad to say that this bill, when it is signed by the President, will do none of that. But the President knows, the Director of the Office of Management and Budget knows, the Vice President knows, the House knows, and certainly the Senate knows that we have a long way to go when we talk about private sector telecommuting to be as efficient as the private sector. We are not. What we do is in fact we use the word ''telecommute'' often to say, Well, look, we're using the gadgets. We must be doing better.

Madam Speaker, we can do better. We should do better. I understand this is an important vote to many people who feel that the Federal workforce needs a perk, a symbol that we're going to do something for them. Madam Speaker, this is not doing something for the Federal workforce unless the American people have confidence that the Federal workforce is becoming leaner, more efficient, more effective in doing what the people want done for them. In that case, Madam Speaker, I will recommend that all of my side and as many of those that will listen on the other side of the aisle vote ''no'' today as a symbol that in fact we can do better.

The guidance from the Congress should be to increase efficiency and to describe that in a way in which the Federal workforce can have confidence that we're on the same team, we're on the same side. We want them to avoid excessive commuting. We want this to be more efficient and effective. But we also want to be a Congress that provides such guidelines as necessary rather than simply a mandate for a new bureaucracy in every agency that is now going to be the telecommuting agency.

With that, Madam Speaker, I thank my colleagues on both sides of the aisle because we did work long and hard to try to get a better bill. We sent the Senate a better bill. We now, today, can only consider what has been brought before us.

I recommend a ''no'' vote and yield back the balance of my time.

Mr. LYNCH. At this time I just want to thank Mr. WOLF and Mr. WITTMAN, my colleagues across the other side of the aisle who stood and spoke in favor of this bill. Despite the highlight of our

differences, I would like to remind our colleagues that this bill was entirely acceptable to all of the Democratic and Republicans on the Oversight Committee prior to this bill reaching the floor.

H.R. 1722 received full consideration by the Federal Workforce Subcommittee that I chair. It was referred unanimously by the subcommittee to the full Oversight Committee. And during the full committee consideration, I am proud to say that Republican amendments were offered and they were accepted and the legislation was then advanced to the House without a single objection by any Republican member. And I am proud of that fact. That is bipartisanship. My friends on the other side of the aisle, good Republicans, had every opportunity to attempt to add additional provisions in the committee, where they would have received full consideration rather than the 5 minutes of hurried debate prior to the vote on the Republican motion to recommit.

But today I'm pleased that we have the opportunity to consider the excellent, comprehensive, bipartisan compromise we were able to negotiate with the Senate. And I would also like to add that all the House and Senate committee staff, majority and minority, met following Senate passage to discuss possible alternatives that would be acceptable.

This has been a bipartisan process. This is something I think we can agree on. I would not want the perfect to be the enemy of the good in this case. I think we have a good bill here. I think there's been good input from both sides of the aisle here, and it shows in the end product.

Mr. VAN HOLLEN. Madam Speaker, as a representative of a district with a large number of Federal employees, I rise in strong support of H.R. 1722, The Telework Improvements Act. I want to thank Chairmen TOWNS and LYNCH and Representative SARBANES for their leadership in crafting this important bipartisan bill.

The Telework Improvements Act makes administrative, fiscal and environmental sense. If passed, the measure will save money for the American taxpayers, make government operations more efficient, and put the Federal Government on equal footing with many private sector employers and State governments which allow their employees to perform many of their duties and responsibilities from home or at another work site.

Passing this bill will help attract more workers to government service. There is an effort under way to encourage more young people to work for the Federal Government to offset the growing number of older employees who are retiring. Offering prospective employees the option to telework increases the possibility that those employees with families will join the Federal workforce.

Passing this bill is smart fiscal policy. According to the Office of Personnel Management, during the blizzard that hit Washington, DC last winter, the government lost tens of millions of dollars worth of productivity for each day it remained closed. This number might have been far larger had some Federal workers not had the opportunity to work from home. The bill will also reduce costs for taxpayers by lowering absenteeism.

Passing this bill makes environmental sense. Increasing teleworking opportunities for employees of the country's largest employer means fewer cars on the roads and lower carbon emissions. According to the Telework Exchange, if 20 percent of Americans teleworked, we could eliminate 67 million metric tons of greenhouse gas emissions annually and reduce Persian Gulf oil imports by 40 percent.

Madam Speaker, passing The Telework Improvements Act will save money for the taxpayer, help ease pressure on the environment and make the government run more efficiently. The bill is also PAYGO compliant.

I encourage my colleagues to join me in supporting the bill and I urge its immediate passage.

Mr. LYNCH. I ask all Members to vote in favor of H.R. 1722, and I yield back the balance of my time.

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

Pursuant to clause 1(c) of rule XIX, further consideration of this motion is postponed.

PARLIAMENTARY INQUIRY

Mr. ISSA. Madam Speaker, a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ISSA. At the end of debate, isn't it appropriate to call for the vote prior to postponing for the yeas and nays? I heard no request for it. Are we postponing further debate, even though debate has concluded, rather than a House vote and then postponing a recorded vote?

The SPEAKER pro tempore. Time for debate has expired. Pursuant to clause 1(c) of rule XIX, further consideration of the motion has been postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

EMERGENCY UNEMPLOYMENT COMPENSATION CONTINUATION ACT

Mr. LEVIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6419) to amend the Supplemental Appropriations Act, 2008 to provide for the further extension of emergency unemployment benefits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6419

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 ''Emergency Unemployment Compensation Continuation Act''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''November 30, 2010'' each place it appears and inserting ''February 28, 2011'';

(B) in the heading for paragraph (2) of subsection (b), by striking ''NOVEMBER 30, 2010'' and inserting ''FEBRUARY 28, 2011''; and

(C) in subsection (b)(3), by striking ''April 30, 2011'' and inserting ''July 31, 2011''.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—

(A) by striking ''December 1, 2010'' each place it appears and inserting ''March 1, 2011'' ; and

(B) in subsection (c), by striking ''May 1, 2011'' and inserting ''August 1, 2011''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''April 30, 2011'' and inserting ''July 31, 2011''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking ''and'' at the end; and

(2) by inserting after subparagraph (F) the following:

''(G) the amendments made by section 2(a)(1) of the Emergency Unemployment Compensation Continuation Act; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205; 124 Stat. 2236).

SEC. 3. OPTION FOR STATES TO TEMPORARILY MODIFY CERTAIN "ON" AND "OFF" INDICATORS RELATING TO EXTENDED BENEFITS.

(a) INDICATORS BASED ON RATE OF INSURED UNEMPLOYMENT.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended by inserting before the last sentence the following: ''Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Emergency Unemployment Compensation Continuation Act (or, if later, the date established pursuant to State law), and ending on or before March 1, 2011, the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1)(A) had been amended by striking 'the preceding two calendar years' and inserting 'the preceding three calendar years'; except that, notwithstanding any such provision of State law, any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.''.

(b) INDICATORS BASED ON RATE OF TOTAL UNEMPLOYMENT.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Emergency Unemployment Compensation Continuation Act (or, if later, the date established pursuant to State law), and ending on or before March 1, 2011, the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1)(A)(ii) had been amended—

''(A) by striking 'either (or both)' and inserting 'any (or all)'; and

''(B) by striking 'the preceding 2 calendar years' and inserting 'the preceding 3 calendar years'.

Notwithstanding any provision of a State law described in this paragraph, any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.''.

SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 5. EMERGENCY DESIGNATIONS.

This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

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

Madam Speaker, this is called an emergency bill because it is an emergency. For millions of people, this is an emergency. Unemployment benefits are going to run out in a few days. Therefore, it is an emergency for the United States of America. And let me just indicate what is at stake here.

Through January 1 of next year, close to 2 million people will not any longer be eligible for benefits. And then, a month later, the amount almost doubles. This is an emergency.

Last night, I was in my office at 9:30 and a person called from Atlanta, Georgia, to thank me and to thank Mr. MCDERMOTT and to thank our party for bringing up this extension.

I don't know what more any of us want. I don't see how we can go home for Thanksgiving when, as a result of failure of benefits, hundreds of thousands of people may not have a turkey on their table because they can't afford it and the next week may not have the moneys they need to meet their daily needs.

This should be a bipartisan effort. This is a totally human effort. This is totally an urgent effort. These are people laid off, people who have been looking for work, people who cannot find work. For every job, at least five people are looking for employment for that job. I don't know what other evidence needs to be brought here. It can be stated very briefly and directly.

If the 2 million people who are going to lose their benefits looking for work were brought here so we could see them, would anyone vote ''no''? Would anyone vote ''no''? Do we need the 2 million here? Can we put ourselves in their homes, in their shoes, in their places with their families, with their children.

This is an emergency. This House must act.

I reserve the balance of my time.

□ 1250

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

Madam Speaker, well, as Yogi Berra said, This bill is like deja vu all over again—and not in a good way.

The bill before us today is the ninth extension of unemployment benefits since mid-2008. Benefits recently stretched up to 99 weeks, or almost 2 years, in most States. With the exception of just one bill last November, every one of those extensions was not paid for. That's a total of $135 billion added to our $14 trillion debt.

Meanwhile, our Democrat colleagues swore their policies would create jobs—but they haven't. Instead of paychecks, millions of Americans were left with only an unemployment check. In February 2009, the President signed the Democrats' trillion dollar stimulus plan. At that time, Democrats promised that the plan would create 3.7 million jobs and lower the unemployment rate to 7 percent by now. None of that happened.

Instead, over 2 million more private sector jobs were lost, and unemployment spiked to 10 percent while the debt has grown by almost $3 trillion. A total of 48 out of 50 States have lost jobs since the Democrats' stimulus bill passed. Yet here we are again—extending unemployment benefits because the Democrats' trillion dollar stimulus failed to create the millions of jobs they promised it would. Even more sadly, instead of doing this responsibly, this bill will simply add another $12 billion to our current mountain of debt.

We can do better than this. We certainly can do better than this.

Both Republicans and Democrats support helping the long-term unemployed. The chairman of the committee expressed a great deal of empathy in his opening statement. We share that empathy. Every one of our congressional offices has dealt with families dealing with this tragedy of unemployment, but Republicans and even some Democrats want to responsibly pay for these benefits. In fact, there are sufficient unspent stimulus funds to do just that, to cover the $12 billion cost of the bill before us. This is not a new Republican idea or a new idea. This is something we have discussed before, but the other side insists on bringing this forward, unpaid for.

The chairman of the Senate Finance Committee has proposed cutting stimulus to pay for certain measures. Last June, the Democrat leader himself, Mr. HOYER, admitted there was spending fatigue across the country, and ''if we have dollars not yet expended in the Recovery Act,'' they should be ''applied to'' new spending like this. That would be far better than adding to the unchecked growth in spending and debt that has already cost us an estimated 1 million jobs.

The fact is we can both provide this help and pay for it by cutting less effective stimulus spending. That's what we should be debating today, not a bill called up under special rules that permit no amendments and no chance to offer ways to pay for this. Even if this were to pass, the sad thing is that there are no plans in the Senate for a vote on this bill any time soon. So the fact of the matter is this bill is going nowhere.

The American people know it isn't right to add these costs to our already overdrawn national credit card. We all want to help those in need, but the American people also know that someone has to pay when government spends money, and it shouldn't be our children and our grandchildren. The American people sent us here to do a job. We should pay for this spending today. We can pay for this spending today, and there is no reason why we couldn't bring a bill forward with a way to do this, with a way to pay for it.

So I ask my colleagues on both sides of the aisle to reject this bill today. Instead, let's work together to quickly pass a bill to extend Federal unemployment benefits while finding a responsible way to pay for it.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself 30 seconds.

I say to the gentleman from Louisiana that the people of this country who are looking for work don't want empathy; they want the unemployment insurance that they worked for, and you're standing in the way. Don't send them empathy. Send them what they worked for.

I ask unanimous consent that the remainder of my time be controlled by the gentleman from Washington (Mr. MCDERMOTT), the author of this bill.

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

There was no objection.

Mr. McDERMOTT. Madam Speaker, may I ask what the division of minutes is at the moment?

The SPEAKER pro tempore. The gentleman from Washington has 16½ minutes remaining. The gentleman from Louisiana has 15½ minutes remaining.

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

I rise in support of H.R. 6419, which will extend current unemployment insurance benefits through February of next year and will provide much needed help to unemployed Americans during the holiday season.

From the beginning of the unemployment insurance program 75 years ago, we have never cut off benefits for out-of-work Americans when the unemployment rates have been this high. Without this extension, temporary Federal extended benefits will shut down shortly after Thanksgiving, the 27th, denying benefits to 2 million of our fellow citizens over the holiday season. It is unthinkable to me that we can allow these benefits to lapse during the holiday season and before the economic recovery is on solid ground.

Despite the severity of the Republican economic collapse, which started under Mr. Bush, there have been 10 straight months of private sector growth under this Democratically controlled Congress and administration. Despite the huge accomplishment of digging the American economy out of the Republican economic ditch, too many Americans remain unemployed. There is still only one available job for every five unemployed Americans. To make matters worse, the press is now carrying reports that employers around the country are refusing to hire the unemployed.

They're saying to the unemployed, We want to hire somebody who has a job to come over and fill our job because we know you were laid off because you weren't a good employee, and that's why they let you go. We don't want to hire people who aren't worth anything.

That's the message that's going out in this country now to the unemployed. Many of those people are middle class people who have worked very hard, and through no fault of their own, their industries have collapsed—banking, housing—as a direct result of what the Bush administration did—or didn't do, really, which is to have regulated Wall Street.

Unfortunately, the Republicans have already made it clear that, instead of helping the middle class, one of their top priorities is to give millionaires and billionaires a huge $700 billion break. Now, the same people who are saying this should be paid for will be out on this floor sometime in the next couple of weeks, saying, We don't have to pay for a tax break. Why, that'll pump jobs into the world. All we have to do is cut taxes everywhere and give $700 billion to people who make more than $500,000 a year—that's okay—but an unemployment check for somebody to keep bread on the table and keep a mortgage paid is not okay.

We can't not fund that. This is an emergency.

People who talk like that on the floor of this House have never been unemployed or have never known anybody who has been unemployed. You would not talk that way about unemployed people if you knew them.

Now, this should give every middle class American a lot to think about with the results of this last election. This is your first chance to observe what you can expect in the next 2 years. The minority leader in the other body said, My number one priority is to prevent Barack Obama from having a second term. Not public policy. Not jobs for people. Not health care for people—but political gain.

□ 1300

And that's what this is all about. The experts agree—two out of every three people who get unemployment benefits are in the middle class. We're not talking about people who weren't trying or weren't working or weren't doing their part as Americans.

While the Republicans were bankrupting the country to help the rich with one hand, giving tax breaks all over the place, the Republicans were using the other hand to push the unemployed middle class of America out of their homes and never dealt with the foreclosure issue to prevent them from having food on their tables and to keep their children from being properly clothed.

On the campaign trail Republicans called the unemployed ''lazy.'' Boy, you haven't met an unemployed person or you would never say that a second time to them. And they said that unemployment benefits ''spoil'' out of work Americans. They get lazy and they just sit around the house and wait for their unemployment check. Those checks aren't that big in the first place, and secondly, people don't like to be unemployed in this country. People look for work, and they are looking for work and they are now being told you've been unemployed for 2 years, we're not interested in hiring you. We want somebody who's got a job over here. That was on NPR just yesterday. So it isn't made up. That's what's going on.

Some Republicans even question the constitutionality of the Unemployment Insurance Program. The health and welfare of the American people is unconstitutional, according to some people.

Fortunately, the American people don't feel the same way. A recent poll showed that 86 percent of Americans believe the unemployed really want to work. That's what the people think. That's not the political rhetoric of people running for election. That's what the people really think.

The election is over now, and Americans have said we want both parties to work together to get things done and do it by listening to the American people. Americans don't want to push American families whose breadwinners lost their jobs through no fault of their own into poverty during the holidays.

I think we should end these debates and extend benefits longer and allow benefits to be scaled back as the economy improves. The reason we've had all these votes out here is because the Senate is unable to do anything. We've tried to extend this for extended periods of time, and over in the Senate, they say, well, let's extend it for a month, let's see if we can starve them for a month, and then we'll go in. They let this program lapse for 3 months over there, and you're telling me that we're going to work together. Well, I think we ought to work together.

This is a short-term extension in an effort to see if our Republican colleagues will support any kind of help for the unemployed. I am told by the other side that there's no plan in the Senate to take up this bill. Well, they're waiting to see if we can get it out of here. If you don't help, maybe it won't get out of here, but the message to 4 million Americans will be the Republican Party doesn't care whether you have a Christmas or a way to fund your mortgage or a way to put food on the table for the first three months of the next year. I hope my Republican colleagues will join the American people in supporting this bill.

I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I just regret to say that we're hearing oversimplifications and many generalizations from the other side.

Look, this is not one of those you either pass it or you don't types of issues here. We could pay for this, and the sad thing is all I'm hearing on the other side is a great deal of cynicism. But furthermore, look, the American people have spoken about this, and they are saying we've got to get a handle on national debt if we're going to get the economy going again and create jobs because the American people want paychecks. They want good-paying jobs. They want an end to this uncertainty.

We have information from the MacArthur Foundation, a very respected organization. They released a poll showing that over 70 percent of voters in this month's election say it is very important to reduce the national debt. Overwhelmingly, voters want us to reduce the debt by cutting spending, but instead of doing this fiscally responsible thing and actually paying for this new spending, which we could very easily do, the bill before us today does exactly the opposite. It adds $12 billion to our Nation's debt in a program that's already added $135 billion to the national debt. The sad thing is, Madam Speaker, we could extend these unemployment benefits, and we could pay for them.

Look, the bill reflects I think a very cynical political maneuver by the Democratic leadership because they

know that the Senate has no plans to pass this unpaid-for bill. We've been down this path before, and in fact, the liberal Huffington Post has broken the code on really what's going on here. There was a recent headline, Jobless Benefits About to Lapse as Senate Democrats Mull Strategy. That was a headline on Tuesday. And, No Plans in Senate For a Vote on Unemployment Benefits read the headline yesterday. To quote Senator REED from Rhode Island, a Democratic leader on this legislation: ''At this point it's not been scheduled. I can't point to a specific time it will come up for a vote this week.''

The American people are tired of the cynicism. They want answers. And the sad thing is there's a simple answer on this one, unlike many of the other problems our country is facing which are more complex. We could extend unemployment benefits and we could pay for it, but our friends on the other side of the aisle currently control the House, they control the Senate, they control the White House, and they can't even get their act together to do this, especially when there are Republicans who would be willing to do this extension if it were paid for. The simple answer is ''yes'' there is a way to pay for it. It's staring us right in the face, and yet our friends across the aisle refuse to see this.

I reserve the balance of my time.

Mr. MCDERMOTT. I yield myself 30 additional seconds.

My friend on the other side clearly understands, I'm sure, the legislative process. We put a bill over to the Senate. They can make a change. If they want to pay for it, they can pay for it. They are safe, they're comfortable, because they know you're going to stop the bill or try to stop the bill. They know that the House Republicans are determined that they're not going to let this bill through here. So they say, all right, we can say we don't have any way to do anything with it. My belief is that we put a bill over there, they will pass a bill.

I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Thank you, Mr. Chairman, and I believe that the American people want to work. Those who are unemployed want a job. Those who are out of work want employment benefits. I don't think that there is any excuse that can be given. There is no reason that one can conjure up that would say to a person who's unemployed, out of work, has no food, can't pay their mortgage, can't enjoy the holidays, that there is a reason, especially since they have worked, that they can't have benefits to get them through this situation on an emergency basis.

I am amazed, I am dumbfounded, I can't believe that I'm hearing what I'm hearing, that somehow or another the Democrats, in a technical sense, are keeping individuals from getting unemployment benefits. I would hope that we could change our minds, change our position, and know that when we do this for the least of these, then we're doing the work that we ought to be doing.

Let's pass this measure. Provide benefits to the unemployed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will take this opportunity to remind all Members to address their remarks to the Chair.

Mr. BOUSTANY. Madam Speaker, I want to remind our friends on the other side that in the past when they did bring the bill up on suspension, it failed, and yet when you did on one occasion bring it up on regular order, it did pass.

We all have to work hard to listen to the will of the American people. Yesterday, Speaker PELOSI herself said, ''Our consensus is that we go out there listening to the American people. It's about jobs. It's about reducing the deficit.''

Yet today, here we are again being asked to increase the deficit by another $12 billion. That's another $160 in debt for every family of four in the United States, just for 3 months of benefits under one program, all on top of the $2.8 trillion in debt we have racked up since President Obama took office, a 44 percent increase.

□ 1310

The question, Madam Speaker, is, Is the Speaker really listening to the American people? Because what we heard earlier this month is that people want us to provide help to those in need but not add to the mountain of debt that we are currently leaving to our children and grandchildren.

The sad thing—again, I repeat—the sad thing, we could have achieved both goals today. The Congressional Budget Office has informed us there is enough unspent stimulus spending that we can cut to cover the additional spending in this bill. It's just unconscionable that the other side has not heard the American people about the concerns about unfettered debt passed on to our children and grandchildren.

Again, Mr. HOYER this past summer suggested we do just that. In June he said, ''If we have dollars not yet expended in the Recovery Act,'' that they should be ''applied to'' new spending like this. In July, 59 Democrats signed a letter saying: ''Extending critical, economic investments is no more important than paying for them. America is facing a debt crisis that is threatening to undermine our economic and national security. We can no longer afford to exacerbate the problem because the decisions about how to pay for what we spend are getting harder.''

This one is fairly easy. We have a way to pay for it, and yet the majority chose to bring this to the floor unpaid for, and without an opportunity to even offer an amendment.

So I ask our colleagues on the other side, Are you listening to the American people? Madam Speaker, are they even listening to each other? And do they agree with the Speaker that it's about debt? All we're hearing are mixed signals. If so, join us in voting down this unpaid-for bill and begin working together on a new bill, which we could do very quickly, that does right by the unemployed as well as our children and our grandchildren. That's what the American people expect of us today.

I reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, could you tell us how much time we have left?

The SPEAKER pro tempore. The gentleman from Washington has 7 minutes remaining. The gentleman from Louisiana has 9½ minutes remaining.

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding.

Madam Speaker, the Joint Economic Committee, which I chair, released a report today that finds that if Congress fails to extend the Federal unemployment insurance benefits program, the unintended consequences could be extremely serious. Serious not just for the 2 million Americans who would see their benefits expire in December, but extremely serious for the larger economy as well.

Prematurely ending the program would drain our economy of some $80 billion in purchasing power, just as our fragile economy is beginning to recover. This would result in the loss of over 1 million jobs over the next year. Even now, there are five Americans looking for work for every job opening in the land; and more than 40 percent of those unemployed have been out of work for 27 weeks or more, including over 159,000 in New York State, with some 95,000 in my home of New York City. Choosing to vote against an extension, and thus add a million Americans to the ranks of the unemployed, cannot possibly be considered as a wise economic policy choice.

The nonpartisan Congressional Budget Office ranks the stimulative effects of unemployment benefits as one of the most effective policies to increase growth and employment that they have studied, and the President's Council of Economic Advisers estimates that every dollar spent on unemployment insurance benefits increases the gross domestic product by $1.60. Economists predict that without extended benefits, the economy will suffer, consumer spending will fall by 0.5 percent, and economic growth will be reduced by almost 0.5 percent.

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

Mr. MCDERMOTT. I yield the gentlelady an additional 30 seconds.

Mrs. MALONEY. The facts and the numbers in the new JEC report make it clear that extending this program benefits those who need our help most, benefits the larger economy, and thus benefits us all.

I urge a ''yes'' vote on this bill.

Mr. BOUSTANY. Madam Speaker, I yield myself the balance of my time.

Again I say, there was a way to pay for this. We have to be frank with the American people on this. Jobless benefits have cost so far $319 billion, and yet unemployment is still at 9.6 percent; and we've seen really nothing coming from the other side who has controlled the majority in the House, controlled the majority in the Senate, controlled the White House. We've seen nothing to help small businesses get going again to hire. We've seen nothing to promote competitiveness in the U.S. economy. Their answer is to continue to extend unemployment benefits unpaid for.

Now there's agreement. We're not disagreeing about extending the unemployment benefits at this time. We're saying, let's do it in a responsible way and pay for it.

It wasn't always this way. This is the ninth attempt to extend this program. And when Democrats passed their only paid-for unemployment insurance extender bill in November of 2009—the only one that was paid for—the Obama administration hailed that ''fiscally responsible approach to expanding unemployment benefits,'' adding that ''fiscal responsibility is central to the medium-term recovery of the economy and the creation of jobs.''

That was from the administration's statement of policy about the Democrats' one paid-for UI extension bill, which was H.R. 4548. There were 156 Republicans who supported that November 2009 bill.

By the administration's own logic, the Democrats' latest fiscally irresponsible bill, H.R. 6419, which increases the deficit by an estimated $12 billion, undermines the medium-term recovery of the economy and the creation of jobs. The sad thing, Madam Speaker, is this: we could extend unemployment benefits and pay for it. This is not a hard one. There are harder decisions coming with the debt that our country is facing and economic uncertainty. Republicans are ready to move forward and get this country going again and restore American competitiveness, but I see our friends on the other side of the aisle are up to their old ways.

I yield back the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I yield myself the balance of my time.

I have found that the other side is very adroit at finding some reason not to do anything to help the middle class. Now, there is plenty of evidence to suggest that the people in this country are not interested in cutting off food and housing and medical coverage for people who are unemployed in this country. And to use these arguments about, Oh, we're going to get the money from the stimulus money, I defy anybody on this floor at this moment to stand up and tell me where that stimulus money is and what the impact would be if you cut it because that money was allocated to various agencies, some to pay salaries for schoolteachers, some to pay salaries for policemen and firemen and local governments, some to pay the States for Medicaid.

All this money is out there. Maybe some of it hasn't yet been spent, but it's allocated. Some of it is for construction projects. I suppose, just like that Governor in New Jersey who thinks it's really politically smart to stop a public works project under the Hudson River because then he can use that money to pave potholes in New Jersey, and he puts the construction workers out of work all over the place.

□ 1320

Those infrastructure projects, you can't spend all the money on the first day. It does take a little while to build it, and you pay it out as you build it. Now, you know that. Republicans are just being deceptive. They think because it still is there in the Treasury, it can be used for something else. Well, it might have been committed for something else.

But not my Republican friends. This emergency that these 4½ million people have over here who have no benefits coming by the end of March, ''You folks understand that you shouldn't worry about this. I mean, the Speaker will explain it to you that you just have to wait until we can find where that money is in the budget.''

This is an emergency for people who have no check coming.

We would all like this thing to be all over. There isn't anybody on this floor, Republican or Democrat, who wouldn't like the mess that was created by the Bush administration to be over with. It isn't.

And the problem is, a guy in my district said, you know, JIM, I can tell you what the problem with America is, and your Republican side has a bad dose of this. He said, It's the belief in the microwave. If they have a problem, they come down to the refrigerator. They open the refrigerator, pull something out, close the refrigerator, open the microwave, throw it in, hit two buttons and wait 30 seconds and they've got lunch. They think everything can be solved like that.

It took a long time for Mr. Bush to create the mess that we are now dealing with, and it isn't going to be over in 30 seconds like the microwave dinner is.

And the fact is that you've got people who contradict you directly. The real budget—no one's going to ever accuse me of being a big budget warrior or a deficit warrior. I'm no deficit hawk. But Bob Bixby, President of the Concord Coalition, that organization dedicated to eliminating Federal budget deficits said, and I quote: ''As a deficit hawk, I wouldn't worry about extending unemployment benefits. It is not going to add to the long-term structural deficit, and it does address a serious need. I just feel like unemployment benefits wandered into the wrong street corner at the wrong time, and now they're getting mugged.''

He's absolutely right. For us to pick on the unemployment benefits as the problem for this deficit, wait till we have the debate on taxes on this floor and I hear people whining and whining around here about people making more than half a million dollars and we've got to give them a tax cut.

I urge my colleagues to vote for H.R. 6419.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of this important legislation to extend unemployment benefits through February 2011.

We must continue to help families who are struggling to make ends meet. While we are continuing to see encouraging signs of economic recovery, the unemployment rate remains too high. If we do not extend emergency unemployment benefits, approximately two million Americans—including 14,600 Marylanders—will lose those benefits by the end of February.

Many Americans remain out of work through no fault of their own. Ending emergency unemployment assistance will not only be devastating for these individuals and their families, but it will also hurt the economy as a whole by undermining consumer confidence and demand. If individuals are unable to put food on the table and keep a roof over their heads, the entire economy could slip back into recession. In fact, the nonpartisan Congressional Budget Office recently found that because unemployment benefits increase consumer demand and spending, previous extensions of unemployment insurance benefits increased both employment and job retention more than what it would have been otherwise in 2009.

The President and Congress have been working together to bring our economy back from the brink. However, there is much more work to do to create jobs and help put Americans back to work.

Madam Speaker, I urge my colleagues to support this much-needed legislation.

Ms. CORRINE BROWN of Florida. Madam Speaker, I strongly support the extension of unemployment compensation. Indeed, there is no issue more important to our Nation right now than job creation. At a time when over 11 percent of Florida residents are desperately searching for employment and struggling to survive, it is simply mind blowing that we are not extending these benefits.

Never before has America turned its back on millions of American families as they struggled to make ends meet with this high level of unemployment. Yet the same Republicans, who want to increase our deficit by extending massive tax breaks for the wealthiest Americans, were willing to leave average Americans to fend for themselves and vote against this bill.

Certainly, extending unemployment benefits is not only good for the unemployed; it is also one of the best and fastest ways to stimulate the economy. According to the Economic Policy Institute, unemployment benefits were responsible for creating more than 1 million jobs since the recession started, and adding almost 2 percent to the gross domestic product.

Mr. DAVIS of Illinois. Madam Speaker, it is with strong conviction that I urge my colleagues to support this short-term extension of

critical unemployment benefits for our citizens. As our Nation and my state continue to struggle out of this recession, this bill will provide vital assistance to almost 400,000 Illinoisans as we enter December. Failure to extend unemployment will directly affect approximately two million Americans, including 125,000 citizens from Illinois. If policymakers vote to block this critical lifeline, these 125,000 Illinoisans living in a state with a 10.8 percent unemployment rate will experience incredible hardship. Their time in unemployment has been difficult, trying to find work when the jobs are few and far between, trying to cover food, housing, and transportation for the families on an average of $290 a week, which typically replaces only half of the average family's expenses.

A government is supposed to help its people in times of need. Failure to extend these benefits would be the first time since the unemployment program's inception that Congress allowed such critical aid to lapse when unemployment remained high for extended periods of time. It is not only these families who will suffer, it is our businesses. The retail sector has been hard hit by this recession. Cutting unemployment benefits for two million people will take a tremendous toll on these businesses as well.

In addition to this short-term extension, I strongly support determining ways to help those who remain unemployed beyond the 99 weeks currently covered. Long-term unemployment is an unfortunate reality for Chicago and for my constituents. Further, we should extend the TANF Emergency funds as well. This program directly helped over 26,000 individuals and close to 5,000 employers in Illinois by creating subsidized jobs program, a much-needed boost to the economy in the midst of the worst recession in decades. This program put $9 million dollars into the pockets of hard working Illinoisans until Congress allowed it to lapse at the end of September.

Passing this bill today tells our citizens that we are working for them. For these reasons, I urge my colleagues to vote for its passage.

Ms. McCOLLUM. Madam Speaker, I rise today in strong support of extending emergency unemployment. This legislation, of which I am a proud cosponsor, is a common sense, non-controversial measure that will help American families.

The unemployment situation in our country is a national emergency. Over the past two years, millions of jobs have been lost as a result of the worst recession in 70 years, caused by Wall Street excesses and an unregulated housing market. Millions of Americans are unemployed today—but through no fault of their own. Our neighbors, our friends, and our families are the ones who agonize as the economy slowly recovers. We cannot afford to abandon the unemployed members of the American workforce, and I won't stand by silently and allow these lifelines to expire.

Unemployment benefits help millions of unemployed Americans help meet the basic needs of rent, food, and transportation while they search for jobs. Any family receiving unemployment insurance would tell you that these benefits do not provide for a luxurious lifestyle without financial worries. These same families would tell you that without these benefits, they will lose their home, lose their car, and lose the ability to feed their children. If the Federal Government does not assist these out-of-work Americans with emergency unemployment compensation, then they will fall to the next level of the social safety net, requiring public housing assistance, seeking medical care in hospital emergency room, or turning to food shelves to put dinner on the table.

We have seen the proof that these benefits significantly stimulate economic growth while making the difference in the lives of struggling Americans. Economists from both sides of the aisle agree that unemployment benefits go directly into the economy, stimulating the kind of activity that creates jobs. And we have never before let federal emergency unemployment expire while the unemployment rate is anywhere close to this high.

I challenge my Republican colleagues who say this legislation is unaffordable to come to the floor right now and tell me how they can pay to give the richest 2 percent of Americans $700 billion while holding this lifeline hostage. Every single vote against this extension is a vote to impoverish more American families. Every single vote against this legislation is a vote against economic growth. Every single vote against this bill is a vote against the middle class.

Our economy will recover. But until our economic growth is fully restored, I simply refuse to abandon America's families during their time of greatest need.

Mr. KUCINICH. Madam Speaker, I rise in strong support of H.R. 6419, the Emergency Unemployment Compensation Continuation Act.

Madam Speaker, 14.8 million Americans are unemployed. A majority of them are workers that endure historic long-term unemployment. Economist Heidi Shierholz of the Economic Policy Institute (EPI) estimated that at the current pace of job growth, it would take twenty years for the country to return to its pre-recession rate of unemployment. The American people cannot afford to wait another 20 years for the country to fully recover from the longest recession it has experienced in seventy years.

Some argue that passing unemployment benefits will add to the deficit and therefore should be opposed. Research tells us otherwise. EPI estimates that the effect of the $65 billion spent on extending benefits through 2011 is actually ''one of the most efficient things that can be done to create new jobs'' and will increase the Gross Domestic Product (GDP) by ''an estimated $104.7 billion.'' This increase in the GDP will translate into approximately a half-million jobs.

Madam Speaker, it would be a disgrace for Congress to adjourn for the Thanksgiving break without giving those who need our assistance the help they deserve. This is not a hand out. This is our responsibility.

Mr. STARK. Madam Speaker, I rise to support the extension of emergency Unemployment Insurance (UI) benefits for the millions of American workers who are unable to find work. If the incoming majority is committed to extending tax cuts to increase the wealth of millionaires, I certainly hope they are equally committed to helping Americans who have lost their jobs to stay in their homes and put food on their tables over the holidays.

UI benefits are a lifeline for millions of Americans. Allowing these benefits to expire at the end of the month would mean that two million people will lose their income, including over 450,000 in my State of California. These are people who want to work, but when there are five applicants for every new job, the odds are against them. For these individuals, the recession has most definitely not ended.

People call my office every day worried about what will happen to them when they lose their unemployment benefits. As we approach the holiday season, we should not tell these individuals that their country will no longer support them in the midst of the worst economy since the Great Depression. We have never cut off support when the unemployment rate was this high. We must not begin now. Unemployment benefits kept 3.3 million Americans out of poverty in 2009, including almost 1 million children. UI benefits created two dollars of economic activity for every dollar spent in 2009. Extending benefits protects families and stimulates the growth of our economy.

Congress has a responsibility to protect families struggling to find work. H.R. 6419 is a chance for us to fulfill that responsibility. I urge all of my colleagues to side with American workers and support this bill.

Mr. CONYERS. Madam Speaker, I rise in support of the Emergency Unemployment Compensation Continuation Act which would extend emergency unemployment compensation and other benefits through February 2011. Our government has always provided federal unemployment benefits during economic downturns until the job market has rebounded. If Congress does not act, over two million unemployed workers will lose their benefits this holiday season.

Today, unemployment levels are unacceptably high. In my home State of Michigan it is over 12 percent. In the past election, voters overwhelmingly cited the economy and job market as their highest concerns. It is highly ironic then that Republicans made electoral gains even though they have blocked multiple attempts to extend the unemployment benefits and many other job creating bills. Furthermore, Republicans oppose today's measure while providing unwavering support for permanent extension of Bush tax cuts for millionaires and billionaires. Republicans are willing to give a helping hand to the rich while ignoring the taxpaying American worker. It should be clear to everyone where the Republican Party stands and who they will be willing to fight for.

Madam Speaker, with power comes responsibility. The Republicans won the election and now they have a responsibility to govern, instead of simply saying ''no'' over and over again. We simply cannot adjourn for Thanksgiving, a holiday that symbolizes gratitude and appreciation, while turning our back to our neighbors in need. I urge my colleagues on both sides of the aisle to come together in a show of compassion for our fellow citizens during this season of giving and support today's legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 6419, 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. BOUSTANY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

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

TELEWORK ENHANCEMENT ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will resume on the motion to concur in the Senate amendment to the bill (H.R. 1722) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1721, the previous question is ordered.

The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH).

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on concurring in the Senate amendment to H.R. 1722 will be followed by 5-minute votes on suspending the rules with regard to H.R. 6419, S. 3774, H. Con. Res. 329, and H. Res. 1677.

The vote was taken by electronic device, and there were—yeas 254, nays 152, not voting 27, as follows:

[Roll No. 578]

YEAS—254

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

NAYS—152

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

NOT VOTING—27

Barrett (SC)
Bilirakis
Boozman
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Coble
Davis (KY)
Delahunt
Duncan
Fallin
Gallegly
Garamendi
Kennedy
Kirk
Linder
McMahon
Moran (KS)
Moran (VA)
Murphy, Patrick
Oberstar
Price (NC)
Radanovich
Space
Watson
Westmoreland

□ 1352

Mr. GRAVES of Missouri changed his vote from ''yea'' to ''nay.''

Mrs. CAPITO changed her vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BILIRAKIS. Madam Speaker, on rollcall No. 578, had I been present, I would have voted "no."

EMERGENCY UNEMPLOYMENT COMPENSATION CONTINUATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6419) to amend the Supplemental Appropriations Act, 2008 to provide for the further extension of emergency unemployment benefits, and for other purposes, as amended, 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 Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 258, nays 154, not voting 22, as follows:

[Roll No. 579]

YEAS—258

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez

Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—154

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (TN)
Djou
Dreier
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Poe (TX)
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Barrett (SC)
Boozman
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Coble
Davis (KY)
Delahunt
Duncan
Fallin
Gallegly
Kennedy
Kirk
Linder
Lynch
McMahon
Moran (KS)
Moran (VA)
Radanovich
Space
Terry
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1401

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MORAN of Virginia. Madam Speaker, on rollcall No. 579 I was unavoidably delayed. Had I voted, I would have voted "aye."

PERSONAL EXPLANATION

Mr. KENNEDY. Madam Speaker, I regret that I was unable to participate in a series of votes on the floor of the House of Representatives today.

Had I been present to vote on rollcall No. 578, on the motion to agree to the Senate amendment to H.R. 1722, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 579, on the motion to suspend the rules and agree to H.R. 6419, I would have voted "aye" on the question.

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, 2010.

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 2, 2010, the Honorable Tom Reed was elected Representative to Congress for the Twenty-Ninth 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, 2010.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives,
The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, November 2, 2010, for Representative in Congress from the Twenty-Ninth Congressional District of New York, show that Thomas W. Reed, II received 96,078 and that Matthew C. Zeller received 73,498 of the total number of votes cast for that office.

It would appear from these unofficial results that Thomas W. Reed, II was elected as Representative in Congress from the Twenty-Ninth Congressional District of New York.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as official results are certified to this office by all county boards in the Twenty-Ninth Congressional District in New York involved, an official Certification of Election will be prepared for transmittal as required by law.

Sincerely,

ROBERT A. BREHM.
TODD D. VALENTINE.

29th CONGRESSIONAL DISTRICT UNEXPIRED TERM

County	Matthew C. Zeller DEM	Thomas W. Reed, II REP	Thomas W. Reed, II IND	Thomas W. Reed, II CON	Matthew C. Zeller WOR	Blank	Void	Scattering	BVS Subtotal	Total
Allegany	3,287	6,274	255	564	343	0	0	0	0	10,723
Cattaraugus	6,117	9,654	619	1,276	667	0	0	0	0	18,333
Chemung	8,978	10,062	459	865	683	0	0	0	0	21,047
Schuyler	1,975	2,925	0	399	295	0	0	0	0	5,594
Steuben	9,630	12,197	496	1,149	975	0	0	0	0	24,447
Yates	2,360	2,842	137	384	232	0	0	0	0	5,955
Part of Monroe	28,127	27,114	2,097	5,367	2,143	0	0	0	0	64,848
Part of Ontario	7,219	9,154	503	1,286	467	0	0	0	0	18,629
Total	67,693	80,222	4,566	11,290	5,805	0	0	0	0	169,576
RECAP	73,498	96,078								

SWEARING IN OF THE HONORABLE TOM REED, OF NEW YORK, AS A MEMBER OF THE HOUSE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that the gentleman from New York, the Honorable TOM REED, 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 REED and the members of the New York delegation present themselves in the well.

Mr. REED 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 TOM REED TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from New York is recognized for 1 minute.

There was no objection.

Mr. KING of New York. Thank you, Madam Speaker.

I can't imagine an any more delicate moment to be sworn into Congress than when 434 Members are looking to leave, but if anyone is prepared for it, it is TOM REED.

TOM REED is well prepared to be in the House of Representatives. He was raised with 11 other children. He knows what turbulence is all about, and he is extremely, extremely well qualified. He is a former practicing attorney, a businessman, a mayor, and an absolutely dedicated man in his community. He is a good friend of all of ours and of Amo Houghton's.

He is here today with his wife, Jean, and with his children, Will and Autumn—beautiful children, a beautiful family.

Without any further adieu, I am really proud and privileged to present to you the newest Congressman from the State of New York, Mayor TOM REED.

Mr. REED. I thank you, Madam Speaker, for welcoming me to this Chamber, and thank you, Congressman KING, for introducing me to the House.

I would like to thank my wife, Jean; my children, Autumn and Will; and my family and friends. Without them, I would not be here.

I would also like to look to Heaven and hope my mother and father are proud and will guide me and us in this new endeavor.

As we begin this journey, the time for talk has come and gone. The campaigns are over, and the American people have spoken. Now is the time for service.

And though we may have our differences, let us invoke the spirit of those who stood in this very Chamber to solve the perils of our Nation's past and, through our vigorous debate, complete our work so our Nation will rise to a greatness not yet seen on the face of the Earth. Our debate should always be dynamic, and while we may disagree at times, we shall at all times conduct ourselves with humility and civility toward all.

Though we may appear on occasion to be rivals in this Chamber, I pledge to you and let us always remember and pledge to each other that we are forever countrymen, who proudly swear allegiance to our flag and will forever stand united against all enemies, foreign and domestic, so help us God.

Finally, it is with great pride that I join this institution thanks to the people of New York's 29th Congressional District. Over the last 2 years, I have heard your concerns, and I will represent you with all my heart, all my mind, and all my soul. I promise to serve you with dignity and dedication as we restore the opportunity for success that every American deserves.

Thank you, and I am so proud to call each and every one of you friends and colleagues.

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.

SOCIAL SERVICES BLOCK GRANTS

The SPEAKER pro tempore (Ms. DEGETTE). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3774) to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008, 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 Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 366, nays 40, not voting 28, as follows:

[Roll No. 580]

YEAS—366

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher

Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—40

Arcuri
Baird
Bean
Broun (GA)
Campbell
Chaffetz
Coffman (CO)
Cooper
Davis (TN)
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Graves (GA)
Harper
Herger
Hunter
Issa
Jenkins
Jordan (OH)
Kingston
Lamborn
Mack
McClintock
McHenry
Miller (FL)
Moran (VA)
Murphy (NY)
Peterson
Petri
Price (GA)
Royce
Sensenbrenner
Shadegg
Simpson
Stearns
Stutzman
Tiahrt
Westmoreland

NOT VOTING—28

Barrett (SC)
Boozman
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Coble
Davis (KY)
Delahunt
Duncan
Fallin
Gallegly
Griffith
Kirk
Linder
McMahon
Miller, Gary
Moran (KS)
Pingree (ME)
Putnam
Radanovich
Rogers (AL)
Ros-Lehtinen
Sánchez, Linda T.
Slaughter
Sutton
Terry

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1417

Messrs. ROYCE and MCHENRY changed their vote from ''yea'' to ''nay.''

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.

PERSONAL EXPLANATION

Ms. CORRINE BROWN of Florida. Madam Speaker, during debate on H.R. 1722, H.R. 6419 and S. 3774, I was unavoidably detained, and unable to make the votes. Had I been present, I would have voted the following: rollcall No. 578, "yes"; rollcall 579, "yes"; rollcall 580, "yes."

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Madam Speaker, on Thursday, November 18, 2010, I was unable to participate in all of the day's votes due to a family emergency. Had I been present I would have voted: On rollcall No. 576—"no"—on ordering the previous question—H. Res. 1722, providing for the consideration of the Senate amendment to H.R. 1722, the Telework Enforcement Act; on rollcall No. 577—"no"—on agreeing to the resolution—H. Res. 1722, providing for the consideration of the Senate amendment to H.R. 1722, the Telework Enhancement Act; on rollcall No. 578—"no"—H.R. 1722, Telework Improvements Act; On rollcall No. 579—"no"—H.R. 6419, Emergency Unemployment Compensation Continuation Act; on rollcall No. 580—"yes"—S. 3774, to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

VACATING ORDERING OF YEAS AND NAYS ON HOUSE CONCURRENT RESOLUTION 329, RECOGNIZING 35TH ANNIVERSARY OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

Mr. HASTINGS of Florida. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and adopt House Concurrent Resolution 329 to the end that the motion be considered as adopted in the form considered by the House on Tuesday, November 16, 2010.

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

There was no objection.

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

A motion to reconsider was laid on the table.

VACATING ORDERING OF YEAS AND NAYS ON HOUSE RESOLUTION 1677, CONDEMNING BURMESE REGIME'S UNDEMOCRATIC ELECTIONS

Mr. HASTINGS of Florida. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and adopt House Resolution 1677 to the end that the motion be considered as adopted in the form considered by the House on Wednesday, November 17, 2010.

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

There was no objection.

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

The title of the resolution was amended so as to read: ''Condemning the Burmese regime's undemocratic elections on November 7, 2010.''

A motion to reconsider was laid on the table.

□ 1420

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore (Mr. HIMES). Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 6, 2009, the Chair announces the Speaker's reappointment of the following member on the part of the House to the United States-China Economic and Security Review Commission, effective January 1, 2011:

Mr. Michael Wessel, Falls Church, Virginia.

REPEAL FORM 1099 REQUIREMENT

(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, the Small Business Administration's chief counsel for advocacy, Winslow Sargeant, testified today in the Senate that the form 1099 requirement of the health care bill should be repealed. As a cosponsor of H.R. 5141, a bill by Congressman DAN LUNGREN to repeal that section, this was music to my ears.

In his testimony before the Senate Small Business and Entrepreneurship Committee, Sargeant said, ''The form 1099 requirement will greatly increase the reporting and recordkeeping burdens on small businesses.'' As part of the health care bill, this section requires small businesses to issue an Internal Revenue Service form 1099 to any individual or corporation from which they purchase more than $600 in goods or services. Mr. Sargeant went on to cite a recent study by his office that indicated that firms with fewer than 20 employees pay $10,585 per employee on average to comply with Federal regulations. And we wonder why small businesses aren't hiring.

It's time to repeal this burden and to work to get government regulations off the backs of our job creators. The true economic stimulus is the small businesses of this Nation, and they need our help.

SPECIAL ORDERS

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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.)

HONORING THE SACRIFICE OF LIEUTENANT BRENDAN LOONEY AND LANCE CORPORAL TERRY HONEYCUTT

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

Mr. HOYER. Mr. Speaker, I rise for a sad occasion, but an appropriate occasion. I rise to pay tribute to two proud natives of Maryland who lost their lives in Afghanistan this fall, Navy Lieutenant Brendan Looney of Owings and Marine Lance Corporal Terry Honeycutt of Waldorf. I attended both of their burials at Arlington Cemetery. As I say, it was a mixture of deep sadness to lose these two young, extraordinarily capable, patriotic Americans, to be with their families, to learn what committed young men they were. At the same time, to be filled with pride that America has people like these two brave souls, willing to give their lives in the defense of freedom and justice and democracy and the safety and security of our people. I know that the grief their family feels is still fresh and that nothing can replace the loss they have suffered. But I want them to know the honor and awe in which we hold their sons' sacrifices.

Now it is our responsibility to keep their names, their memories, and their examples alive. Lieutenant Looney, a 29-year-old Navy SEAL, died with nine other American servicemembers in a helicopter crash in southern Afghanistan. Most of you read about that incident. He was a star lacrosse player at the Naval Academy and then chose to complete the grueling training required to become a Navy SEAL. Lieutenant Looney was recognized as the Honor Man, or top member of his SEAL class. And just 48 hours after marrying his wife, Amy, he deployed to Iraq. He served four deployments, four deployments in Iraq and Afghanistan and tragically died just 2 weeks before he was to return home from that fourth deployment. He is buried next to his Naval Academy roommate and best friend, First Lieutenant Travis Manion, who died in Iraq in 2007.

Lance Corporal Honeycutt, the other young man to whom I referred, died at the age of 19 in the blast of an improvised explosive device in Helmand province, Afghanistan. As long as his parents could remember, their son wanted to be a marine. He stood out for his commitment in his high school Junior ROTC program, and on graduating, he met his goal. Sadly, his life was cut far too short. But all those who remember Lance Corporal Honeycutt speak of a man who lived to serve his country and who embodied the marines' deepest ideals of service, sacrifice, and inner strength.

□ 1430

In the words of his mother Christine, whom I talked to Monday this week, ''We have so much honor and pride and joy, knowing that he was the person that he was, and I can't describe,'' she went on, ''how proud we are of him. We knew him as the type of person that was ready, willing, and waiting to do anything for anybody.''

He did that for his country, for all of us who serve in this Chamber, for every one of our fellow citizens.

These two irreplaceable lives are among the latest costs of a war that has lasted more than 9 years. This is not the time or place to speak about that war's future or its end.

But I ask my colleagues only this: We must remember that its costs are measured in lives like Brendan's and Terry's, and treat every debate and every decision about this war with a gravity that honors those two souls and the souls who have also been lost and who currently serve.

In closing, Mr. Speaker, I want to offer my deep sympathy for the families who have lost so much: To Lieutenant Looney's wife, Amy; to his parents, Kevin and Maureen; to his brothers, Billy and Steve; and to his sisters, Erin, Kellie and Briget; and to Lance Corporal Honeycutt's parents, Terry and Christine; his sister, Dawn; and to his sister's husband, who currently serves as a member of the United States Marines; and to all the grandparents, great-grandparents, aunts, and uncles whom we join in mourning the loss of these two brave, patriotic, extraordinary Americans. May God rest their souls and give strength and peace to their families.

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

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

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

(Mr. FRANK of Massachusetts 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. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey) 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 California (Mr. SCHIFF) is recognized for 5 minutes.

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

THE ''START'' OF MORE OBSTRUCTION

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

Ms. WOOLSEY. Mr. Speaker, the 111th Congress has been an astounding success, but throughout the last 2 years, when we have failed to pass good laws, it's usually because our colleagues on the other side of the Capitol have stood in the way of our progress, proudly engaging in stubborn obstructionism.

The Senate is where good legislation goes to die. So I guess we shouldn't be surprised that it remains so right down to the final days of our session.

It appears now that there may not be enough Republican votes to ratify the New START Treaty, which would make huge strides towards reducing the threat of nuclear destruction.

This is distressing news, Mr. Speaker. After years of negligence on nuclear issues, the New START could finally put us on a course toward the eventual elimination of all nuclear weapons. It would drastically reduce the size of nuclear arsenals here in the United States and in Russia. It would improve our access to Russian nuclear facilities, which we've been unable to inspect since the expiration of the original START treaty nearly a year ago. And it would put our relationship with Russia on more solid footing, enhancing bilateral cooperation on a host of issues.

In the words of the chair of the Senate Foreign Relations Committee, Mr. KERRY, he said, and I quote him: ''Ratifying New START is not a political choice; it's a national security imperative.''

But apparently, Mr. Speaker, some over in the other Chamber aren't moved by national security imperatives. For them, 1,550 strategic warheads, the level mandated by New START, isn't a sufficient arsenal, even though 1,550 strategic warheads is enough to blow up the world several times over. The only way they know to deal with national security, it appears, is to send thousands of American troops to die in failed wars that carry a combined price tag of over $1 trillion.

New START isn't perfect. I wish it were less incremental and more ambitious. I wish it embraced more of the principles contained in my resolution, which is called ''Nonproliferation Options for Nuclear Understanding to Keep Everyone Safe,'' or ''NO NUKES'' for short. NO NUKES would move more aggressively toward complete nuclear global disarmament, which was exactly the long-term goal we committed to as a Nation when we signed the Nuclear Non-Proliferation Treaty 40 years ago.

But New START is most definitely consistent with the SMART Security platform I laid out from this podium so many times, Mr. Speaker. Specifically, it advances the idea that we make the world safer, not through violence, not through acts of war and weapons escalation, but through diplomacy, cooperation, and conflict resolution.

New START is good enough as a first step. It's good enough for the top military brass, past and present, who have endorsed it. It's good enough for leading foreign policy dignitaries from across the political spectrum. The only holdouts are a minority of Senators who seem more interested in embarrassing the President on the international stage than they are in a major international security breakthrough.

Concessions have been made to these lawmakers. Their opinions have been heard, their concerns addressed. Now it's time for action. For the safety of the American people and possibly for the future of human civilization, it is time to pass New START.

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 California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN 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 Kansas (Mr. MORAN) is recognized for 5 minutes.

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

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

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

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

(Mr. JONES 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 Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO 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 Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

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

HONORING THE LIFE OF CONSTANTINO DELSIGNORE

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

Mr. MCCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Constantino DelSignore and mourn his sudden passing at the age of 47.

Born on December 2, 1962, Tino DelSignore graduated from Detroit Catholic Central High School in 1980. He immersed himself in the DelSignore family's businesses, the Fonte D'Amore restaurant and the Laurel Manor.

Tino dedicated his life to serving our community through many philanthropic efforts. He was founder of CDS Foundation, cofounder of the Fallen and Wounded Soldiers Foundation, as well as being an advocate for many other local, national, and international humanitarian causes.

Tino committed his considerable efforts to Angela Hospice, the Aliaga Foundation, the Barbara Ann Karmanos Cancer Institute, St. Mary's Mercy Hospital's Our Lady of Hope Cancer Center, Botsford Hospital Foundation, the McCarty Foundation, Madonna University, Hunters Feeding the Homeless, the Livonia Italian American Club, Hockey Has Hearts, and numerous veterans' organizations and Rotarian organizations. Tino DelSignore gave with an open heart and, like the entire DelSignore family, was always willing to help.

Regrettably, on October 26, 2010, Tino passed from this earthly world to his eternal reward. He is survived by his beloved son, Giovanni, and his parents, John and Lina. A devoted brother to Luciano, Nancy, and Renata, Tino leaves a legacy in his nieces and nephews: Ryder, Caprice, Coco, Alexa, Olivia, Alexandria, and Max.

If, in the end, a person's wealth can be measured by the lives he has touched, Constantino DelSignore went home to God a very wealthy man. Courageous and honorable, Tino will be sorely missed.

Mr. Speaker, Constantino DelSignore is remembered as a compassionate father, a dedicated son, a treasured brother, a caring leader, and a true friend. Tino was a man who deeply treasured his family, friends, community, and country. Today, as we bid Constantino DelSignore farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our country and community.

□ 1440

TAX CUTS FOR THE RICH

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

Mr. GRAYSON. Mr. Speaker, I am returning to a subject that I began yesterday. This is the second episode of what the rich are going to do with all those tax cuts that the Republicans want to give to them through extending the Bush tax cuts for the rich in lieu of the Obama tax cuts for the middle class.

As I said yesterday with regard to the 1 percent top income group in this country, the high and mighty who earn more than $1.3 million a year in taxable income, according to the Republican plan each one of them will receive a tax cut, every single year, of $83,347 each year.

I have given a lot of thought to what they are going do with that money. I made some suggestions yesterday, and here are some more suggestions about what they could possibly do with this windfall that the Republicans want to hand to them at a time when this country has 9.5 percent unemployment, 40 million people who cannot see a doctor when they are sick, and so many people who are in danger of losing their homes.

For instance, the rich, the idle rich, the high and mighty, the ruling class, they can buy three tickets to the most expensive suite at the Super Bowl. That costs only $75,000. They will have $12,000 left over in pocket change.

Here is something else that they might do with the windfall that the Republicans want to give them. They can go to the top of Mount Everest. That costs only $65,000, a luxury climb to the top of Mount Everest, with somebody holding your bag for you the whole way up. Just one thing: Make sure you don't fall down.

Here is something else that they can do with the Republican tax plan to give $87,000 a year to the rich. They can take a beautiful 110-day cruise around the world. That costs only $80,000. And it is up to them what they do with the other 250 days a year, but think about that. Think about people in the middle class who struggle, save for vacation year after year, and sometimes occasionally get to go on a 3- or 4- or even a 5-day cruise. With the Republican tax cut for the rich, the millionaires can go on a 110-day luxury cruise, not just 1 year, but every single year.

Here is something else that they can do. They can enjoy two nights at the Hugh Hefner SkyVilla at the Palms Casino Resort in Las Vegas. That costs only $80,000. They will have $7,000 left over for tipping the bellman. And remember, what happens in Vegas stays in Vegas.

As I pointed out yesterday, the Republicans want to stuff so much money into the pockets of rich people in this country, the millionaires, the people who make an average of $1.3 million a year, that every single one of them, every single one of them every year for the next 10 years will be able to enjoy a luxury cigar in the morning and a luxury cigar in the evening as well, and they can light each one of those cigars with a $100 bill.

Now, I don't know about you, but I'm not sure that that's the best use of $100

billion a year of tax money. I have some other ideas about what I would like to see happen. I would like to see jobs, jobs, and more jobs.

If you do the arithmetic, you will find that the $100 billion a year that the Republicans want to hand over to the rich so that they can further comfort the comfortable, that could be used instead to provide a decent job, a job with a living wage, a decent day's pay for a decent day's work to 3 million Americans, and, in a single stroke, could reduce unemployment in this country from 9 percent to 7 percent; but, more importantly, take that $100 billion and make sure it actually circulates in the economy. Because what will the rich do with it? They'll keep it in their pockets; or they'll send it abroad buying luxury goods like we discussed yesterday, or they'll take a cruise around the world that adds nothing to the American economy. But if you actually did take that money and you created 3 million jobs at $30,000 a year for the American people, then you would see our economy revive overnight.

When it comes down to my vote for tax cuts for the rich versus jobs, I'm going to vote for jobs.

MR. AILES SHOULD APOLOGIZE

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

Mr. ENGEL. Mr. Speaker, yesterday Roger Ailes, the president of Fox News, decided that there were Nazis running around a competitor news organization. He called the executives at National Public Radio ''Nazis.'' He said, and I quote, ''They are of course Nazis. They have a kind of Nazi attitude. They are the left wing of Nazism. These guys don't want any other point of view.''

Mr. Ailes also said, after a diatribe against President Obama and against Jon Stewart of Comedy Central, and I quote, ''There are left-wing rabbis who basically don't think that anybody can use the word 'Holocaust' on the air.''

Mr. Speaker, I find those words to be very offensive and inappropriate. Relatives of mine were among the millions of Jews and others who died in the Holocaust. At the hands of the Nazis, acts of brutality and mass murder were carried out, the likes of which the world had never seen.

If Mr. Ailes is the president of Fox News and claims to be fair and balanced, he should keep his comments to himself. If he wants to be a commentator, then he should be so. But if he wants to pretend to be a so-called fair and balanced president of a major news organization, he ought to know better than to utter such hateful words.

To use the word ''Holocaust'' in the same sentence that he uses the word ''rabbi,'' although he clearly meant rabbi in another connotation, is doubly offensive. And to use the word ''Holocaust'' cavalierly to connote any situation in which somebody or some group feels aggrieved is offensive again.

Mr. Ailes should apologize for these despicable statements of total insensitivity that should not be connected to a president of a major news organization.

Later today, I will send him a letter demanding that he retract and apologize for these despicable statements.

AMERICA'S THIRD WAR: TEXAS STRIKES BACK

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

Mr. BURTON of Indiana. Mr. Speaker, there was an article, I guess it's on FoxNews.com, today, and it's called ''America's Third War: Texas Strikes Back.'' Captain Stacy Holland with the Texas Department of Public Safety said, ''I never thought that we would be in this paramilitary type of engagement. It's a war on the border.''

It's a war on the border. That border is 1,980 miles long, and the President sent 1,200 National Guard people down there. Now, I don't know how many that is per mile, but it ain't much. And now I understand, from information I got today, that they're going to withdraw some of those because of the cost.

Now, they sent 17,000 National Guard troops down when they had the oil spill in the Gulf. Granted, that was a real problem. But the border between us and Mexico is a war zone, a war zone, according to the Texas Department of Public Safety.

□ 1450

I want to read to you, Mr. Speaker, some of the things he said. He said, they—the terrorists, drug dealers, people who are kidnapping people—''They cross the border with AK–47s on their backs, wearing military camouflage. They recruit in prisons and schools on the American side. Spotters''—people from Mexico—''sit in duck blinds along the Rio Grande and call out the positions of the U.S. Border Patrol.'' And they do that on the American side.

''To combat the cartels, the Texas Department of Public Safety is launching a counterinsurgency. Tactical strike teams send field intelligence they gather to Austin to a joint operation intelligence center, or JOIC in military terminology. 'It certainly is a war in a sense that we're doing what we can to protect Texans and the rest of the Nation from clearly a threat that has emerged over the last several years,' said former FBI prosecutor Steve McCraw, who runs the undeclared 'war.'

''And now that there is added pressure on the cartels, the drug runners are employing new techniques, known as a splash down. When the heat is on, they attempt to return to Mexico with the drugs, oftentimes in broad daylight. And because the Texas law enforcement's authority ends at the border—in this case the river—they even have time to put on their life jackets.''

I don't understand why this White House doesn't understand that this is a war on our border, our front yard. And in Arizona they have signs that say—80 miles into the United States in Arizona—they say don't go south of here because it's not safe. In the United States. And the President sent 1,200 National Guard troops down there, and they are withdrawing some of them.

I just don't understand this White House. I understand that we have to deal with Afghanistan and Iraq and other places around the world. But this is our front yard. And they are withdrawing. They sent 17,000 down to the Gulf oil spill, and they send 1,200 down there to the border, which is nothing, and now they are withdrawing some of them.

The former FBI agent goes on to say, ''The cartels may be ruthless, they may be vicious, they may be cowardly, but they're not stupid. They'll adapt their tactics, and recently they've adapted their tactics to utilize smaller loads, cross with rafts, stolen vehicles on our side.

''President Barack Obama and Homeland Security Secretary Janet Napolitano have recently said the Mexican border is more secure now than it has been in 20 years.''

I want to tell you, that is such bull. That is just bull. I can't say that the President of the United States is misleading the people. But, boy, that sure ain't the truth. And if you don't believe that, talk to Congressman POE from Texas and some of the others from Arizona. Instead of doing what they can to protect American citizens to stop this flood of drugs coming in as well as illegal aliens and others, they are suing the State of Arizona because they say they are trampling on Federal statutes.

I tell you, I just can't understand this administration. We are talking about the safety of the United States, and in particular all the people who live on the Texas border, the Arizona border and the New Mexico border. This is something that's unforgivable. And if I were talking to the President, I would say, Mr. President, wake up. This is the American citizens you're supposed to protect. Let's get on with the job.

CONDITIONAL ADJOURNMENT TO MONDAY, NOVEMBER 22, 2010

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at noon on Monday, November 22, 2010, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 332, in which case the House shall stand adjourned pursuant to that concurrent resolution.

There was no objection.

BOARD OF VISITORS TO UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 9355(a), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member to the Board of Visitors to the United States Air Force Academy:

Mr. Alfredo A. Sandoval, Indian Wells, California.

ILLEGAL IMMIGRATION

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

Mr. KING of Iowa. Mr. Speaker, I appreciate the honor to be recognized to address you here on the floor of the House of Representatives. I have long appreciated the honor to serve the people of western Iowa here in the United States Congress. Each one of us carries this duty with us in a heavy way and also sometimes in a jubilant way depending on the cycles of the day and the cycles of the elections.

I sat here on the floor tonight, and I listened to the presentation of the gentleman from Indiana (Mr. BURTON). He talked about the situation on the border between Texas and Mexico, Arizona and Mexico, and perhaps also New Mexico versus Mexico, California, and Mexico. There are a whole lot of data points that he rolled out here. And I believe that there is a misunderstanding on the part of the American people of the magnitude of the border problem that we have.

I make a number of trips down to that border. I think it's my obligation to do that. I have served on the Immigration Subcommittee of the House Judiciary Committee now for 8 years. And if all goes well, I will be able to serve on the committee for another cycle. In that period of time, you pick up a significant amount of knowledge about the circumstances that have to do with immigration. And the gentleman from Indiana (Mr. BURTON) talked about how illegal Mexican drug smuggler gangs are controlling vast areas of the border, some might argue a majority of the border or perhaps even all of the border, with the exception of some ports of entry, and controlling vast parts of the United States itself.

I have been down to visit Oregon Pipe Cactus National Monument. It is a national park right on the border. And a large percentage of Oregon Pipe Cactus has been set aside, and Americans have been locked out and kept out because the illegal border-crossers and the drug smugglers command some of that park. A large share of it, mile after mile of it, is under control of the Mexican drug smugglers and people smugglers.

And we think that a sovereign nation should have no border incursion. If we have a border incursion, and if it's someone who is lined up next to someone else lined up next to someone else and they are carrying weapons and in uniforms, it is called an invasion. Whether they are wearing uniforms and carrying weapons or whether they are coming across in orderly ranks or whether they are coming across at a rate of perhaps as many as 11,000 a night—and that's some data that came before the House Immigration Subcommittee under sworn testimony—you take the annual illegal border crossings and you divide it by 365, and some of that data under oath calculates out to be 11,000 illegal border crossings in a 24-hour period. A lot of that takes place at night. Think of that: 11,000 a night.

And so I ask the question, what was the size of Santa Anna's army? About half that. That, Mr. Speaker, is the magnitude of the illegal border crossings that we are seeing.

And the price that we have to pay in the form of social services, law enforcement, education, and health services is in the billions of dollars in costs to the American taxpayer. And the price and loss because of the result of crimes that could otherwise have been prevented is awesome beyond our comprehension.

I do have some numbers on that. I'm hopeful that I will be able to produce a fresh report very soon that would better illustrate the numbers of Americans who have lost their lives at the hands of those who came into the United States illegally.

That is a real measure to American society. Every life is precious, every life is sacred, and every one that we can save should be saved. And you do so with an orderly society and the rule of law. You don't do so by allowing for vast areas of the 2,000-mile southern border to become lawless.

I recall approaching a port of entry, and it was in Sasabe, Arizona. As I approached the port of entry and introduced myself to the agents that were there, and leaving aside much of that narrative, I was informed that, yes, there's a legal crossing at Sasabe at that port of entry in a fairly remote location in Arizona. But on other side of the legal port of entry are the illegal crossing areas that are controlled by the drug-smuggling gangs, the cartels. And that means that there's lawlessness on both sides of the border. If there's an entity that controls an illegal border crossing then that means that our side of that border is not under control. Immediately, if they decide who crosses and who doesn't, they're also deciding to allow illegals to come into the United States and illegal contraband to come into the United States.

And I was in fact there on location when there was an illegal drug smuggler that was picked up. He had a white pickup with a false bed in the box. Nice piece of body work. You had to have a practiced eye to see it. But a false floor underneath there that was 7, perhaps 8 inches, and underneath that false floor it was packed full of marijuana. Some would call it bales. They were wrapped up in packages about the size of a cement package, although it's not as heavy, some placed over 200 pounds, some placed 250 pounds of marijuana, underneath the false bed in that pickup. And we took the jaws of life and cut it open and I personally unloaded over 200 pounds of marijuana out from underneath the false bed in that pickup.

Now, the circumstances at that time—and I suspect this individual was prosecuted, partly because I was there—but he appeared to be an MS–13 gang member. He had a 13 tattooed on his arm right here. Full of tattoos. Had all of the look that you would have of an MS–13 drug-smuggling gang member. And the practice down there has been—unwritten, but in practice—that if someone is caught with less than 250 pounds of marijuana, that they're not prosecuted by the Federal Government. And when the loads got higher and more frequent, then the number went up to 500 pounds as the threshold for prosecution.

Now, where I come from, if you have any illegal drugs in your possession, generally you're going to be prosecuted. There are law enforcement officers that may not, but it's not a practice. We think that the law is the law. Well, if the law is not enforced on the southern border for those that come across the border illegally with illegal drugs in their possession to the tune of hundreds of pounds and in fact thousands of pounds, then what do we have left of the law enforcement fabric on our southern border whatsoever? And how can this be a practice, let alone a policy?

I saw it with my own eyes on that day and handled with my own hands. And as I talked to Border Patrol officers and the other law enforcement officers along the border, they confirmed that in some sectors that's the practice. They set the threshold because they didn't have enough prosecutors, they didn't have enough judges, and they didn't have enough prison beds to prosecute all the drug smugglers that they're picking up across the border, let alone 11,000 a night on average, a lot of them some might say just illegal aliens, just people coming into the United States committing the crime of unlawful entry into the United States.

But among them are drug smugglers. And among the drug smugglers are violent criminals of other stripes. Part of that goes with the package. But to think that they could come into the United States illegally with a load of 235 pounds of marijuana and weigh it up and put it underneath the bed of the pickup and think, Well, fine, I'm not going to go to prison for this. If they catch me, they will just impound the pickup, which likely is stolen anyway, and impound the marijuana, which I saw warehouses full. And I say ''warehouses.'' More than the size of garages,

not the size of something you would see down at Boeing, to put it correct. So, vast amounts. More than a semi load of marijuana that had been confiscated altogether in one particular warehousing location. There are others.

But to think that we're not prosecuting with the full vigor of the law with someone who's coming through with a load of marijuana that is 200, 300, 499 pounds of marijuana. That's the America that we have on the southern border. And the people that don't live there and go like I do down to visit and get informed just accept the idea that their America is the same America in, let's say, South Dakota or northern Iowa as it happens to be on the southern border. And it's not true. It is a war zone there.

We have seen the numbers of the casualties and the drug wars in Mexico mount. And I remember sitting in Mexico City with some of the members of the cabinet and some of the members of the Mexican Congress who would tell me kind of off on the side that they had 2,000 federal officers, agents, troops that were killed in the drug wars trying to bring order and trying to bring the drug cartels underneath the enforcement of law, to break them up. This would be 3 to 4 years ago. They would say, we have lost 2,000 Federal officers. Now what numbers do we hear? Twenty-eight thousand. Twenty-eight thousand, mostly civilian, but not all civilian casualties, in the drug wars in Mexico. Twenty-eight thousand. Can you imagine the carnage? That's the size of one of the larger cities in my State, the number of like 28,000.

So here we are with Border Patrol officers, sending the National Guard down there. Thankfully, there are some Guard troops that are showing up. It does help. Every pair of boots on the ground helps and every bit of equipment we can put down there helps, and every bit of barrier that we build on the border helps. And I do want to build a fence, a wall and a fence. And I don't suggest that we build 2,000 miles right away next week, finish it by the end of next year. We could do that. We're a great Nation. We could do that without breaking a sweat if we had the will.

But I do suggest that we build a fence, a wall and a fence where they are crossing it, where they have a path beat down, and just keep extending the fence, the wall and the fence, until such time as they stop going around the end. If it takes 2,000 miles of fence, wall and fence, then so be it. If we can do it with a hundred miles or 200 miles, so be that.

But let's have enforcement of our border. Let's take our Nation back. Let's take our national parks and our national monuments back like Organ Pipe Cactus National Monument. Put that back in the hands of the American people.

The America that I envision is the America that I grew up in that said you can walk anywhere in America, pick up a newspaper and read it in English, and you don't have to carry a gun. You can't do that everywhere in America today. The law enforcement is not such—the rule of law is not so established that you can go anywhere in America in that way and safely think that you can travel. You can't go to Organ Pipe Cactus down along the border, you can't take the jet ski on the lake in Texas. The Mexicans are controlling too much of that. And the retribution/restitution is almost nonexistent.

And so I would add also that there's another factor that I didn't hear the gentleman from Indiana mention and that's the factor called the spotters' locations on top of the mountains, primarily in Arizona. And as I traveled down there, I began to learn about these spotters' location from some of our law enforcement officers. And that would include the Shadow Wolves down at the Tihono O'odham Reservation. Shadow Wolves are one of the unique aspects of our border enforcement. They are the Native Americans that serve together and train down there and enforce the law on the reservation and on that area that spans the border. Actually, Tihono O'odham is on both sides, in Mexico to some degree. Most of it is in the United States.

And as I reviewed the border with them, they began to tell me, There's a spotter up on that mountain. He's watching us now. And I would look up there and of course I couldn't see him. I didn't know where to look, and he was too far away and I didn't have the glasses. And then we'd travel on down another few miles and they'd say, There's a spotter on that mountaintop and he's watching us. And as I began to put this together and traveled along the border and went to the Cabeza Prieta and some of the other locations along the border and talked to our officers, they began to tell me, Well, yes, we know where a lot of these locations are. I had a map there. Well, why don't you just put an X where you know where they are. So he'd put an X here, X there. I had him fill that in.

□ 1510

Along the way, we came up with a map that showed the location of at least 100 mountaintops that are controlled by Mexican drug smugglers who sit up on top of the mountain. They will take the stones that are up there and stack them up like sandbags around a gun emplacement. Well, it is a gun emplacement. It's a high-quality optics observatory location where they spot the travel of our law enforcement officers, primarily Border Patrol, all along the highways. If you go down in any area from Phoenix, going south towards the Mexican border, especially where you see an intersection where there is a highway going north and south and another one east and west, look up on one of those corners, and you will see a small mountain there in a perfect location to be able to watch the traffic coming from all four directions. You can presume that that mountaintop is manned—it's a lookout mountaintop. It's a spotter mountaintop, and they're using that so they can tell the people who are moving their illegal loads across from Mexico into the United States when our law enforcement is coming up, when they're approaching. It will cause them to divert, to go the other way, to perhaps take a side road—and there aren't many, but it will give them that sense of warning.

Now, for those who might think that I'm catching this secondhand, Mr. Speaker, and for those who might think that this is anecdotal, I can tell you that it's not anecdotal. It's real. I went down and I climbed to the tops of a number of these mountains. I sat in those locations and I observed the traffic. In those locations, with the stones stacked like sandbags on top of one of the smaller mountains, I found a broken piece of some fairly high-quality binoculars, and you could see clothes that had been left there. You can see from those locations that they've been spotting and tipping off as to the law enforcement that's moving along. It's an essential component for them. If they're going to smuggle drugs and if they don't know where law enforcement is, they can't just drive blindly up into Arizona with a truckload of marijuana. They have to know when the coast is clear. Well, these are the ''coast is clear'' spotter locations. They're on top of the mountains in Arizona. I climbed to several of them, observed it from there, took pictures up there, and saw the pieces of litter that were laying around. You can see the patterns and the habits, and you can get a pretty good idea of what their diet is and what they're doing up there.

Then we got in a Blackhawk and flew to the top of other locations—spotter lookout mountains—and we settled down close to that. We brought in law enforcement officers from the ground. With the headphones on and listening to the scanner, you can hear the scrambler of the frequency that they're using when they communicate with each other. It's high-quality optics and high-quality communications equipment with scramblers and descramblers. You could hear, flying from mountaintop to mountaintop, the intensity of the chatter go up and up and up in the earphones when we were tuned in to the frequency that they were using. It's that chipmunk language that has been scrambled into something that's completely unintelligible even though it was coming in, and, you know, it was Spanish that was scrambled, and it got descrambled at the other end.

What I could hear was the intensity of that chatter going up and up and up. About a minute from the time we arrived at the next lookout mountaintop, the spotter mountaintop, that frequency and that transmission would immediately stop and be hushed. We

would get to the mountaintop in about a minute, and the location that had been manned just moments before, just minutes before, was empty. It was empty every time because they came down off the mountain and went out into the desert and hid. So, when they get out into the desert and get away from that location and hide, they don't have to get very far away, a half a mile or so, and you can't identify them as being the people who were sitting on top of the mountain. Plus, we don't have a law against sitting on top of a mountain in Arizona, so it's hard to prosecute. It's hard to bring them to justice, but they exist.

These are paramilitary locations. These are strategic locations. These are people who are armed with high-quality optics and with their high-quality communications devices, and they're set up to smuggle drugs into the United States. So far, we have not been very successful in snapping those spotters off of those mountaintops and taking that tool away from the drug smugglers. That's another piece that, I think, Mr. BURTON is well aware of, and I add to the dialogue that he delivered here.

What do we see instead?

Instead of the administration using the resources that are at its disposal to go down and enforce the law in places like Arizona, Texas, New Mexico, and California, it's using resources to sue the State of Arizona. I've read through that complaint, and it's a bit astonishing to me to think that the Department of Justice could contrive such an argument, and even though it didn't mirror the ACLU's lawsuit and MALDEF's lawsuit and—let me see—the American Muslim Society's lawsuit, I thought it would. Instead, they wrote up a whole new legal theory. This is the Holder Justice Department.

Eric Holder essentially admitted that the President had ordered him to sue Arizona over their immigration law, and 5 minutes later, under oath, he admitted that he had not read the bill. So here we have the Attorney General bringing a lawsuit against the State of Arizona—determined to give the lawsuit—who came before the Judiciary Committee. Under oath, he testified that he hadn't read the bill. He conceded under oath that the President had ordered him to sue Arizona.

It was clear from listening to the President that the President hadn't read Arizona's law, S.B. 1070. So it's clear, as was concluded under oath and not denied, obviously, by the Attorney General of the United States, that the President ordered Eric Holder to sue Arizona. The President hadn't read the bill. Eric Holder hadn't read the bill, and they were determined to go forward anyway, so we made the commitment. I think that was actually announced by the Secretary of State when she was in South America—perhaps in Ecuador, if I remember right, maybe in Colombia.

It's interesting to read the complaint and think, What did they have to sue about? You know, it's like throwing a tantrum, and then somebody asks, What are you mad about? Well, let me see. I'll have to come up with something. I'm sure I'm mad about something. What could it be? Well, let me think. I guess I can't be mad about this whole list—that is obvious—but I'll make up a new reason to be mad. This is a new reason to sue, and here is what it is:

They argued in their complaint, the Department of Justice's complaint in their file against Arizona, that Congress had entrusted the various agencies in the executive branch of government with establishing and maintaining a ''careful balance,'' a careful balance between the various immigration laws that this country has. A careful balance. Huh.

Well, Congress did no such thing. There is no record of Congress passing legislation and saying, Keep a careful balance, Mr. President, between the various immigration laws so that the Department of Justice thinks this is all right and so that the Department of Homeland Security thinks this is all right, as well as the State Department. Surely, don't enforce an immigration law that might cause the diplomatic arm of the State Department any heartburn with President Calderon.

That's their argument, that they may not enforce obvious immigration laws because it might upset our neighbors in one direction or another. This is an astonishing legal position to argue, that they have been entrusted with establishing a ''careful balance,'' then maintaining that careful balance and, therefore, because Arizona is compelled to defend themselves, that somehow that careful balance has been upset by Arizona helping to enforce the laws that have been passed by the United States of America here in this Congress, on this floor, where we gave no direction—no direction—to the executive branch to have the discretion to enforce some laws and not others. There is no discussion. There is no history. There is no Congressional Record in here, let alone in the statutes, themselves, that declares a ''careful balance'' standard. That standard never existed. It was created by the imaginations of the lawyers in the Department of Justice, and now we've got to go all the way to the Supreme Court to fix a problem created and motivated by a political decision to sue Arizona, a decision which came directly out of the White House to order, exactly, Eric Holder to file that lawsuit.

That, Mr. Speaker, is what I think of what's going on here with the immigration situation, and it's just a bit of a sequel to the gentleman from Indiana's statements on immigration, Mr. BURTON. I want to make sure that I support that initiative that he took here tonight.

From my standpoint, we've got to stop the bleeding at the border. We've got to reestablish the rule of law. We've got to raise the expectation that the law will be enforced in all of its aspects. We need to do a careful inventory of all of the resources that we're deploying, especially on the southern border, and make sure, when a Border Patrol officer puts his life on the line and pulls over a stray truck that has got more than a ton of marijuana in it, that that Border Patrol officer never has to get on the phone and plead with a county prosecutor to pick up the open-and-shut case and prosecute it. If not, we don't have the Federal prosecutors enough to prosecute and incarcerate someone who is smuggling a ton or so of marijuana into the United States of America.

□ 1520

We must take a look at the deployment of our resources. If our border patrol officers are an adequate number, that means we also have to have an adequate number of prosecutors, judges, and prison beds so that we can enforce the law so that there's an expectation that this Nation has as one of its essential pillars of American exceptionalism the rule of law, and we must stand for it. We cannot and I will not stand for its erosion any longer, Mr. Speaker.

But I came here tonight to talk about a number of other things as well, aside from the immigration issue. It was Mr. BURTON that got me wound up as I listened to him talk. So I want to go back, and without a very smooth segue, I would like to just take us back, Mr. Speaker, to the election results of a couple of weeks ago and the message that was sent by the American people and reflect a little bit about my experience here and what I've seen happen politically and that works out this way.

As I came here, I came here in the majority and we had the votes to pass legislation that was reasonable that the American people could accept, and we did so. As I engaged in the debate here and I watched as the level of intensity of that debate diminished from our side and the level of rebuttal increased from over on this side of the aisle, on the Democrat side of the aisle, I don't know that I realized that at the time—I could feel it here internally but I don't know that I realized it clearly enough at the time but there was a shift going on in the minds of the American people. I thought we were doing the right thing for the most part in 2003, 2004, 2005, and 2006, but we weren't articulating this to the American people in a way that was as useful and accurate as it should have been.

The best example of that, and I say this example because of my great respect for the men and women who wear the uniform of the United States and put their lives on the line on a regular basis, that selfless and noble commitment. What I saw happening in the State of Iowa in 2003 was when we had Democrat Presidential candidates coming into Iowa on a regular basis, moving through the State stopping over and over again.

And as I listened to this dialogue and I remember the date, it was October 5, 2003, and I'm watching the news and listening to the debate of the Presidential candidates, and I opened up The Des Moines Register newspaper. Inside page 3, headline at the top of the page, Candidate Howard Dean Repeatedly calls President Bush a Liar. And I was appalled. I thought, how can anyone call the President of the United States a liar? How can this be in this article? What must the President have said?

So I read that article, October 5, 2003, and looking for the statement that would be identified that would make our Commander in Chief a liar, and I read the article and I missed it apparently and I went back and read it a second time for the language that would be in this article that would confirm the truth of the headline that our President, our Commander in Chief, was a liar.

It wasn't there, Mr. Speaker. There wasn't an allegation in the article about what the President had said. It was just a story about Howard Dean calling George Bush a liar, repeatedly calling George Bush a liar. Well, it turned out it was about 16 words in the State of the Union address that had taken place just a few months, 6 months or so before that when the President of the United States said, We recently learned from the British that the Iraqis were seeking uranium in the continent of Africa. That's the 16 words, roughly speaking, in general delivery here that was the objection that was delivered by Howard Dean.

Well, it turns out the statement was unequivocally true, and I actually have the evidence of that in the brief case that I carry with me wherever I go. But it wasn't so much the point of that because I remember when Charlton Heston ran commercials during the Presidential elections of 1996, when he looked into the camera and he said, Mr. President—and he was speaking of President Clinton—Mr. President, when what you say is wrong and you don't know that it's wrong, that's called a mistake. But when what you say is wrong and you know that it is wrong, that's a lie.

Well, I think that's an accurate definition of the difference between a lie and a mistake. I don't think President Bush made a mistake. What he said in that State of the Union address was spot on accurate, absolutely provable. They disagreed with it because of one Ambassador Joe Wilson, who—I will give him a pass tonight, Mr. Speaker, because the clock is ticking.

However, I turned to my wife, appalled that a Presidential candidate could declare our Commander in Chief to be a liar, and I said, Marilyn, I'm going to Iraq. So a few days later by the 17th of October, 15th to the 17th, I was in Iraq, and I took a look at what was going on there. I traveled through there, did a lot of stops, met with a lot of our officers that were there and enlisted men and women and came back with a different story on what was going on in that country.

But the assault on President Bush and the undermining of his position and our men and women under arms, when I heard people on this side of the aisle say, well, I support the troops but not their mission, Mr. Speaker, that cannot be allowed to stand, to concede a point such as that. My point is, if you support the troops, you support their mission. You cannot ask them to put their lives on the line for Americans if you don't believe in their mission, too. We can't ask them to go on that kind of a mission.

So what we saw happen was the assault, the verbal assault on the operations in a time of war in Iraq, being constantly pounded by the Presidential candidates and by many of the people over on this other side of the aisle in an effort to erode public opinion for the war in Iraq because doing so, in my estimation—and I understand that their motives may well have been pure—in my estimation in their desire to win the Presidency and their desire to win back the majority, their zeal to recharacterize our war in Iraq undermined public support for a mission that's turned out to be, on the balance of it, a pretty good ending considering what we were in the middle of during that period of time.

My point is the President of the United States and the executive branch of government did not bring out a full-throated defense nor did they articulate a reason for being in Iraq in an adequate way. That left the door open so that the criticism that came against the war in Iraq nearly cost what's now considered by many to be a victory in Iraq. Public opinion's got to hold together. It should hold together on facts, and Republicans need to stand together and stand up for truth in principle when we're right. We cannot allow a debate to go the other way just because we think we have the votes. We must stand and win the debate and hold the votes together. That, Mr. Speaker, is an essential principle.

As we go forward and we see these election results, we also need to understand that there will be a time coming into the 112th Congress, gaveled in, sworn in January 5 of 2011, that we'll sit here and we'll think we have the votes, so we just have to wait Democrats out while they have their say.

I want Democrats to have their say. I agree with the incoming Speaker of the House, Mr. BOEHNER, that we need to have sunlight on this place and run this place with the kind of function that allows for—he says open rules. I'd shorten it up a little bit and say a lot more open rules. I don't know that we can do all open rules but more open rules so there's a legitimate debate here. And if Democrats have an idea, bring that amendment, let's debate that amendment, we'll vote them up or down. If Republicans have an idea, also bring your amendment. We'll debate it up or down.

Think of how this process is supposed to work. You get busy and you go to work in the subcommittee and you hold hearings and you gather facts and the staff does the research work, crunches it in a way so that the under oath testimony and the information that's submitted is meaningful and that it can be cataloged and rationalized in a way that we can move forward with a good piece of policy. Once that hearing's need is satisfied, then you can go to a subcommittee and mark the bill up, and there of course you have to accept amendments from each side. Whatever the product is of the subcommittee needs to go to the full committee, and when it goes to the full committee, there needs to be a full committee markup. And there we need to allow for an open and legitimate debate because the process is taking an idea, present it to the hearing. If it can sustain itself in open, public dialogue, then it can actually become the bill that moves through the process, subjected to amendments that are designed to perfect the legislation, on through the full committee and to the floor for the same kind of process.

□ 1530

That's what's envisioned by our Founding Fathers. It was never envisioned that there would be a Speaker of the House that would run this Congress, the House of Representatives, out of her office with her staff and disallow amendments, disallow debate, disallow an opportunity to even vote with a level of clarity so the American people can see what's going on.

So their level of disgust rose up, and 58 Democrats were voted out of office, and there were a number of open seats that increased that number substantially from there.

So I think the message should have been clear. It doesn't seem to be clear. It is clear to me. The American people are filled up with a process that does not reach out to draw the wisdom from the American people through this republican form of government, which is guaranteed to us in the Constitution of the United States. They're filled up. They've had it with the nationalization, the takeover of the banks; AIG, the insurance company; Fannie Mae and Freddie Mac and all the liabilities that go with that. They are fed up with the takeover of General Motors and Chrysler. Now it looks like, though, the White House is going to concede and sell some General Motors shares off into the marketplace. They will take a little loss, maybe even a big loss. I think that's a good step, and I encourage a lot more of it.

In fact, I'm hopeful that by the time the 112th Congress gavels out roughly 2 years from now that the Federal Government will have divested itself of all of those private sector entities that have been taken over. And I am hopeful that the first act of the 113th Congress, a little more than 2 years from now, will be to finally pass the final version

of the repeal of ObamaCare so that that can then go to the desk of the next President of the United States for his signature to finally repeal ObamaCare.

As we sit here in this Congress and we're watching the importance of jobs, the American people said they've had it up to here with debt and deficit. It's about jobs and the economy, and it's about freedom and liberty and being able to order our own lives instead of being ordered within our lives by a nanny state.

And ObamaCare is the flagship of socialism that has been delivered to us over the objections of the American people by the tens of thousands who poured into this city multiple times to peacefully petition the government for redress of grievances. Tens of thousands of people, for the first time that I know of in history, put a ring around this Capitol Building. They held hands and said, Keep your hands off of my health care. It wasn't just one set of people with long arms holding hands, ringing the entire Capitol. They were six or eight deep all the way around the Capitol and clustered in the corners by the thousands who just didn't bother to get in the line. They said, Keep your hands off of our health care; and Speaker PELOSI marched through the middle of all of that with her oversized gavel to come do what she believed needed to be done for the American people who couldn't apparently think for themselves and said, We have to pass the bill to find out what's in it.

Well, ObamaCare that passed could not have passed here in the House even with the strong Democrat majority if it were not for legislative maneuvering in an unparalleled way, including a promise that there would be a reconciliation bill that would circumvent the filibuster in the Senate that would be passed over there and come over here to amend the ObamaCare bill that had yet to be passed.

So if you are going to do that, why can't you amend the bill and make it say what you want it to say, and send it back to the Senate? The reason for that is, Mr. Speaker, the Senate wouldn't pass the bill either because they elected SCOTT BROWN in Massachusetts. They were so appalled at socialized medicine coming to America that the people in the Bay State sent SCOTT BROWN to the Senate to put the brakes on ObamaCare. He put the message out pretty strong and pretty loud, and the people of Massachusetts clearly did.

But the Senate could not have passed the legislation that passed in the House on that day, or any day since. The House could not have passed it either if it weren't for the promise that reconciliation would come from the Senate. And even then, it couldn't pass the House unless there was a fig leaf that was brought up which was by the President to give the pro-life group of Democrats—the Stupak Dozen, it's called—their fig leaf protection, as if an executive order could amend a statute of the United States of America.

So, Mr. Speaker, here is the situation: we have the 2001 and the 2003 tax brackets that need to be extended or we will be seeing a huge tax increase, perhaps the largest tax increase of our lifetimes poised to hit us at midnight December 31 if this lame-duck Congress doesn't act. The negotiations on that are taking place. I do believe that there is more leverage in the Senate on this issue than in the House. If we don't get that resolved, Mr. Speaker, then our job is going to be—the first job, H.R. 1, bill number one—to make those tax brackets permanent so that no one faces anything but a temporary tax increase. And I mean that I would love to see this done in the lame-duck. If it's not done, it must be the first order of business in the new Congress in January. The estate tax, it is a painful thing to think about that kicking in in a diabolical way.

The second thing, let's just presume we get it negotiated, and this Congress in lame duck resolves the issue of the '01 and '03 tax brackets, so we are not faced with a tax increase.

Then, Mr. Speaker, if that's resolved, my sense of this is—and I think I have a vast amount of support, including 173 signatures on a discharge petition—that we must then use as the first order of business the repeal of ObamaCare. H.R. 1, repeal of ObamaCare. The new Congress will pass that in a heartbeat, to pull ObamaCare out by the roots, lock, stock, and barrel, so there is not one vestige of it left behind.

And then we start down the path of shutting off the funding that would be used to implement or enforce ObamaCare. We owe it to the American people. We owe it to the constitutional conservatives that rose up all across this land and rallied together to fight ObamaCare. That's the biggest reason why you have this vast change. The biggest change in majorities here in 72 years has taken place because ObamaCare was the crown jewel of the agenda that was driven that the American people have rejected. So I'm encouraging that we move forward with that.

I have no appetite for tying together repeal and replace. Those are two separate subjects. We didn't have ObamaCare as a law of the land until late March of this year. We got along fine without it. Having it is worse than having nothing, but we need to win the debate on repeal of ObamaCare, win that debate, and then move down the line with the pieces that we would pass that would improve the health care for the American people that hold together, that hold together the doctor-patient relationship and the free market component and let people have their choices. That's the only way America works.

We are not a dependent Nation. We are not a Nation that can submit to a nanny state or an onerous Federal regulation. We are a proud, free, independent people, totally unsuitable for the European style of socialized democracy. We have freedom. We have vigor. We have rights that come from good God. We are a unique race of people. And the vigor of America's history attests to that, and the destiny of America's future attests to that.

Mr. Speaker, I yield back the balance of my time to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I appreciate my friend very much. Stirring words, and accurate at that.

This being a time when we are recessing today through the Thanksgiving holiday, it is that time. We have so much to be thankful for. One of them is that we have a newspaper article—of course we've heard in the last week or so that it looks like the Obama administration was going to put off yet again the trials of the five charged in the 9/11 attacks as planning them. But the article from The New York Times says that the five Guantanamo detainees charged with coordinating the September 11 attacks told a military judge Monday they wanted to confess in full. And that was a move that seemed to challenge the government to put them to death.

At the start of what had been listed as routine proceedings Monday, Judge Henley said he had received a written statement from the five men, dated November 4, saying they plan to stop filing legal motions and to announce our confessions, to plea in full. Khalid Sheikh Mohammed said, ''We don't want to waste our time with motions.'' You had one of the detainees, Ramzi bin al-Shibh, tell the judge, ''We the brothers, all of us, would like to submit our confession.'' Mr. bin al-Shibh is charged with being the primary contact between the operation's organizers and the September 11 hijackers.

□ 1540

In one outburst, Mr. Bin al Scheib said he wanted to congratulate Osama bin Laden, adding, ''We ask him to attack the American enemy with all his power.'' So that's the good news. They're going to plead guilty. We can be delighted with that.

The tragic thing was that was their announcement, according to the New York Times, back in December of 2008. December of 2008. But no, this administration wanted to play games with this country's safety and with justice. And so now, 2 years later, they're going to put it off for another couple of years, wait till after the next election so that he doesn't have to deal with it. These guys were ready for justice. They were ready to plead guilty until this administration played games. And even in the pleading that was declassified, written apparently by Khalid Sheikh Mohammed on behalf of all five, they have quotes in here like: We fight you with Almighty God. So if our act of jihad and our fighting with you cause fear and terror, then many thanks to

God, because it is Him that has thrown fear into your hearts, which resulted in your infidelity, paganism, and your statement that God had a son, and your trinity beliefs.

Another statement he makes is: We will make all of our materials available to defend and deter and egress you and the filthy Jews from our countries. God has ordered us to spend for jihad and his cause. This is evident in many Koranic verses.

He also says: We fight you and destroy you and terrorize you. The jihad is God's cause and a great duty in our religion. So we ask from God to accept our contributions to the great attack, the great attack on America, and to place our 19 martyred brethren among the highest peaks in paradise.

So, you know, they filed that, but this administration wants to play games with these guys who were ready to plead guilty, filed no more motions until this administration offered them a big show trial. So, we have a lot to be thankful for in that regard. They're in prison, where they should be. And justice should have already come swiftly, but at least they're behind bars.

Well, I want to finish the time the gentleman has yielded to me.

William J. Federer does such a great job of putting together much of American histories and proclamations and prayers and really a great job of our godly heritage, just like David Barton does. This book, ''Prayers & Presidents—Inspiring Faith from Leaders of the Past,'' among so many other things, has proclamations of Thanksgiving, and I thought it would be appropriate—though this will not be the last hour of today—today is the last hour before Thanksgiving, just so people know, Mr. Speaker, that this is our heritage.

This President says we're not a Christian Nation. I will not debate that with him. But the Presidents of the past, before this President, knew that it was. Perhaps it's not now.

George Washington, October 3, 1789, these are Washington's words:

''Where it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits and humbly implore His protection and favor, we may then unite in most humbly offering our prayers and supplications to the great Lord and ruler of nations, and beseech Him to pardon our national and other transgressions, to enable us all to render our national government a blessing to all the people, to promote the knowledge and practice of true religion and virtue.''

James Madison, who's given so much credit for writing the Constitution. You would think the guy would know what was constitutional and what wasn't. March 4, 1815:

''No people ought to feel greater obligation to celebrate the goodness of the great disposer of events and of the destiny of nations than the people of the United States. To the same Divine Author of every good and perfect gift, we are indebted for all those privileges and advantages, religious as well as civil, which are so richly enjoyed in this favored land. I now recommend a day on which the people of every religious denomination may, in their solemn assemblies, unite their hearts and their voices in a freewill offering to their Heavenly Benefactor of their homage of thanksgiving and their songs of praise.''

Now, we have these for virtually every year, every President, so I'm being very selective here because time is so short.

Abraham Lincoln, July 15, 1863:

''It is meet and right to recognize and confess the presence of the Almighty Father and the power of His hand equally in these triumphs and these sorrows.

''I invite the people of the United States to assemble on that occasion in their customary places of worship, in the forms approved by their consciences, render the homage due to the Divine Majesty for the wonderful things He has done in the Nation's behalf, and invoke the influence of His Holy Spirit to subdue the anger which has produced and long sustained a needless and cruel rebellion.''

Andrew Johnson, 1865, October 28:

''Whereas, it has pleased Almighty God during the year which is now coming to an end, to relieve our beloved country from the fearful scourge of civil war and to permit us to secure the blessings of peace, unity, and harmony with great enlargement of civil liberty; and, whereas, our Heavenly Father has also, during the year, graciously averted from us the calamities of foreign war, pestilence, and famine, while our granaries are full of the fruits of an abundant season; and, whereas, righteousness exalteth a nation while sin is a reproach to any people, I recommend to the people thereof that they do set apart and observe the first Thursday of December next as a day of national thanksgiving to the Creator of the universe for these great deliverances and blessings.''

Ulysses S. Grant, October 5, 1865:

''It becomes a people thus favored to making acknowledgement to the Supreme Author from whom such blessings flow of their gratitude and their dependence, to render praise and thanksgiving for the same, and devoutly to implore a continuance of God's mercy.

''I, Ulysses S. Grant, the President of the United States, do recommend that Thursday, the 18th day of November next, be observed as a day of thanksgiving and of praise and of prayer to Almighty God, the creator and the ruler of the universe. And I do further recommend to all the people of the United States to assemble on that day in their accustomed places of public worship and to unite in the homage and praise due to the bountiful Father of All Mercies and in fervent prayer for the continuance of the manifold blessings He has vouchsafed to us as a people.''

Rutherford B. Hayes, October of 1877:

''The completed circle of summer and winter, seed time and harvest has brought to us the accustomed season at which a religious people celebrate with praise and thanksgiving the enduring mercy of Almighty God. Let us, with one spirit and with one voice, lift up praise and thanksgiving to God for His manifold goodness to our land, His manifest care for our Nation. I earnestly recommend that, withdrawing themselves from secular cares and labors, the people of the United States do meet together on that day in their respective places of worship, there to give thanks and praise to Almighty God for His mercies to devoutly beseech their continuance.''

And parenthetically here, in the midst of these Presidential proclamations, were it not for the teachings of Jesus and the fact that this Nation is based on biblical principle, you would not have a Nation in which people, whether Muslim or any religion, would be able to so freely worship. But it's because of that caring that we're able to do that here, because, as we know, in so many nations that are non-Christian, including Muslim nations, they don't have a lot of sympathy for those who practice Christianity.

Chester A. Arthur, November 4, 1881:

''It has long been the pious custom of our people, with the closing of the year, to look back upon the blessings brought to them in the changing course of the seasons and to return solemn thanks to the all-giving source from whom they flow. The countless benefits which have showered upon us during the past 12-month call for our fervent gratitude and make it fitting that we should rejoice with thankfulness that the Lord, in His infinite mercy, has most signally favored our country and our people.''

There are just so many wonderful tributes before Thanksgiving.

Let me go to one from Benjamin Harrison, November of 1891—and these are just partial. Most of them are not the entire proclamation:

''It is a very glad incident of the marvelous prosperity which has crowned the year now drawing to a close that its helpful and reassuring touch has been felt by all our people.

□ 1550

''It has been as wide as our country and so special that every home has felt its comforting influence.

''It is too great to be the work of man's power and too particular to be the device of his mind. To God, the beneficent and the all-wise, who makes the labors of men to be fruitful, redeems their losses by His grace, and the measure of whose giving is as much beyond the thoughts of man as it is beyond his deserts, the praise and gratitude of the people of this favored Nation are justly due.''

So many great proclamations.

Over to William McKinley, 1897:

''In remembrance of God's goodness to us during the past year, which has been so abundant,'' and then he quotes from Scripture, ''let us offer unto him our thanksgiving and pay our vows unto the most high. Under His watchful providence, industry has prospered, the conditions of labor have been improved, the rewards of the husbandman have been increased and the comforts of our home multiplied. His mighty hand has preserved peace and protected the Nation. Respect for law and order has been strengthened, love of free institutions cherished, and all sections of our beloved country brought into closer bonds of fraternal regard and generous cooperation

''For these great benefits, it is our duty to praise the Lord in a spirit of humility and gratitude and to offer up to Him our most earnest supplications that we may acknowledge our obligation as a people to Him who has so graciously granted us the blessings of free government and material prosperity.''

Theodore Roosevelt, October of 1903:

''The season is at hand when, according to the custom of our people, it falls upon the President to appoint a day of praise and thanksgiving to God. During the last year, the Lord has dealt bountifully with us, giving us peace at home and abroad, and the chance for our citizens to work for their welfare unhindered by war, famine, and plague. Therefore, in thanking God for the mercies extended to us in the past, we beseech Him that he may not withhold them in the future.''

William Howard Taft, the only President to have also been elected to Congress and to have been on the Supreme Court, actually as Chief Justice:

''A God-fearing Nation like ours owes it to its inborn and sincere sense of the moral duty to testify its devout gratitude to the All-Giver for the countless benefits it has enjoyed. For many years, it has been customary at the close of the year for the national executive to call upon his fellow countrymen to offer praise and thanks to God for the manifold blessings vouchsafed to them.''

Woodrow Wilson says, in part, 1913:

''The season is at hand in which it has long been our respected custom as a people to turn in praise and thanksgiving to Almighty God for His manifold mercies and blessings to us as a Nation. The year that has just passed has been marked in a peculiar degree by manifestations of His gracious and beneficent providence.''

John F. Kennedy, October of 1961:

''The Pilgrims, after a year of hardship and peril, humbly and reverently set aside a special day upon which to give thanks to God. I ask the head of each family to recount to his children the story of the first New England Thanksgiving, thus to impress upon future generations the heritage of this Nation born in toil, in danger, in purpose, and in the conviction that right and justice and freedom can, through man's efforts, persevere and come to fruition with the blessing of God.''

Mr. KING of Iowa. I thank the gentleman from Texas for his presentation here and setting the tone right for Thanksgiving as we are departing this city and going back to spend time with our families again. We are a grateful Nation, and I know that we will have a lot to be thankful for in the King household, as does America have a lot to be thankful for.

Mr. Speaker, I appreciate your attention, being recognized, and all of our service here to the American people.

PROGRESSIVE CAUCUS

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

Mr. ELLISON. Mr. Speaker, my name is KEITH ELLISON, and I am proud to come before the House today to address you and the American people regarding our Nation and regarding the state of affairs facing our people. This is an hour I claim on behalf of the Progressive Caucus.

The Congressional Progressive Caucus is that group of Members of Congress who believe that, yes, it's true, we all must be included in the great American Dream. The Progressive Caucus is that group of Congresspeople who believe that peace and diplomacy and development are far, far away preferable to war and fighting and strife.

The Progressive Caucus, we are the ones who say, yes, we should have child nutrition; yes, we should have food stamps for people in need; yes, we should have real commitments to small business and small farmers, not big business and the farming agricultural industry.

The Progressive Caucus is that body of Members in this Congress who come together around peace, around economic justice, around the issue of civil rights. We are the ones who say Don't Ask, Don't Tell must be repealed. We are the ones who say, as a Congress, that the American people are one people and need to be included in this great American Dream; that the arms of America are broad enough for all of us. This is what the Progressive Caucus is. This is what we believe.

We are not the ones who say that some Americans are not okay based on who they love or what their religion is; and we are not the ones who say that economic prosperity should only be for the wealthiest among us; and we are not the ones who urge war. We are the ones who urge peace. We are the ones who urge economic justice. We are the ones who believe that the poor must be within our thoughts, particularly at this time of year.

We are the ones who argue that we must extend unemployment insurance benefits, which, sadly, went down on the floor of this House earlier today. This is the Progressive Caucus, and this hour we claim on behalf of the Progressive Caucus to talk to Americans about the importance of having a progressive vision for America. Even in this time after the elections were so difficult for so many, the fact is that we remain vigilant. We remain on the job projecting a progressive vision for this great Nation.

And this hour we speak on behalf of the Progressive Caucus, and this is the progressive message, three progressive messages today for everybody, three messages we want to hit.

The first message is the unemployment extension. I want to talk about that. The other one is the Bush tax cuts extension. And the third point is the absolute deluge of dirty money which totally swept through this last election cycle, corrupted our politics, all to the tune of about $75 million, some of it from sources no one knows where they came from, and the absolute urgent need for transparency and to get corporate money out of American politics. Those are my three topics tonight.

Let me start by talking about unemployment benefits. Today, we had a vote to extend unemployment benefits which will expire at the end of this month, in November. This comes at a time when Americans are looking forward to what their Thanksgiving dinner is going to be like. This comes at a time when many Americans are looking at Christmas, Hanukkah, holidays, time to be together. But 2 million Americans, if we don't find a way to somehow get unemployment insurance benefits extended, which again failed on the House floor today because of Republican opposition, will have a very grim holiday.

□ 1600

This is a national shame. This is a travesty. This is something that is too, too bad.

Today on the House floor, unemployment extension benefits were up on the House floor, and we had to pass them by two-thirds vote because they were on the suspension calendar. It's necessary to put things on the suspension calendar because if we go through regular order, we can bet that there will be a Republican motion to recommit which will cause all kinds of damage and mischief. So the unemployment insurance extension was put up that is expiring in a few days. And you would think that something like extending unemployment benefits would be very easy because we have 9.6 percent unemployment, so many people are facing no opportunity to have any income if these benefits are allowed to expire at the end of this month, of course compassionate Congress would step right up. You wonder why we wouldn't get 100 percent of all these Members to vote for extension of unemployment benefits. But 150 of our colleagues on the Republican side voted ''no'' to extension of unemployment insurance

benefits, and because of that, we didn't pass it.

So now many of us who stay up at night worrying about what Americans are going to do, put food on the table for their families, have some more nights to worry, because the truth is we are not able to pass the extension of unemployment on the House floor. An overwhelming number of Democrats voted for it, and even some Republicans voted for it, to their credit. But we didn't get enough of that caucus, and so we ended up seeing that bill fail.

Obviously, the unemployment extension is hitting snags in the Senate. But if we could have passed it here, it would send a very important signal to the Senate that they must take up this measure, they must pass it through for the sake of the people, of the Americans, 2 million of them, who are seeing unemployment benefits expire even by the end of this year.

I want those Americans to know, nearly 2 million Americans to know that there are people in this House of Representatives who care desperately about them and their children. We put the measure on the floor and voted for it, needed two-thirds vote, couldn't get the support of our colleagues, and it didn't go. And sadly, I want to say that I hope those 150 Members who voted ''no'' think about you in the weeks to come. It is difficult, it is desperate, and I think that Americans, Mr. Speaker, need to raise their voices and look at the vote count to see who voted with them and who didn't.

Nearly 2 million Americans will lose unemployment benefits by the end of the holidays if Congress doesn't find a way to act. At this point, we may well have to act even if under a good, best case scenario after the extension of the benefits, after the benefits lapse. We have done it before. We may need to do it again. But the fact is that that is the situation.

According to the Department of Labor, 1.98 million workers, that is nearly 2 million workers, nationwide will lose benefits by the first of this year, January 1. By the end of February 2011, in only a few months, over 4.4 million workers will lose benefits.

Now it has devastating effects for individual families, no doubt about it, mom, dad, perhaps both, perhaps single-parent families not having any unemployment, in this tough economy not able to find a job. But it also has a devastating effect for our whole economy, because when people have unemployment insurance benefits to go buy groceries and pay rent, they can pay their landlord, they can pay the grocery store. And if you can pay the grocery store, then the grocery store has made a sale. And if the grocery store has made a sale of groceries, then they can keep those folks who work for the grocery store. And if the folks who work for the grocery store can keep their job, then they can buy some groceries. And if those folks can buy some groceries, then other people can. And maybe they can pay their rent, and maybe that will mean that the landlords who perhaps rent to them will be able to maintain their building and be able to pay the utilities associated with running that apartment building that they might live in.

But if they can't, then the person doesn't get their unemployment benefits, they're not shopping as much, their shopping goes down, then the people who work there lose their jobs, then they can't pay their rent, now the landlord is not getting their rents in, now the landlord is looking at the building going into foreclosure because they can't even keep the mortgage up on that.

Now let's talk about housing. Let's talk about we have seen about 2.8 million foreclosures in 2009, about a similar number this year, on pace for that if not more. Those people who are counting on that unemployment check are counting on using that money to pay that mortgage. More foreclosures. This was incredibly irresponsible to not pass unemployment insurance benefits.

Mr. Speaker, I hope that Americans saw what happened today and demand that Congress pass unemployment insurance benefits. Unemployment insurance benefits is good economics. It will cost our country more than it would have to spend to extend these benefits. It will cost our country more in terms of lost jobs, lost revenue to State, local, and Federal Government because of people who are not working anymore who now may become an expense. It will cost more money. It is incredibly shortsighted. It's bad economics. And when it comes to the individual effect on the family, it's just heartless. I have sympathy for people that heartless. I think you should be more compassionate than that, Mr. Speaker.

February 2011. We're halfway through November, we have December, then we have January. February 2011, 4.4 million workers will lose their unemployment benefits with devastating effect to their family and our entire economy.

Economists agree that ending emergency unemployment insurance benefits programs now hurts the economy. Even economists say it. This is not simply Keith Ellison on the House floor saying this. Economists who study this stuff every day say, do you know what? The effect of ending these programs is going to hurt our recovery and hurt our economy. The Department of Labor analysis by Wayne Vroman, who is an economist, well trained economist, found that unemployment insurance benefits boost economic activity by $2 for every dollar spent in 2009. So if we do extend unemployment insurance benefits in the year 2009, that would mean that there would be $2 in economic activity. Now that's a pretty good deal. That is what you call a multiplier effect, which is very beneficial.

Reducing unemployment insurance benefits will reduce our gross domestic product. It will hurt our economy in the same way I just explained a moment ago. For people just tuning in, Mr. Speaker, I just want to say what will happen is that if people don't get the unemployment insurance benefits, they cannot spend, and the local retailers cannot maintain their staff, who then will end up laying people off. This will extend and increase unemployment. It's already 9.96 percent. How much more do the people who voted ''no'' want it to go?

Goldman Sachs has estimated that if the extension were allowed to expire, it would reduce economic growth by half a percentage point. Now, half a percentage point of economic growth, that just sounds like some statistic. But what that means is fewer refrigerators bought, fewer cars bought, fewer loaves of bread bought, fewer eggs bought, fewer people hired, fewer people who are going to be able to run the risk to start the small business that they've been thinking about. This means this is a bad thing for our economy. It means real pain to real people. That's what it means to see gross domestic product fall and economic growth slip by half a percentage point.

Another noted economic organization that does economic analysis has estimated that allowing the extensions to expire would reduce gross domestic product by about $14.1 billion. Again, almost half a percentage point. This is a consensus of people who are economic experts.

Now, let me just tell you this. Some people who voted ''no'' are operating under a very false belief system. They think that unemployment insurance benefits are somehow living really high and you just got all kinds of money and basically you got so much money you don't even want to look for a job.

□ 1610

Basically, they're saying paying people unemployment insurance benefits, a little help from your fellow Americans when you're in a bind, somehow stifles the incentive to work. Somehow government subsidies—there's never an argument against those companies that get tax breaks to do offshore drilling. They're never something that's a disincentive for people who are well-heeled, high, mighty, and well-to-do. But whenever it comes to us who work really hard, anything the government gives us might make us want to work less. Absurd.

But the average weekly unemployment benefits—about $303—are barely 70 percent of the poverty line for a family of four and, on average, replace less than 50 percent of a worker's prior earnings. I am going to repeat that because there's numbers in there and I don't want anybody to not get it. The average weekly unemployment insurance benefit—about $300, a little more than that, about $303—is barely 70 percent of the poverty line for a family of four. So if you've got mom, dad, and two kids, and you're getting unemployment insurance benefits, you're not

making the poverty line by about 30 percent. That's about 70 percent of the poverty line for a family of four and, on average, replaces less than half of the worker's prior earnings.

So people on unemployment insurance are not getting over on anyone. These are people who pay in while they're working. This is a benefit they worked for. This is a benefit all of us come together, all of us put in a pot, and say, you know what, if any one of us loses our job, we're going to use this to help you maintain while you're in that situation. This is a good program. This is something that every industrialized, civilized country, unless you're just an impoverished nation, any decent country would do this. And yet here we are saying ''no'' to these people.

And here's another thing. Some folks will say, Well, you know, if we cut them off, maybe they'll work harder now. Maybe they'll look for a job. They're looking for a job. You can't get unemployment insurance benefits unless you're looking for a job. That's one of the rules of the program. But with every five job seekers for one opening, with five job seekers for every one opening, workers are unemployed because there's simply not enough jobs yet. Even though in the last several months we've been adding private sector jobs, about a millions jobs we've created since the recovery began, there's still not enough jobs.

You see, during the Bush era they just did that much damage to the economy. They lost about 800,000 jobs in the very month that Barack Obama took office as President of the United States. So we're just climbing out of this very deep hole that the Republican Congress and George Bush put us in. But even though jobs are increasing, there's still about five people looking for every one opening for a job. In other words, even if every job opening were filled by an unemployed worker, over 11 million workers would still be looking for a job, because even though we have been doing a good job, the damage is so severe that we've got a long way to go.

Now it's important to understand that even nonpartisan organizations who look at these questions have a lot to tell us about it. The independent Congressional Budget Office—they don't work for the Republicans, don't work for the Democrats. They just work for you, the American people, to try to give us the best information they can. The independent Congressional Budget Office found that research suggests that the effect of recent extensions in unemployment insurance benefits on the duration of unemployment for recipients was rather small, meaning the people don't stay on unemployment long. They use it while they need it, and then they get another job. The duration for unemployment—people just need it to get by. Sometimes it goes longer than expected, particularly in an economy like this where we have so much foreclosure crisis, so many hits to our economy.

But, you know what? People are looking for work. They're trying. They're doing everything they can. They're doing the best that they can. And this government of ours, which represents our people—of, by, and for the people—should be there to extend unemployment benefits on an emergency basis when we have a job crisis like the one we have right now. And it's a shame and a national disgrace that this Congress could not get two-thirds of the vote of this Congress to pass unemployment insurance benefits; 150 people voted ''no.'' One hundred fifty Members of Congress voted ''no.'' And because they refused to step up to the plate and do what was right for the American people, about 2 million of our fellow Americans by January 1 are going to be going without. They're going to have a very grim set of holidays. And my heart aches for them. But, by February, 4.4 million will be in extremely dire straits.

And so I just want people to know, Mr. Speaker, that the people don't have to take it. They can call, they can write, Mr. Speaker. As you know, we live in a democracy. It's a free and open society and people can let their voices be heard to their government that this kind of behavior in Congress is not okay. Mr. Speaker, they can do that. And if they did, I think it would be a good thing.

Mr. Speaker, Congress has never terminated federally funded jobless benefits when the unemployment rate was as high as it is today. Let me say that again: Congress has never terminated federally funded jobless benefits when the unemployment rate was as high as it is now, 9.6. Since the unemployment insurance system was founded 75 years ago, Mr. Speaker, Congress has never terminated an emergency unemployment program when the unemployment rate was even above 7.5 percent, let alone 9.6 percent. Because it's irresponsible to the individual family and because it's devastating to our economy at large.

Even following the 2001 Bush recession, the Republican-controlled Congress maintained temporary Federal unemployment insurance programs until the unemployment rate went down to 5.8. What is the difference between our Republicans of today and those of even just a few years ago? Maybe some people think, Mr. Speaker, I don't know, maybe they think their political chances are better the more pain poor people have to face.

If the current temporary program would be allowed to expire by the end of November, which it is set for, it would be shorter than temporary programs enacted in numerous years of recessions. This year, if we let this program expire, we would have cut the emergency program shorter than we did in 1990, in 2000, in the 1973 recessions. Why are we so stingy now, Mr. Speaker? I don't know. I don't know. But I bet you if the American people exercise their First Amendment rights, some people would listen, because sometimes politicians can't see the light until they feel the heat.

Unemployment insurance benefits have dramatically decreased poverty, Mr. Speaker. And we're at a time when we have record poverty. But because of unemployment insurance benefits, we fought back that poverty and provided economic security to millions of middle-income American families. Unemployment insurance benefits kept an estimated 3.3 million Americans out of poverty in 2009. Let me repeat that, Mr. Speaker, because that's another one people really need to be focusing on: unemployment insurance benefits kept an estimated 3.3 million Americans out of poverty in 2009. This is a good thing. And now we're looking at ending the program by the end of this month. That's wrong. Without these benefits, the increase in poverty from 2008 to 2009 would have been nearly 6.9 million rather than 3.6 million. So poverty would have been twice what it was without our acting in the earlier times that we did. Because we acted already, we were able to cut poverty to half the rate that it would have been. But now we're letting it expire.

Now I also want to say almost a million children were kept out of poverty in 2009 because of unemployment insurance benefits. Almost a million children. We're talking about little ones that are trying to go to school, trying to learn, developing brains. And because they were able to get the basic decency from their government in unemployment insurance benefits, they were able to stay out of poverty. But a million children, a million little ones going into winter, going into the cold months, going into the holidays are going to have to face that poverty because our Congress would not act.

□ 1620

I just want to say that that's wrong. The American children deserve better from their government than they got today on this House floor.

I want to move on to tax cuts, Mr. Speaker, but before I do, I want to repeat some of the more salient points because maybe some folks just got on C–SPAN. I just want to say 2 million Americans stand to lose benefits during the holiday season because Congress failed to extend unemployment insurance benefits—2 million. Mr. Speaker, 2 million Americans stand to lose unemployment insurance benefits this holiday season, and 2 million more could lose them by February 2011. These Americans buy goods and services, stimulating our economy, which keeps people employed, which keeps rents being paid, which keeps mortgages being paid, and which keeps our economy moving toward recovery. Because we're not acting the way we should, we are putting this recovery in

jeopardy. Is electoral success so important that you're willing to put 2 million more people into poverty? It's a shame.

Now, Mr. Speaker, I want to juxtapose this question of our refusal to pass unemployment insurance benefits with what seems to be the thing that everybody feels like talking about around Washington, which is whether or not we are going to extend tax cuts, tax breaks, for the richest Americans. Right now, the debate is:

Shall we extend the Bush tax cuts up to $250,000, which means that people who make more than that will be able to have their tax breaks extended for the amount below that, or will we just extend them for all, up to the top 2 percent, which would mean extending them for everyone?

If we extended them for everyone, that would cost us an extra $700 billion. The people who are most adamant and who scream the loudest about deficits, debt, and spending are the first ones who want to make sure that the richest Americans get their tax cuts to the tune of $700 billion. Mr. Speaker, we don't have the $700 billion, so where are we going to get the $700 billion? We're going to borrow it. Our Republican colleagues want us to borrow $700 billion and give it to the richest Americans. So we wonder, Who are we going to borrow it from? Probably from the Chinese. I don't know. We don't have it.

Also, according to their pledge to America, they want us to cut education by about 20 percent. Is this a recipe for a competitive America? Those people will say, Oh, we want America to be competitive. They say that they want America to compete, so we're going to add to the debt to the tune of $700 billion. We're going to borrow the money, and we're going to cut education. The richest Americans can—I don't know—buy more boats, stay in more luxury hotels, buy big, fat cigars, and buy bottles of Cristal. I don't know what they do. I'm not one of them. The point of the matter is it's wrong, and we ought to be embarrassed to talk about it.

Now, some of our friends say, Oh, yeah, we've got to give the top 2 percent a tax break, too—they'll say—because it's going to help boost jobs.

Wait a minute. Didn't we have these tax cuts back in 2001 and 2003? Don't we have massive unemployment? Their program has failed. The evidence is on the wall. It's there. Their program has failed. If tax cuts are so great, why did we lose 800,000 jobs in the last month that George Bush was the President of the United States? No. Forgive me. 841,000 jobs. Can't leave out those 41,000 jobs, because there were 41,000 people in those jobs. Why did we lose about 4 million jobs during the last 6 months of the Bush Presidency if cutting taxes were such a great idea and a panacea for everything?

I'm going to say, Mr. Speaker, that cutting taxes is not a bad thing at all. It depends on who you cut them for. Cutting middle-income taxes might actually help people. Cutting taxes for the richest Americans is damaging to this economy and is unfair to the rest of us, and there are a lot of wealthy people who agree with me. Because you know what? They know that the economic ladder has got to stay in place. You can't live in this great country and make all the money that living here has given you the opportunity to make and then pull that ladder up behind you once you've made it all. It's wrong to do.

You know, we Democrats/Progressives don't have any problem with people coming up with a great idea and marketing it. People like it, so they buy it. They make a lot of money. Okay. That's fine. The question is, once you have used our roads to move your products around, once you have used our public schools to educate your workforce, once you have relied on our military to protect you, once you have used our police force to protect your firms and all your assets and property, once you have used our emergency medical services if, heaven forbid, you get a heart attack from all that work and you need that service, once you use all of these government services, once you drink the water which some government worker has inspected to make sure is safe, once you eat the meat which some government worker has inspected to make sure is safe and you benefit from all of that and then you say, ''Oh, I don't want to pay any taxes. I don't want to pay any taxes. I want to keep it all just for me,'' there is a word for that—and it is ''greed.'' There is no other word for it. I shudder when greed has been elevated to a political philosophy.

We're not talking about a complete government takeover, which some people are so happy to try to accuse us of. We're talking about a mixed economy where the public and the private sectors are in reasonable balance. That's all we're talking about. We cannot borrow $700 billion, give it to the richest 2 percent of Americans and then cut our educational system and say that we are that balanced, reasonable, mixed public-private sector economy. We can't do it.

So I say that this middle-income tax cut—again, if you do make lots of money, if you are the top 2 percent, your tax cut will be extended from zero to $250,000. That's the thing. Everybody is going to still have an extension, but you won't get it if you're above that. So that's what we mean by a middle class or a middle-income tax cut. It's very important to understand this. This is not something that's against the rich folks. Hey, look. You know, there are a lot of good rich people. The fact is many of them understand that the ladder of opportunity must be there for everybody else, but there are some who figure, I've got money. Skip you.

That's wrong. We need people who understand that this great country has allowed them to make the money that they made and that the ladder of opportunity needs to stay where it is.

I was talking to one fellow who said, Oh, we should have a tax cut for everybody, not just for the 98 percent and down. We well-to-do people do so much for the economy.

I said, Well, wait a minute. Didn't the rest of us do so much for you? Didn't you brag to me about how you went to college on the GI Bill? Who did that for you? That was the public. That was the American people. Didn't you go to State University of ''Whatever''? Didn't you tell me you were a member of the State patrol for a while before you went into your business?

This is a real conversation I had with somebody who benefited so much from the public but then didn't want to hand anything back.

Right now, I'm joined by one of my very favorite Members of Congress, the Congressman from the great State of California.

Congressman, what do you say tonight?

Mr. GARAMENDI. Well, Mr. ELLISON, I was in my office. Of course this floor is constantly on the TV screen, so I looked up, and I said, Hey, there's my man. There's the guy who is from the great upper Midwest, who has seen the incredible downturn of the American economy. I know that you've worked hard for your district to try to bring in those jobs and to try to create the legislation that would bring the jobs into that district. As you were talking, I said, I'm going to go over and say just a couple of things in support of the message that you're giving today, a message that over the last 2 years has been one of a consistent effort by the Democratic House to stabilize the American economy. We did that with the Wall Street bank bailout, which a lot of people didn't like.

□ 1630

I had problems with it, too. I think those Wall Street barons should have paid a heavy price, but the price that they could not pay and should not pay is the total collapse of the financial industry of the world because we would wind up, mom and pop at home, whether you have a 401(k), which unfortunately became a 201(k), whatever, we did that and it worked.

Then you came right back, the Democrats in this House and the President came back with the American Recovery and Reinvestment Act, 3 million jobs out of that, stabilizing once again the situation where the jobs were in free-fall the last months actually of the Bush administration in 2008, 800,000 jobs lost. But that began to turn around, and so in 2009 we began to see a turnaround, a lessening of the lost jobs. They continued to lose jobs, but nonetheless, each month that went by there was fewer and fewer jobs lost, and then in 2010 we've actually seen the growth of jobs in America once again, not only as a result of those two

pieces of legislation, but dozens and dozens of other bills that I was fortunate enough to work on when I came here just over a year ago in a special election.

It's been hard work. We've not had much help, and this is one of the things that I find so disappointing having come here just a year ago, and on all of those bills, the American Recovery and Reinvestment Act, the stimulus bill, the HIRE act that gave incentives to employers to go hire people, the saving of the American automobile industry. The Republicans voted against these bills.

On unemployment insurance, the Republicans voted against it. I mean it's easy enough I suppose if you have a job not to worry about the uninsured, but if you don't have a job, what are you going to do? How do you keep a roof over your family's head? How do you provide the food? Well, you do it by getting an unemployment insurance check, which, actually—workers in America and employers in America have paid into an insurance program year after year after year and that uninsurance program provides the insurance when a person loses their job.

I couldn't believe it today on the floor. We have more than 2 million Americans whose unemployment check is going to run out during these holidays. Between the end of Thanksgiving and New Year's, 2 million Americans will lose their unemployment check. Now, the economy not's running the way we want it to run, and hopefully you and I will have a chance to talk about making it in America, making this economy once again, but today, on this floor, not more than 3 hours ago, we were unable to muster a two-thirds vote to pass an uninsurance check extension so that people would have food, shelter, clothing, maybe even a small gift for their children at Christmastime.

What are we doing here? If we are such—we, not we, the Democrats voted en masse for this, but 143 Republicans, more than the one-third to block, voted against this. We're talking about the ultimate Scrooge. This would make Charles Dickens right up there on top with Scrooge on Christmas, on the holiday season, when we ought to be generous. 143 Republicans this day voted to deny 2 million Americans enough money to buy a gift for their child, to put a holiday meal on the table.

Okay, fine, I understand where they're coming from—no, I don't understand where they're coming from. I don't get it but we need to move forward. We need to move forward. I know you have been talking about that. And we can do it. We can rebuild the American manufacturing industry. It's there for us to do it if we use wise public policy, and I know you have been talking about this, and I'd love to engage in a dialogue with you and see if we can share some thoughts here.

Mr. ELLISON. Well, you know, Congressman, I just want to thank you for joining me down here for the progressive message. It's really always a joy to be with you. I was spending a little bit of time talking about how this denial of the unemployment insurance benefits extension absolutely has a devastating effect to the individual family. It also has a devastating effect to the economy because consumer demand is bolstered by people having some income, even when they're unemployed.

Mr. GARAMENDI. It is a local store. If you have no money, you are not going to do one thing for this economy except be an additional burden to it. And so if you have an unemployment check—and let's keep in mind, that's something that the workers and employers have paid into so that when you lose your job, you have a continuation of income and you use that money to go down and buy some clothing for your kid, stimulate the economy, give the retailer—you buy bread, you buy food, you're able to pay your rent, you're not going to have to face that foreclosure and help drive down the prices of homes in your neighborhood. It's all there. It makes so much sense on the economic level.

But on the human, moral level, about where we are as Americans, it's not the fault of that worker out there that lost his job that he doesn't have a job. Many, many reasons for it. Wall Street, greed on Wall Street, all of those things. We can talk about that later, but it's not that worker's fault. It's not his kid's fault. Can't we just muster enough compassion to give those families an opportunity during this holiday season and on into the new year enough money to stay in their home?

What are they are going to do, go out and live in their car? They can't afford to buy the gas, I guess they can become the homeless. 143 Republicans this day said go homeless, go live in your car, don't worry about the holiday gifts, don't worry about your children because they will have no food, they'll have no place to live. What are they thinking in this House? 143 Republicans said ''no.'' They blocked, 7 days before Thanksgiving, they blocked an opportunity for 2 million American families to have enough money to put a holiday meal on their table, to put shelter over their family.

Mr. ELLISON. Congressman, thank you for pointing those things out. One of things that continues to stay on my mind is how some of the rationale for this ''no'' position that was taken by so many of our colleagues in the Republican caucus is that with, well, you know, if you give people unemployment insurance benefits, maybe that will dissuade them from looking for a job. Do you have any views on that particular mode of thinking?

Mr. GARAMENDI. Well, apparently those people that say that haven't been looking for a job.

Mr. ELLISON. It's easy to say when it's not you.

Mr. GARAMENDI. It's easy enough to say, but when you're out hunting for a job, you know these are difficult times. And we're going to make efforts to turn that around, and we've talked about that a little already, but the jobs are not there. We need to move this economy forward, and then as we do so, those jobs will come back. And let's understand, this is not a bunch of welfare. A lot of people are against welfare. We understand that, but these are middle class Americans——

Mr. ELLISON. That is right.

Mr. GARAMENDI. Who had a good paying job 2 years ago, a year and a half ago, 6 months ago. These are men and women who over the years have been the backbone of this Nation, middle class America, and yet 143 of our colleagues on the Republican side didn't see it that way. I guess they thought, well, if they don't have any money they will go to work.

I would ask any one of those 143 to leave here today and go out and see if they could find a job, and if I were an employer and somebody had that amount of compassion, I know where I would send them. I'd send them out the door and good-bye.

Mr. ELLISON. Now, Congressman, you're not talking about one of those big lobbyist jobs. You mean a real job that makes you put your back into it, right, that so many Americans have to turn to, to be able to meet their daily needs.

Mr. GARAMENDI. Go out, let's see if you can pay the building—let's see if you can go out and run a backhoe, dig a ditch, or operate a bus or train or whatever. No, no, no, and when they lose their job here, as they should for this vote alone—they should for this vote alone lose their job here—no, they will go down to K Street, and they will get one of those high-powered office building jobs and they'll come back and lobby us and try to tell us what we should do. I will tell them what they should do—they should take a hike right out of this building because they're the super Scrooges of this session.

Mr. ELLISON. Congressman, thank you for making those points.

I just want to see if I can also get your views because as we're talking about denying families basic money right before Thanksgiving, right before New Year's, right before Christmas, right before Hanukkah, right before so many American holidays, we are also really talking about whether we should extend tax cuts to the top 2 percent to the tune of about $700 billion for us which we don't have and we'll have to borrow. I wonder if you have any thoughts on this.

□ 1640

Mr. GARAMENDI. Well, this is another issue that's going to be before the Congress in the next couple of weeks, and that is, what are we going to do about the 2001, 2003 tax reductions that expire on December 31?

Those tax reductions were pushed forward by George W. Bush and the Republicans, who then controlled both this House and the Senate. And they wrote the tax law so that the middle-income got a little bit. It was worthwhile. It was a good reduction. But the real reduction went to those with the big bucks, those who had more than $250,000, $500,000, $1 million, $1 billion annual incomes. They got the big bucks.

And what happened was, we saw, once again, the widening of the gap between the working men and women of the middle class and the high and the mighty, the top 1 percent of this Nation who now control 70, 80 percent of all the wealth of the Nation. They certainly have the big salaries. And do they need a tax break at the expense of an unemployed worker from a factory in your district, an unemployed worker from a factory or from a school in my district? I don't think so.

Let's talk about what it is. For those making $1 million a year, the tax cut is worth $83,000 a year. Now, you tell me how many out there in middle America are making $83,000 a year. Well, we know that there are 2 million that are unemployed that certainly aren't. But if you took that money, that $83,000 for all those millionaires, you could create 3 million jobs that would pay $30,000 a year. Not a great deal, but a living wage for 3 million Americans.

So we've got choices here. We've got choices. You are going to give the wealthy even more, $83,000 a year—that's just for millionaires. And there are billionaires out there who will make even more out of this tax cut. What are they going to do with it? Well, I guess they could buy a Mercedes-Benz E-Class which does cost about $82,000. Maybe we would like to think of them with a nice big, fat cigar. They could buy 2,000 of those cigars every year for the next decade, and they could light each one of those cigars with a $100 bill. Now that's a worthy way to do it. Or would you rather have 3 million Americans earning $30,000 a year or, in this case, even an unemployment insurance check?

And one of the things, Mr. ELLISON, some days I want to stand up here on the floor and just scream and say, What are you guys thinking? Deficit reduction. Oh, my goodness, we just finished an election. And deficit reduction was on every advertisement. We have got to deal with the deficit. We have got to deal with the deficit. Well, what the Republicans are proposing is a tax break for those who earn more than $250,000 a year.

Let me back up here. Every American taxpayer, every American taxpayer will receive a tax reduction up to $250,000. If they are making more than that, the tax break that they have had for the last decade would end.

Now, my Republican colleagues want to extend that tax cut for the wealthy. What it means is an additional $700 billion of deficit over the next decade, $700 billion. So you can't talk out of both sides of your mouth here. Either you are a deficit hawk and you vote against a tax cut for the wealthy, or you are a hypocrite and you vote for a tax cut for the wealthy and increase the deficit by $700 billion.

Mr. ELLISON. Now, Congressman, another thought I wanted to get your views on here, it's been puzzling me. These folks say it with such conviction that they must believe it. They say, Well, if we cut these taxes, this will lead to an economic boom. But that is trouble because, why did we end up in such an economic malaise, because we've had these tax cuts in place since 2001 and 2003; and this decade has been the decade of the slowest economic growth since World War II? So if tax cuts are the answer for everything, why didn't we have great economic growth, and why do we have such an economic recession now since we've had these tax cuts in place?

Mr. GARAMENDI. Well, because tax cuts, particularly at the upper income levels, don't equate to economic growth. You are quite correct, the George W. Bush tax cuts in 2001 and 2003 helped create the extraordinary deficit that we currently have. There were a couple of other things, two wars, Iraq and Afghanistan, that were not paid for by American money but rather by borrowed Chinese money and the tax cuts and the ultimate near collapse of the economy in 2007 and 2008. Those all added to the huge deficit.

But it's also, just as you have pointed out, clear by the employment statistics that following the tax cuts in 2001 and 2003 that the number of people employed actually reduced by nearly 600,000 people over the period of the next 5 years. So, you know, it doesn't equate.

Now, we need to provide the current tax cuts for those in the middle class that are earning less than $250,000. And, really, for every American earning $250,000 or less—if they make more, they're going to pay a little more—it's very, very clear that if we continue to provide the tax cuts for the very wealthy, it's not going to create more jobs. For those who need the money, they're going to pay their mortgage, they're going to make that car payment, they're going to buy food, they're going to buy clothing, they're going to invest that tax money into the economy, stimulating the economy. For those that are wealthy, I guess they will go buy another Mercedes-Benz, which I think is manufactured overseas.

Mr. ELLISON. I think you're right. Congressman, let's now turn to our good friend from the great State of Tennessee. Congratulations on your reelection, my friend. Congressman, we've been talking about economic justice, the denial of the unemployment insurance extension, the Bush tax cuts. What are your thoughts tonight?

Mr. COHEN. Well, I thank you for having this hour and for letting me join you, each of you.

These are the issues that are important to the American people. And I tried to address some of them in 1 minute. You can't discuss them in 1 minute. One of the issues we heard about was the deficit. The deficit was created by the Congress that was begun in the beginning of this century. The Congress in 1994, when President Clinton was President, a Democratic Congress with all Democratic votes passed a balanced budget bill that balanced the budget by the year 2000, and that balanced budget with a surplus was squandered with Bush tax cuts that cost tremendous amounts of money and a trillion-dollar war in Iraq without weapons of mass destruction and without a well-defined purpose and without the truth behind the purpose, I believe, of that war. And then an additional war in Afghanistan that was made the secondary war. This has created the great deficit that we have now, and you've got to correct that through income or through cuts.

What has been recommended by the bipartisan panel the President set up bears looking at as a beginning. It's going to take some tough decisions, but we also need revenue; and the revenue can't be across-the-board extensions for the Bush tax cuts. And to the upper 2 percent, as Mr. GARAMENDI was talking, they don't spend that money. My friends all drive Chryslers, I must make amends; dear Lord get me a Mercedes-Benz. That's an old sixties song. That's what they buy, is a Mercedes-Benz or maybe something from Cartier, which doesn't really stimulate the economy. It might tickle the fancy of somebody, but it doesn't stimulate the economy.

We've got to make some difficult decisions and earmarks aren't the issue. Earmarks don't take away from the deficit. It just means that rather than your Congressperson from your district who knows your needs, it will be somebody in Washington spending that money. The earmarks need to be done in a transparent manner, and this Congress has seen that they are published. The people have to say that they are theirs, they have no financial interest, they don't have a personal stake, and they can't be for a for-profit company.

Earmarks in and of themselves are not bad. They just need to be cleaned up, and this Congress has cleaned them up. But the fact is, we need to make some difficult decisions. I'm prepared to make those difficult decisions on some long-term economic policies that will help clean up the deficit, which we need to do. I don't agree with much of what was put in the bipartisan proposal that was just recently announced by Mr. Bowles and Mr. SIMPSON, but it's a starting point; and it should not be summarily dismissed as it was by some from my party. On the other hand, the issue of earmarks is a subterfuge or just an issue to be thrown out there which has nothing to do with the deficit.

□ 1650

It's going to take some tough decisions, and the Department of Defense can't be off the table. Some say, Oh, you can't deal with the Department of Defense. There's a lot of money in the defense budgets that's there because of who manufactures the weapons and not the purpose of the weapons, and there's a lot of waste in the Department of Defense, and we need to look there as well. And we're going to have to make some large cuts, and that's where most of the money is.

So I join with you. I appreciate, Mr. ELLISON, your work. I appreciate Mr. Stein's quoting you in Time Magazine when you cited me as part of your team, and I'm going to be part of your team. And, Mr. GARAMENDI, I appreciate what you've done from California and in your leading these discussions. And I just want to be a part of the ending of this Congress that does some economic justice and that we try to see that economic justice is not forgotten in the 112th.

Mr. ELLISON. Well, I'm going to leave the last word to Congressman GARAMENDI, but I just want to say before we close out, because we are getting close to the end of the hour, this Democratic Caucus is resolute. In this last election, you know, okay, we got our nose bloodied a little bit. But you know what? We are focused on the best benefit and the welfare of the American people. We will not bend. We will not bow. We will stay here talking about Making It In America, talking about jobs, talking about renewable energy, talking about manufacturing, talking about infrastructure, fighting back these unjust economic policies which skew our economy so that we pull up the ladder of economic opportunity. We're not going to allow it.

I'm going to let Congressman GARAMENDI give the last word. And I want to thank you, Congressman COHEN. You are a joy to work with, a pleasure, and your wit, your charm, and your knowledge are always a benefit.

Mr. GARAMENDI. Mr. ELLISON, thank you so very, very much. And I really want to congratulate you on the success of your reelection. And I know why you were reelected—because you have a heart. You've got a moral center that's focused clearly upon the needs of the men and women in your district who struggle every day to put food on their table, to take care of their children, make sure they have a good upbringing, the clothes, the education, and a roof over their head. I mean, that's really where we ought to be going. That should be our moral compass, and it certainly is yours, and I know it is yours also, Mr. COHEN. Because of that, you're back here.

But there's some real serious issues that divide us here in this Congress. We saw one today—the issue of the unemployment insurance. You know, 143 of our Republican colleagues blocked that payment that would give men and women an opportunity to have enough money to take care of the holidays that are ahead of us, put food on the table, maybe buy a few gifts.

There is another thing that we need to do, and we've been working at that for more than 2 years, in almost every case without any help whatsoever from our Republican colleagues, and that is to get America back to work. The Recovery Act, 3 million jobs, no Republican votes. The HIRE Act, another few couple of hundred thousand jobs, no Republican votes.

Even when it came down to putting teachers in schools, to keep them there—in my own State, 16,600 teachers are in the classroom because we put some more money on the table to help the States and local communities—police and firemen the same, not one Republican vote.

Talk about the deficit forever. Yeah, you can talk about the deficit, but it comes down to a point, are you willing to take action to deal with the deficit, and our Republican colleagues have said a resounding ''no'' thus far. They want a $700 billion increase in the deficit to finance a tax break for the wealthiest part of America's society. This is hypocritical. This is wrong.

And it's time for us to go. Mr. ELLISON, thank you so very much. Mr. COHEN, delighted to have the opportunity to talk to you about these fundamental American issues.

Mr. COHEN.

Mr. COHEN. I would just like to make one statement, Mr. ROHRABACHER, if you would permit before.

You know, I think it was Wavy Gravy that said, if you remember the sixties you weren't part of the sixties. Well, when you get into your sixties, sometimes you forget things. It was, I believe, Janis Joplin, and it was: My friends all have Porsches. I must make amends. Lord, won't you buy me a Mercedes-Benz.

MADE IN CHINA

The SPEAKER pro tempore (Mr. HIMES). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes

Mr. ROHRABACHER. Mr. Speaker, today I would like to address my colleagues about the greatest threat over the horizon, ''Made in China.''

Mr. Speaker, while focused on the deadly threat posed to our immediate safety by the forces of radical Islam, many Americans seem oblivious to the storm clouds just over the horizon.

I come to the floor with a grave warning to the American people. We face a threat to our national security with complexity and global scope such as we have never experienced in this Nation's history. This threat is pervasive. It challenges our economic, political, and financial structure, as well as the security of our homeland.

I have come to the floor to plead: We can no longer look at the dynamic shift in power that is taking place and console ourselves with wishful thinking. We must quit fooling ourselves that there are offsetting elements at play, that the glass can be viewed as half full or half empty. It is clear that a powerful adversary is unabashedly out to grab that glass and drain it, consume it at the expense of the American people, and leave Americans of the future in thirst of the prosperity and security which we now take for granted.

And it is not only our children's future at stake. What we do as a people, as was the case of Americans before us, will determine which diametrically opposed system of governance—freedom or tyranny—will shape the world and human events for generations to come.

Today, radical Islam can be, must be, and will be thwarted. Yes, it is a threat that is now upon us. Radical Islamists, however, are not only butchering Christians and Jews, but a multitude of Muslims as well. And yes, forces of modernity within the Muslim world who are themselves threatened with extermination will help us defeat this evil plague of radical Islam.

Today, if we remain vigilant and if we remain engaged, we can be confident of this outcome. Yet, as I say, a greater threat is just over the horizon. I am referring to China, a dragon of immense power and insatiable appetite. This challenge will far outshadow the current battle with radical Islam.

China is already engaged, already manipulating, already doing damage, already making serious moves to catapult itself into a position of preeminent power on the Earth. To them, that would simply be moving the center of the Earth back to China where it once was and rightfully should be, from their ethnocentric perception.

Right off, let me assert my intention is not to be a China basher. Surprise, surprise, because I am not a China basher.

China is not the regime that controls that territory, but the people who reside there. They are a people with a magnificent history and culture. Today, over 1 billion Chinese men, women, and children survive in abject poverty. They are in servitude to a small clique, a small, heavy-handed clique, a cadre. Yes. You might say a band of cronies which represents only about 2 percent of the Chinese population. That clique is kept in power by the brutality of their hacks and thugs and the deployment of technology which all too often can be traced back to Western benefactors. With modern Western-developed technologies, they have created a high-tech police state that mirrors the imagination of George Orwell in his prescient novel, ''1984.''

The Chinese regime that holds power in Beijing is a hostile force to the freedom of its own people and a threat to us. The hardworking, long-suffering, yet dignified and proud people of China, they are our allies in waiting. Our sympathy and loyalty should focus on them, the Chinese people. Their

greatest hope is our greatest hope, that they will some day demand and win their own freedom and thus shift China into the family of free nations and free people. This should not only be their goal, but our goal as well.

But for now, the aggressively authoritarian and murderous regime in Beijing holds power with an iron fist at home and makes alliances with gangsters and tyrants the world around. The growing power of China is obvious in the confidence and bullishness of its antidemocratic regime, in its leverage as a formidable economic competitor, and its expanding military force.

□ 1700

All of this has been steadily assisted by our own government and by the elite captains of America's finance industry.

These American tycoons still plot, scheme, and invest to make a quick buck by exploiting a massive cheap labor pool and a mega market in China.

It is the same dream of a century and a half ago, when ambitious Western businessmen dreamed of ''lighting the lamps of China'' and making a fortune doing it. Only now, the fortune is being made by America's elite, but it is not benefiting our country. It is being done at the expense of the American people.

The Chinese regime as of late has been masterful at manipulating the greed and avarice of Western businessmen, even as China itself continues to undermine international financial markets and hammers many of those Western corporations which have already set up there in China.

Beijing maintains a massive pool of near-slave labor to even attract more foreign capital and manufacturing know-how. This is at the same time that they undervalue their own currency to secure the dominance of their exports, even as they enforce the restrictions they have placed entry into their market.

This is not just symptomatic of a nation with gusto to get ahead. They are destroying the economic potential of their future competitors. So much more sophisticated than Mao, the Chinese oligarchs of today look and speak Western. They mean to eclipse our country and, yes, extinguish our ideals of democracy and individual freedom, even as the West stumbles in its retreat before this aggressive and autocratic global force.

Wake up, America. We are not only losing jobs to an ever more powerful China, but we are in the process of losing our security, our prosperity, and, yes, our freedom. We are losing more than jobs. We are losing our future. Wake up, America.

If eventually the United States and our great democratic experiment is defeated through the avarice and shortsightedness of grasping corporations and their bought-and-paid-for political hacks, who will be able to light the lamps of freedom, not only in China, but around the world?

There is no shortage of power-mongers who would cast the world into darkness and deprivation and fear. As evil expands America is, as it has always been, the only hope for a better world, the only hope for the world's oppressed, the only hope for stability and peace.

Six decades ago, Japanese militarists understood the role of America. That is why they attacked us at Pearl Harbor, so they could push us out of the picture and they could then dominate the Asia Pacific region with a greater sphere of co-prosperity and, of course, a brutally enforced stability.

The Chinese strategists now see us in the same light as the Japanese planners did before World War II. The Japanese, however, only intended to dominate a large chunk of the Pacific region. Today, China's rulers seek domination not just of the Asian Pacific region, but of the world. They are positioning themselves to do just that.

And what has been America's counterstrategy? Apparently, to establish economic ties that will build China's economy, thinking that with prosperity will come a new hospitable and benevolent attitude among the Chinese hierarchy.

So our country club class of American businessmen have built China into an economic giant and, yes, a global power. And, of course, these captains of American industry have made big bucks for themselves, personally, as part of this effort in building China.

America's corporate elite has not seemed to notice the obvious downside for their fellow Americans in sending jobs, capital, and technology to China. Maybe the brutal consequences on the rest of the American family of free people was obscured by the worst kind of wishful thinking. Elite think tanks, coffers filled by corporate giants, I might add these intellectual think tanks, intellectually claimed and have claimed that if you hug a dragon, it won't eat you. Well, the subsidized academics assured us, if we treat it nicely, it will become a warm and peaceful dragon. Well, look again. It has been decades of coddling, and it is still a dragon. It is bigger and stronger and still hungry.

The frightening result of our folly and betrayal of American working people is becoming evident. In the month of February 2010 alone, the trade deficit with China was a staggering $16.5 billion. In 1984, just 25 years ago, the U.S. had a trade surplus with China. Our annual trade imbalance with China is now $227 billion and rising. Our lamp is going out.

China holds the largest amount of American bonds than any nation and holds the highest percentage of our debt, and has repeatedly threatened to quietly dump those bonds and devastate our national economy if we don't comply with its wishes.

What is their goal?

First, of course, it is to maintain their unfair trade advantage built on near-slave labor, environmental desolation, devalued currency, and a heavily restricted access to their market, while enjoying access to our market and a continual flow of U.S. investment and technology and know-how into their country. Yet, now if we move to correct the imbalance by seeking equality and fairness in our trade policies, there will be a heavy price for us to pay. So we just let a bad situation continue to slide, even as our economy, our power, and our influence slide into an abyss.

The dragon may not be a Marxist red dragon, but it is still a dragon, dangerous as hell, and will not be deterred by appeasement or cowardice. Economic vulnerability is only half of the story.

On a parallel track, financed by their profits from this one-way free trade imbalance that they have enjoyed, China is engaged in an unprecedented military build-up. Communist China's military forces, which include nuclear, cyber, and space-based and conventional and terrorist components are on the rise, as our defenses are wearing thin and exhausted. In the past, we have always been able to rely on our technological superiority, ''in the past'' being the operative words in the sentence I just used. Yes, in the past we could rely on our technological superiority.

Today, new China laws demand that Western companies, who are now operating in China and wish to, give up technological secrets that can be used for economic and military advantage. Our greatest asset to the future is being given away in exchange for a piece of China's market today.

When we had the leverage, our financial and business elites were only looking to short-term profits and benefits for themselves, not for their country. This short-term approach ended up much shorter than expected. The other side now has the leverage, and they are making the best of it. Surprise, surprise. The Chinese elite is a murderous dragon. And, yes, they are still a dragon, and they still intend to eat our lunch. Tomorrow they will eat us.

For decades, American capitalists have rushed to China with stars in their eyes and quick and easy profits on their minds, but it has been a deal with the devil, figuratively and literally. American corporations are not acting as Americans. They have been acting as greedy cowards, reflecting the worst of human aspirations, not the best.

We Americans pride ourselves at being committed to noble, higher ideals. We are not just a grasping horde seeking self-enrichment. We do believe in treating people decently, and we do believe in people's individual rights given to them by God. Well, we think of ourselves that way.

And then we hear that Google and other American companies have enabled the communist Chinese dictatorship to track down dissidents, who are

then jailed for daring to oppose tyranny and corruption or to worship God as they see fit.

Once compromised, companies like Google found themselves curtailing the free flow of information to millions of Chinese citizens, turning the Internet into a tool for repression rather than a facilitator for free expression, and, thus, a vehicle for the advancement of the human condition.

To Google's credit, uncomfortable with the role that it was being forced to play, Google decided not to go along with the heavy handed plan that the Chinese regime expected them to play and to implement.

□ 1710

At great risk to their company, Google's executives refused to go along and took a stand against repression. Yes, kudos to Google for that.

Conversely, shame on the rest of the high-tech entourage who collaborated and were even used to advance tyrannical corruption. Google was not backed up, for example, by Microsoft or Yahoo Internet providers. Now China is preferring to intensify draconian laws requiring telecommunications and Internet companies to inform on customers who discuss state secrets. That term, ''state secrets,'' can be defined as anything from negative economic statistics to information on environmental calamities or references to Tibet, Taiwan, the Falun Gong, Uyghurs or anything else that would anger the dragon. The Chinese regime obviously understands its control of technology is a way to control the future.

Yes, the future. Beijing's focus on space as well as electronic communications says it all. Remember, space-based assets—satellite systems—are a central component of global and national communication, with enormous implications to our own national security as well as our own prosperity. The power of commerce and political change will be determined by the control of these systems, and the freedom to use these systems will have an impact on the future of the country and the world.

What happens in space will determine what happens on the ground. With that in mind, the Obama administration's decision to go along with our domestic, high-tech corporate giants and again permit American satellites to be launched from Chinese rockets is a cataclysmic betrayal of America's security, and it undermines both the future of our aerospace industry and undermines freedom on this planet.

Fifteen years ago, during the Clinton years, a similar decision was made to permit U.S. satellites to be launched on Chinese rockets. We were assured by the Clinton administration that no technology would be transferred. I bought into that for a short time, then it became abundantly evident that this was a technological windfall for the Chinese regime, that President Clinton had not, as promised, secured that our technology would not be transferred. And when it became clear after the Clinton administration had made that commitment to us that there would be no transfer of technology, and when it became clear that this effort at cooperation was a colossal mistake and that technology was being transferred, no moves were made to limit the damage or shut it down.

Perhaps it had something to do with the fact that Bernard Schwartz's contributions had some impact on President Clinton's reelection bid, meaning Bernie Schwartz was the CEO of Loral Corporation, a company heavily complicit in the illegal transfer of missile technology to China. He was also the biggest single contributor to President Bill Clinton's reelection campaign. Of course, he was not the only contributor to have a stake in this policy of sending missile technology to China. Other contributors to the Clinton campaign were traced and found to be leaders of the PLA, that's the People's Liberation Army missile program, which of course had a different name on their company and a different veneer, the veneer of a private sector and commercial company, but really it was a control company by the People's Liberation Army.

I was personally involved in uncovering the initial evidence that exposed this crime, a crime that made our country vulnerable to missiles that were built with technology that had been developed right here, but the missiles were now aimed at us by a hostile power. A full scale investigation ensued. Christopher Cox led a bipartisan task force which unanimously declared our security had been compromised. Before Congress could finally put the cork in the bottle, clearly invaluable rocket secrets were in the possession of this monstrously antidemocratic dragon regime. The world's worst human abuser now had America's utmost missile technology secrets.

Unlike the last time around, thanks to the help of their American corporate benefactors, now the Chinese rockets are built further along than they were back in those days 15 years ago. Right now the Chinese have rockets, thanks to our help, that are much more competitive with our own systems. Before we stepped in to help, their rocket launchers more often than not turned into fiery failures. And even if successful, Chinese rockets of 15 years ago only carried one payload per launch. Now with our gift of technology—that I might add cost the American people, the American taxpayers, billions of dollars to develop—Chinese rockets are now reliable and capable of launching multiple payloads, be they satellites or warheads. It's called MIRVing, our gift to the Chinese. No wonder they have no respect for us. No wonder they are becoming aggressive. They think we're stupid. They think we're cowards, trying to buy peace with gifts to our enemies.

What else would we expect such tough guys who are in power in Beijing to think? Should they think, oh, how nice it is that the Americans are so willing to give us this power? We should be grateful, and we should be their friends because they are being so nice to us in giving us this technology that can be used for rockets and other high-tech weapons systems.

Well the town of Jiuquan is in the high desert of China's occupied regime of East Turkistan. Located there is China's main space launch center. That is where its Long March rockets and commercial space and nuclear-capable ballistic rockets take off from. At the entrance to this complex at this Chinese launch area is a billboard written half in English intended for the world to see. The statement of the Chinese warlords of this Uyghur province, I might add, says, ''Without haste. Without fear. We will conquer the world.''

And, yes, America's policies and the collaborations of our corporations are helping them do just that. Instead of facing the reality of the even more powerful and increasingly hungry dragon that is right in front of our face, interest groups and power players in our country keep raising the question about what's happening with China? Are we making China into our enemy?

Yes, so many Americans just love to blame ourselves every time such confrontation with tyranny occurs. During his recent trip to Asia, I half expected to hear that our President had actually bowed down to Chinese despots and apologized for the Opium Wars of 150 years ago. Now of course he didn't do that, but that is the attitude you can see reflected in people who are blaming us for any belligerency that's on the part of the Chinese, or any other enemy of the United States, I might add. This self-flagellation is of course much safer than blaming an increasingly strained relationship on the obvious badness and evil that is going on among the other guys. The obvious tyrants who murder their own people, the people who happen to be the world's worst human rights abuser. Now, maybe it's their fault, but if we blame them for it rather than blame ourselves for the current escalation of hostility that is now evident with the Chinese, we would have to deal with the threat. We have to deal with them. And that would be scary.

So instead, so many Americans end up blaming ourselves or apologizing for past errors that America may have committed or may not have committed. So the answer to our question, is the Chinese regime getting more belligerent, the answer is emphatically, yes, it is getting more belligerent. Is it our fault? No. The attitude of those who rule Beijing is the manifestation of an increasing lust for power and the hubris of the clique that controls the world's most populous country with an iron fist. That is what you would expect from such tyrants. That is why our policy should not be aimed at

building their strength military, economically, or any other way.

□ 1720

Of course, the essence of what's going on has not gone unnoticed by our friends and foes overseas. The perception of American weakness, even decline, eat away at the resolve of our friends and allies even as it contributes to Beijing's cockiness. And let's admit, we are considerably weaker than we ever thought we would be. We have been bled and drained by needlessly expensive small-scale wars around the world as well as a benevolence that has us bankrolling the United Nations and shoving foreign aid out our door even as we borrow money from China.

One example of this is seen in America's good-hearted participation in a global fund designed to provide the world's poorest countries support in the fight against AIDS, tuberculosis, malaria, and other insidious diseases, which kill millions of people a year. Over the 8 years of the fund's history, the United States has willingly contributed $4.3 billion—that's more than 28 percent of all the contributions to this benevolent fund—and we should be proud that we are a generous people, even if we can't afford it. Whether we can continue to be so generous as our level of deficit spending threatens to collapse our economy, now that's another question.

But most significant, because of an anomaly in the funding formula, China has been one of the largest recipients of this fund. Over the last 8 years, China has been the recipient of almost $1 billion in grants. Conversely, over that same period China has only contributed $16 million to the fund. That's the fund we've given $4 billion to. I can't come up with one reason of why the American taxpayer should be underwriting the cost of China's public health system. The whole thing is a travesty.

Malaria, for example, is a minor problem in China, killing about 38 individuals a year. On the other hand, malaria is a massive problem in the Democratic Republic of the Congo, killing over 25,000 people last year. Yet in this international fund, China was awarded $149 million to combat malaria and only $122 million went to the Congo. That's $4 million for each case of a malaria death in China while the Congo received $5,000 per person that had died.

This issue needs to be addressed, but nobody of course has the guts to address it because China is getting about a billion dollars' worth of benefits, paying a pittance, while the United States pays $4 billion into this fund. What we've been doing in this case is borrowing from China to donate to a fund that gives back to China. Over the years, we then end up paying interest on the debt that's been incurred by this very transaction.

Now, this is the kind of ongoing indefensible transfer of wealth from our country to China that we have faced, and we've acquiesced with this. We've put up with it for years. It's got to stop. The burdens of drawn-out commitments that we've had all over the world and the irrational benevolence—you can read that ''giveaways''—makes our Nation poorer. We're talking about it's diminishing our ability here at home to meet our needs, the needs of our own people, and to watch out for our own security because wealth is being transferred out of our country by policies that we've gone along with. We are now vulnerable after all of this to an unrestricted political, economic, and military threat by a major power like China.

So China is encouraging those who would tie us down and drain our energy. This is part of their effort. They have been helping those people who have been trying to tie us down and to drain our energies and revenues and our resources. This is part of their effort to disable us by sapping our willpower, our resolve, and our resources. And as we become weaker, China's unquenchable thirst for natural resources such as oil, natural gas, and scarce minerals that are necessary for modern manufacturing, this has spurred China to become the ally, supplier, protected, and puppet master of rogue regimes on a global scale.

And the Chinese planetary offensive is evident in countries like North Korea, Burma, Cambodia, Iran, and across Africa, like Sudan and Zimbabwe. Not only are their people being repressed by regimes that are tyrannical but these are regimes that have allied themselves with Beijing, which is becoming the leading—it is already the world's worst human rights abuser and it is the creator of alliances with dictators throughout the world.

It's hard to miss that when China establishes an alliance with these countries what its intention is. We need to look no further than to show that China has an alliance and is providing arms with the anti-American blowhard in our hemisphere, the would-be caudillo of Latin American, Venezuela's Hugo Chavez. So it's evident elsewhere. Wherever trouble and turmoil threaten U.S. interests, we can find that China has a hand in this.

Nuclear weapons and missiles technology were slipped to Iran by China via North Korea and Pakistan, and they have added a dangerous instability to the Middle East. In light of this, there should be no mystery as to why China in the United Nations and in other international forums has opposed stronger and enforceable sanctions against Iran and North Korea.

North Korea's sinking of a South Korean naval patrol ship not that long ago, there was a loss of 46 South Korean sailors, and it was publicly treated as a nonevent by Beijing, although it's right there in its backyard. In fact, North Korea's eccentric dictator, who probably could not be in power without Chinese support, was given an official heroes' welcome in China just days after it sunk a South Korean ship, which cost the lives of 46 South Korean sailors.

More recently, China has bullied Japan over the control and sovereignty of islands that are not even close to its shores. While it was doing the bullying of Japan, our great ally, the United States was warned by China to butt out and stay away from those islands. ''Aggressive'' and ''belligerent'' are words that come to mind when you're trying to analyze what's the nature of the Chinese regime in these situations.

And then there is, of course, Pakistan with its ''Islamic bomb.'' Never forget the Pakistanis are in a strategic partnership with China even while we give them billions of dollars to bolster Pakistan's terminally ill economy. The Chinese gave Pakistan critical nuclear weapons technology. This is insanity. We are borrowing more from China to give to Pakistan, which is an ally of China, even as Pakistan builds its Islamic bomb with the help of China and continues to help the Taliban, who are at this moment killing U.S. soldiers in Afghanistan.

Wake up, America. We can't continue with this kind of insanity.

The opening by Iran of a new missile production plant in March of 2010 enabled Iran to quickly expand its supply of NASR anti-ship missiles. Yep, it was another China deal. Not long after that, a Hezbollah-Iranian cruise missile knocked out an Israeli ship. Aha. Yes, another gift from China. And what is the response of the Obama administration to all these transfers of lethal weapons of mass destruction by China to rogue nations? Well, there have been no penalties imposed, even on the state-owned Chinese companies that are conducting these weapons transfers. Even worse, Washington is again considering letting Chinese rockets launch U.S. satellites. I guess they need to upgrade their system so they can pass even more updated weapons on to their criminal buddies.

China's increasingly aggressive and threatening foreign policy are matched at home by severe repression. Millions of religious believers in China are facing increased not decreased oppression. The abuse is indiscriminate, whether they are Christians, Tibetans, Buddhists, Muslims. The most savage treatment, of course, is dealt out to the Falun Gong members. Falun Gong are just yoga and meditation practitioners. They've been tortured, thrown into prison camps, slave labor camps. They have been murdered and their organs have been cut out and sold by the Chinese health industry to the highest bidders, many of whom are Americans. This is the most ghoulish of all repressions. And it continues with devastating intensity.

□ 1730

Then again, maybe all this evil is due to the fact that we Americans are just so belligerent to the Chinese.

What?

Yes, some people want to blame us, so let's reach out to the dragon, not with a clenched fist but with an open hand, with a positive attitude and, most of all, with kindness, not hostility, and with lots of investment money as well, of course, and with lots of technology and secrets.

Give me a break. Wake up, America. This has got to stop.

This nonsense has led to some of America's military's top commanders to misguidedly welcome China's military leaders to visit our own defense centers and our own international defense forums with our Asian Pacific allies and to permit Chinese military personnel to observe our military exercises. One can only guess that the strategy behind this outreach and inclusion is the idea that it will somehow charm the Chinese into thinking of us as their friends, not as their rivals. Hug a dragon and it won't be a dragon.

Well, is it not evident that the very existence of our democracy is what intimidates and enrages the Chinese antidemocratic dictatorship as with all of these dictatorships in the past? It is certainly not a comparison of how many ships we have and airplanes we have as compared to theirs, which has brought on this animosity from Beijing. Beijing knows that the United States has no intention of attacking them. However, like the Japanese before World War II, they know that America is the only power with the courage and the ability to stand between them and their goal, which is one of total domination of a large segment of the world and a heavy-handed influence on the rest.

Perhaps the worst aspect of this looming security crisis is that China's aggressive military modernization has been made possible by its rising trade surplus with the United States. We have unintentionally financed their economy and have built their economy at the expense of jobs and manufacturing at home, and they are using the residual profits from their economic transactions with us to build weapons, very good weapons—better weapons than we may have available to us in the future. Their intent is to back us off and to destroy us as a dynamic force in the world.

In 1998, the People's Liberation Army's publishing company openly published a book that is publicly available, called ''Unrestricted Warfare.'' The strategist's guidelines in that book called for using economic destabilization, computer viruses, information deception, terrorism, and devastating modern military weapons, including biochemical and nuclear weapons.

Among those things highlighted in this Chinese strategy book were two individuals—Osama bin Laden and George Soros. Bin Laden was cited because terror and guerilla groups historically are thought to have bled empires to the point that they could be defeated by a rival power. Soros was lionized because he had mastered the art of manipulating the currencies of countries around the world, from England to Malaysia to Thailand, thus dramatically weakening those countries.

The People's Liberation authors in that book openly stated that, if individuals could accomplish such things, then China, as an emerging power with focused strategic weapons in cyber and deep space, could bring down and defeat a great power such as the United States.

The greatest threat to America's future generations may well be the high-tech strategic and exotic weapons China will possess as a result of advances made in recent years. China's strategic economic position should also be noted with alarm. Global competition over scarce natural resources is intensifying. Armed with advanced weapons and flush with money earned from its American trade imbalance, Beijing has been allying with, buying off and bribing the gangster regimes of the underdeveloped nations of the world, and these same regimes, of course, control the rich energy and finite mineral resources in their countries.

These are not the actions and maneuvers of a government that wants to be part of the world's trading system, that wants to be part of the Family of Nations. These are the actions and maneuvers of a tyrannical dictatorship that is striving to dominate the world in alliance with other dictatorships.

Do you think that such people might sink so low as to bribe the decision-makers at the World Trade Organization or at the United Nations?

When you hear people say that we should solve these issues, that we must always go multilaterally and come at world peace via part of an international effort, just remember it takes American courage to stand up. If we try to go through the World Trade Organization or the United Nations, we are going to find out someday that the Chinese have bribed those people in the World Trade Organization and in the U.N. If they haven't done it already, they will do it in the future to protect their international acquisitions in Asia, Africa, and South America.

China's People's Liberation Army is certainly a threat, but the Navy that it is building is also a threat because China is building a lethal surface ship and submarine flotilla. They are making outlandish claims now while at the same time building up their fleet for the right to control large ocean areas, like the entire South China Sea. Their naval forces are beginning to have routine patrols around the world's most vital sea lanes and communication and trade lanes.

Indeed, between 1987 and 2009, while the U.S. submarine force was cut in half, China's Navy commissioned 31 new attack submarines. Their new model diesel subs are nearly undetectable by U.S. and allied naval forces, and they are deploying a new missile that can take out a U.S. aircraft carrier 900 miles away. Nevertheless, on February 19, 2009, The New York Times reported that U.S. Pacific Commander Admiral Keating offered the U.S. Navy to assist China in learning how to operate its own aircraft carriers. Boy, that's going to make the world safer. We're going to teach them how to run their aircraft carriers.

Worth noting, a senior Chinese military officer proclaimed that once the Chinese get their aircraft carriers that the United States can claim Hawaii east, and China will take Hawaii west and the Indian Ocean. ''Then you will not need to patrol the western Pacific anymore,'' he said.

How nice. This while we are reducing our own fleet. They are telling us to stay out of a certain area of the world and to stay out of it while they are bullying Japan over some islands in the middle of nowhere. Tomorrow, they are going to declare that they have the rightful domination of over half of the Pacific.

Wake up, America. Don't just look to the ocean for the threat. Look up. Space, the high ground of any future conflict, will soon no longer be our domain, America's domain. It is already now no longer our domain, obviously. China is aggressively moving forward, yes, in the exploration of space but also in space-based and related weapons systems.

In 2006, for example, the U.S. Department of Defense reported that China used a ground-based laser to blind certain U.S. satellites. In January 2007, the People's Liberation Army successfully used an antisatellite missile to intercept a weather satellite. They've blown their satellites out of orbit without any care for the fact that they left heavy debris that threatened all other space activity in that area of space.

No need to complain, of course, because these guys aren't listening.

China's supposed civilian space program has made spectacular gains. Much of it can be traced back to the tech transfer that happened during the Clinton administration, which has now been incorporated into China's rockets and its missiles.

Again, if our aerospace is at risk, blame us. Don't blame them. We gave them the technology. But we can blame them for commissioning hundreds of spies who have penetrated U.S. defense companies and agencies to steal the blueprints and charts needed to enhance their weapons systems. They have a monstrous organized effort for attacking and stealing America's technological secrets by breaking into our computer systems. Yes, we can blame them for that, but we just keep inviting them to observe our military exercises and—oh, yes—teaching them how to use aircraft carriers.

Today, almost every part of the western and central United States is under the potential threat of the increased capability of China's weapons systems. We have given them our secrets. By

agreeing to a trade policy that has been unfair, uneven, and a drain on America's wealth and technology, we have provided them the resources to use this technology, to expand and to modernize their own military.

□ 1740

By agreeing to a trade policy that has been unfair, uneven, and a drain on America's wealth and technology we have provided them the resources to use this technology and to expand and modernize their own military.

Such stupidity is nothing new. Before World War II, there was an effort by the Brits to invest in Hitler's Germany to build economic ties that would prevent conflict. Boy, did that work. And it wasn't just Britain's deal where they betrayed Czech security that convinced Hitler that the West was gutless. It was also British money invested in his country in the 1930s.

We gave the Japanese scrap metal and oil even as they raped China. Eventually the Japanese mayhem in China was too much, even for American capitalists. Not enough, however, to discourage corporate interests from negotiating the sale of, for example, B–17 blueprints to Japan as late as 1940. They never consummated that deal because the attack on Pearl Harbor shortened those negotiations.

Today, we're giving the Chinese our genius and the benefit of our R&D worth billions of dollars, and it's deja vu all over again. Foreign and U.S. satellite operators are maneuvering to loosen the security export controls on the launching of advanced communications satellite systems on PLA—that's People's Liberation Army—controlled rockets and then the companies that make those rockets. Oh, yes, China is offering 30 to 50 percent below market price in order to attract those launches. I wonder why. They must just want to do us favor, or maybe they just remember the last time they made such agreements with American companies and ended up with billions of dollars of American technology that they now have to use against us. What a great deal.

Our big companies make a couple of hundred billion dollars in profit by cooperating with the Chinese rather than launching with U.S. companies. Certain CEO's add a couple million dollar bonuses to themselves for providing short-term savings, and that savings comes from using Chinese rockets. The Chinese end up with access to defense-related research and development that costs the taxpayers billions of dollars. The Chinese have new technologies to defeat us in the future. We have short-term profit and big bonuses for our CEO's in the present. What a deal. It's a raw deal for the American aerospace industry and for our children's safety, and it will put us in jeopardy by using our own technology to put us in jeopardy.

Let me be clear. Letting the Chinese launch U.S. satellites is wrong. Such launches will put money in the pockets of the People's Liberation Army to facilitate their own aggressive space programs. It will help the People's Liberation Army perfect its missile technology, and it will strangle in the cradle the private launch companies that are now emerging in the United States, which will then leave us totally dependent on China for space transportation.

To accomplish this nefarious goal, launching U.S. satellites on Chinese rockets, the U.S. law will have to be changed in order to accomplish that. One way for this to be accomplished is for the Obama administration, like the Clinton administration before, to sign a Presidential waiver of the Tiananmen Square human rights sanctions. Don't miss one crucial fact. The Chinese national space program apparatus is owned and controlled—it's not a private group like in the United States, like Boeing—it is controlled by the People's Liberation Army. Their profits go to the People's Liberation Army. The three main Chinese space entities are all under People's Liberation Army control. All three of these have been repeatedly sanctioned by the U.S. government for proliferation of missile technologies to countries including Iran and Pakistan.

Wake up, America. They are planning to play us for suckers like they already have in the past. Well, they are trying to play us that way because we're acting that way. This shouldn't even be an issue except, of course, the Chinese have the best lobbyists in Washington, the best lobbyists money can buy, and they've also got the lobbyists from U.S. corporations who are working with them, doing their bidding. And even better, they can buy off the so-called think tanks.

What we've got is money from these corporations doing business in China who are putting that money into think tanks, which then come and testify before Congress about different policies that would, of course, affect whether or not we make decisions like the one I'm talking about.

And who's left out, of course? What we're talking about is the American worker who has been put permanently out of work and the American people who are now in jeopardy. So now the Chinese are using their excessive profit to buy influence here at the expense of the American people. Wake up, America.

A critical event of the cold war was China's repositioning, which put them in friendly relations with the United States and against the Soviet Union. Later when I worked for President Reagan, it was hoped that direct communication and economic ties would result in a permanent, positive change that would better the lives and freedom of the Chinese people. Unlike his predecessors or those who came later, Reagan understood that peace would only be furthered if freedom was simultaneously expanded as we increased economic activity. Reagan made it clear as he visited China in 1985. I worked with him on those speeches. I actually know very well what the message was of the speeches that Reagan gave in China.

If China continued to open up politically and to liberalize, America would keep its markets open and would be investing and trying to uplift the Chinese people.

In 1989, the Tiananmen Square massacre of the Chinese democracy movement was the tipping point. President Reagan, who was committed to human rights and democracy, was no longer President. President Reagan's successors have not been so committed to human rights and democracy. The Chinese ruling clique paid no serious price for this brutal, monstrous atrocity against the democracy movement at Tiananmen Square. Neither President Bush nor Clinton did anything even as the Chinese Communist Party retrenched themselves in power with blood and steel and murder.

And since Tiananmen Square, the repression in that country has gotten worse and worse and worse, not better, and we've continued acting like buddies. That's our offensive, our buddy offensive. Our policies have not been reformed. Our policies have not reformed the tyrannical system in China. In fact, we have expanded it because they have come to believe they can do anything to their own people, repression, build any kind of military threat, and we will still grant them economic policies that will enable the wealth to flow in their direction, even as it is unfair to our own people.

China is a Frankenstein monster of our own making, a monster that now threatens the world peace, economics, and democratic evolution. One would think as this threat becomes ever more clear that there would be some change in our policy, but no, the insanity continues.

Not long ago, there was a highly publicized visit to China by Secretary Hillary Clinton, who brought a legion of reporters with her to the Shanghai World Fair. Secretary Clinton proudly showed them an American exhibition hall built with $60 million in contributions from American corporations. How nice—the companies paid to build an exhibition hall. Unfortunately, it was so vapid and uninspiring without a hint of love of democracy and freedom that reflects the core values of the American people. No, the so-called charity's leader of that pavilion, who built that hall in Beijing, Frank Lavin, explained why there wasn't any reference to freedom or democracy, ''We're not trying to be provocative'' or ''insulting'' to the Chinese viewers, he said.

What does all that say about us? What does it say about them? Secretary Clinton, being as uninspiring as she is, pointed out that the world's fair was introducing America to the world as a rising power, according to our Secretary of State. This world's fair is a

coming out party also for China. Well, it is really of historical significance, she said. Yeah, it is of historical significance. It's basically saying that America doesn't care about freedom and democracy. China is coming out, that's right. A new style of 21st century tyranny is being created with Chinese characteristics that fuses the control mechanisms of Communism with corporate funding and high-tech savvy.

The leadership of this potential juggernaut has global ambitions and is ruthless and persistent. We need to undo any optimistically generous policies that have been giving away our industrial base and transferring resources and power to China.

□ 1750

Most importantly, however, through our actions we must reaffirm to ourselves and to the world our commitment to the ideals that made this country strong and democratic, a role model for humanity, regardless of culture or language.

Advocates of our current China policy promised peace and mutual prosperity and the expansion of freedom as China grew stronger. Yet the stronger China has become, the more repressive it has gotten. We thought we were creating a peaceful new member of the international community. But instead we've shifted power to a government that remains the world's worst human rights abuser, repressing its own people while building its military and making aggressive claims on boundaries and territorial waters that threaten its neighbors, as well as the flow of international commerce through long-established shipping lanes.

Exchanges, like the World's Fair exhibits, were supposed to promote U.S. values. Investment in Chinese manufacturing was supposed to have led to liberalization of their society. Where are the reforms? Where are the benevolent liberals who were going to democratize China? You know where they are? They're in jail. They're in prison, or they've been murdered by the regime. They sit in cells right next to uncompromising religious leaders, believers, and the Falun Gong practitioners.

Crackdowns on dissent, religious freedom, and free speech have escalated in Tibet; missiles facing Taiwan have grown to more than 1,400 in the past few years; and the cyberdestabilization on a global scale is often traced back to the Chinese military facilities. These things should be alarm bells for all people who want peace and believe in freedom.

This is an enemy who has no shame and, perhaps, as we show weakness, has no fear. It is an enemy that hates religion and sees freedom and human rights as an anarchistic evil that needs to be obliterated. This is the threat over the horizon, a dragon which has been made stronger, more aggressive, and more hungry as a result of misguided American policies. Those policies must be changed. We must have the resolve to meet this evermore and present challenge.

China is not the only society that honors its ancestors and forefathers. We must respect the sacrifices and legacies for all those brave Americans who worked, struggled, fought, and often perished for our freedom, for liberty, for justice, for the rights of every person. These principles are what not only bind us together as a people but bond us with people of every land, especially those people in China and others who are oppressed by dictators, those people who long for freedom. It is their success in reforming and transforming their country, in throwing off their chains of oppression, and in doing so, they will free us from the threat of a powerful dragon country as they create a peaceful and a democratic and prosperous country with which we can trade and have equal and positive relations.

If we have courage and stand tall, the next century will not be the century of China. It will be the century of free people, technologically united throughout the globe, united in respect for the rights of people everywhere and committed to respecting each other and the building of a more peaceful, prosperous, and free world.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. THOMPSON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on House Administration.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until Monday, November 22, 2010, at noon, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 332, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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:

TOM REED, New York, Twenty-Ninth.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie*, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh ''Joseph'' Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W.

Childers, Judy Chu, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal*, Peter A. DeFazio, Diana DeGette, Bill Delahunt, Rosa L. DeLauro, Charles W. Dent, Theodore E. Deutch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Charles Djou, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Tom Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie K. Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. ''Hank'' Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Luján, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh*, Mike McIntyre, Howard P. ''Buck'' McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J.J. Massa*, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha*, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, William L. Owens, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S.P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Tom Reed, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL–03), Mike Rogers (MI–08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. ''Bobby'' Scott, F. James Sensenbrenner Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Mark Shauer, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis*, Mark E. Souder*, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Bart Stupak, Marlin A. Stutzman, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher*, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler*, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second quarter of 2010 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DAVE GRIMALDI, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 17 AND AUG. 21, 2010

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]
Dave Grimaldi	8/17	8/18	Gabon								
	8/18	8/19	Uganda								
	8/19	8/21	Ghana								
Committee total											

[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.

DAVE GRIMALDI, Oct. 7, 2010.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, EXPENDED BETWEEN SEPT. 6 AND SEPT. 12, 2010

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. Nancy Pelosi	9/08	9/10	Canada		416.00		(3)				416.00
Hon. Ed Markey	9/09	9/09	Canada		302.00		1,436.28				1,738.28
Hon. Wilson Livingood	9/08	9/10	Canada		416.00		(3)				416.00
Hon. Brian Monahan	9/08	9/10	Canada		562.00		969.73				1,531.73
John Lawrence	9/08	9/12	Canada		1,208.00		903.03				2,111.03
Stacee Bako	9/08	9/10	Canada		604.00		[3] 1,414.33				2,018.33
Wyndee Parker	9/08	9/10	Canada		604.00		3,304.63				3,908.63
Karen Wayland	9/08	9/09	Canada		302.00		969.73				1,271.73
Andrew Hamill	9/08	9/10	Canada		581.41		969.73				1,551.14
Bridget Fallon	9/06	9/10	Canada		1,208.00		1,033.15				2,241.15

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, EXPENDED BETWEEN SEPT. 6 AND SEPT. 12, 2010—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]
Kate Knudson	9/08	9/10	Canada		604.00		969.73				1,573.73
Morgan Gray	9/08	9/09	Canada		302.00		969.73				1,271.73
Tina Agee	9/08	9/10	Canada		604.00		969.73				1,573.73
*THIS IS AN AMENDMENT TO FORM FILED 10/08/2010											
Committee total											21,623.21

[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. NANCY PELOSI, Speaker of the House, Oct. 21, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, EXPENDED BETWEEN SEPT. 6 AND SEPT. 12, 2010

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. Nancy Pelosi	9/08	9/10	Canada		416.00		(3)				416.00
Hon. Ed Markey	9/08	9/09	Canada		302.00		1,436.28				1,738.28
Hon. Wilson Livingood	9/08	9/10	Canada		416.00		(3)				416.00
Hon. Brian Monahan	9/08	9/10	Canada		562.00		969.73				1,531.73
John Lawrence	9/08	9/12	Canada		1,173.00		903.03				2,076.03
Stacee Bako	9/08	9/10	Canada		604.00		[3] 1,414.33				2,018.33
Wyndee Parker	9/08	9/10	Canada		604.00		3,304.63				3,908.63
Karen Wayland	9/08	9/09	Canada		302.00		969.73				1,271.73
Andrew Hamill	9/08	9/10	Canada		581.41		969.73				1,551.14
Bridget Fallon	9/06	9/10	Canada		1,208.00		1,033.15				2,241.15
Kate Knudson	9/08	9/10	Canada		604.00		969.73				1,573.73
Morgan Gray	9/08	9/09	Canada		302.00		969.73				1,271.73
Tina Agee	9/08	9/10	Canada		604.00		969.73				1,573.73
Committee total											21,588.21

[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. NANCY PELOSI, Speaker of the House, Oct. 8, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]
Scott R. Kuschmider, staff	8/08	8/13	Uganda		1,164.00		3,352.50				4,516.50
Michael D. Dunlap, staff	8/08	8/13	Uganda		1,164.00		3,352.50				4,516.50
Scott R. Kuschmider, staff	8/13	8/18	Kenya		1,492.00						1,492.00
Michael D. Dunlap, staff	8/13	8/18	Kenya		1,492.00						1,492.00
Committee total					5,312.00		6,705.00				12,017.00

[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.

HON. COLLIN C. PETERSON, Chairman, Oct. 27, 2010.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]
Scott R. Kuchmider, staff	8/08	8/13	Uganda		1,164.00		3,352.50				4,516.50
Michael D. Dunlap, staff	8/08	8/13	Uganda		1,164.00		3,352.50				4,516.50
Scott R. Kuchmider, staff	8/13	8/18	Kenya		1,926.00						1,926.00
Michael D. Dunalp, staff	8/13	8/18	Kenya		1,926.00						1,926.00
Committee total					6,180.00		6,705.00				12,885.00

[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.

HON. COLLIN C. PETERSON, Chairman, Oct. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]
John Blazey	7/6	7/7	Yemen		444.00						444.00
	7/7	7/8	Lebanon		494.00						494.00
Commercial airfare							9,047.40				9,047.40
Shalanda Young	7/13	7/14	Mali								
Commercial airfare							3,748.40				3,748.40
Hon. Barbara Lee	7/17	7/19	Austria		1,360.00				1,062.68		2,422.68
Misc. Embassy Costs									1,014.21		1,014.21
Commercial airfare							1,248.40				1,248.40

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—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]
Michele Sumilas	8/6	8/8	U.A.E.		368.00						368.00
	8/8	8/11	Afghanistan		84.00						84.00
Commercial airfare							3,184.50				3,184.50
BG Wright	8/8	8/10	Spain		677.99						677.99
	8/10	8/13	Israel		1,308.00		373.00				1,681.00
	8/13	8/15	Italy		1,041.82						1,041.82
Commercial airfare							5,938.59				5,938.59
Celes Hughes	8/9	8/11	Lebanon		397.00		155.00				552.00
	8/11	8/13	Turkey		590.00						590.00
Commercial airfare							9,148.30				9,148.30
Anne Marie Chotvacs	8/9	8/11	Lebanon		397.00		155.00				552.00
	8/11	8/13	Turkey		590.00						590.00
Commercial airfare							9,148.30				9,148.30
Beverly Aimaro Pheto	8/13	8/19	India		1,944.00				407.07		2,351.07
Commercial airfare							5,460.60				5,460.60
Shalanda Young	8/13	8/19	India		1,944.00				407.07		2,351.07
							5,460.60				5,460.60
Jennifer Miller	8/17	8/20	Saudi Arabia		1,208.40						1,208.40
	8/20	8/21	Djibouti		454.00		102.00		15.00		571.00
Commercial airfare							9,568.49				9,568.49
Jeff Shockey	8/17	8/20	Saudi Arabia		1,208.40				15.00		1,223.40
	8/20	8/21	Djibouti		454.00		55.00				509.00
Commercial airfare							9,568.49				9,568.49
Craig Higgins	8/17	8/18	Dominican Republic		500.00						500.00
	8/18	8/19	Haiti		118.00						118.00
Steve Marchese	8/17	8/18	Dominican Republic		500.00						500.00
	8/18	8/19	Haiti		118.00						118.00
Commercial airfare							623.80				623.80
Michele Sumilas	8/17	8/18	Dominican Republic		250.00		9,568.49				250.00
	8/18	8/19	Haiti		236.00						236.00
Commercial airfare							561.20				561.20
Hon. Jack Kingston	8/22	8/25	Argentina		979.39		(3)				979.39
	8/25	8/28	Brazil		1,432.69		(3)				1,432.69
	8/28	8/29	Colombia		374.00		(3)				374.00
Kate Hallahan	8/28	9/3	Japan		2,316.00		(3)				2,316.00
Commercial airfare							6,301.50				6,301.50
Sylvia Garcia	8/28	9/3	Japan		2,316.00						2,316.00
Commercial airfare							1,294.50				1,294.50
Laura Hogshead	8/28	9/3	Japan		2,316.00						2,316.00
Commercial airfare							6,301.50				6,301.50
Matthew McCardie	8/28	9/3	Japan		2,316.00						2,316.00
Commercial airfare							11,439.00				11,439.00
Hon. James Moran	8/29	8/30	En Route		12.39		(3)				12.39
	8/30	8/31	Greece		253.06		(3)				253.06
	8/31	9/1	U.A.E.		407.48		(3)				407.48
	9/1	9/2	Afghanistan		28.00		(3)				28.00
	9/2	9/3	U.A.E.		415.48		(3)				415.48
	9/3	9/5	Italy		589.32		(3)		36.96		626.28
	9/5	9/5	En Route		24.78		(3)				24.78
Hon. Harold Rogers	8/29	8/30	En Route		12.39		(3)				12.39
	8/30	8/31	Greece		253.06		(3)				253.06
	8/31	9/1	U.A.E.		407.48		(3)				407.48
	9/1	9/2	Afghanistan		28.00		(3)				28.00
	9/2	9/3	U.A.E.		415.48		(3)				415.48
	9/3	9/5	Italy		589.32		(3)		36.96		626.28
	9/5	9/5	En Route		24.78		(3)				24.78
Hon. Rodney Frelinghuysen	8/29	8/30	En Route		12.39		(3)				12.39
	8/30	8/31	Greece		253.06		(3)				253.06
	8/31	9/1	U.A.E		407.48		(3)				407.48
	9/1	9/2	Afghanistan		28.00		(3)				28.00
	9/2	9/3	U.A.E		415.48		(3)				415.48
	9/3	9/5	Italy		589.32		(3)		36.96		626.28
	9/5	9/5	En Route		24.78		(3)				24.78
Hon. Tom Cole	8/29	8/30	En Route		12.39		(3)				12.39
	8/30	8/31	Greece		253.06		(3)				253.06
	8/31	9/1	U.A.E		407.48		(3)				407.48
	9/1	9/2	Afghanistan		28.00		(3)				28.00
	9/2	9/3	U.A.E		415.48		(3)				415.48
	9/3	9/5	Italy		589.32		(3)		36.96		626.28
	9/5	9/5	En Route		24.78		(3)				24.78
Paul Terry	8/29	8/30	En Route		12.39		(3)				12.39
	8/30	8/31	Greece		253.06		(3)				253.06
	8/31	9/1	U.A.E		407.48		(3)				407.48
	9/1	9/2	Afghanistan		28.00		(3)				28.00
	9/2	9/3	U.A.E		415.48		(3)				415.48
	9/3	9/5	Italy		589.32		(3)		36.96		626.28
	9/5	9/5	En Route		24.78		(3)				24.78
Marjorie Duske	8/29	8/30	En Route		12.39		(3)				12.39
	8/30	8/31	Greece		253.06		(3)				253.06
	8/31	9/1	U.A.E		407.48		(3)				407.48
	9/1	9/2	Afghanistan		28.00		(3)				28.00
	9/2	9/3	U.A.E		415.48		(3)				415.48
	9/3	9/5	Italy		589.32		(3)		36.96		626.28
	9/5	9/5	En Route		24.78		(3)				24.78
Jeff Shockey	8/29	8/30	En Route		12.39		(3)				12.39
	8/30	8/31	Greece		253.06		(3)				253.06
	8/31	9/1	U.A.E		407.48		(3)				407.48
	9/1	9/2	Afghanistan		28.00		(3)				28.00
	9/2	9/3	U.A.E		415.48		(3)				415.48
	9/3	9/5	Italy		589.32		(3)		36.96		626.28
	9/5	9/5	En Route		24.78		(3)				24.78
Ann Reese	8/29	8/30	En Route		12.39		(3)				12.39
	8/30	8/31	Greece		253.06		(3)				253.06
	8/31	9/1	U.A.E		407.48		(3)				407.48
	9/1	9/2	Afghanistan		28.00		(3)				28.00
	9/2	9/3	U.A.E		415.48		(3)				415.48
	9/3	9/5	Italy		589.32		(3)		36.96		626.28
	9/5	9/5	En Route		24.78		(3)				24.78
BG Wright	8/29	8/30	En Route		12.39		(3)				12.39
	8/30	8/31	Greece		253.06		(3)				253.06
	8/31	9/1	U.A.E		407.48		(3)				407.48
	9/1	9/2	Afghanistan		28.00		(3)				28.00
	9/2	9/3	U.A.E		415.48		(3)				415.48
	9/3	9/5	Italy		589.32		(3)		36.96		626.28
	9/5	9/5	En Route		24.78		(3)				24.78

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—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]
Taunja Berquam	8/30	9/3	UK		1,458.00		170.41				1,628.41
Commercial airfare							2,041.10				2,041.10
Robert Blair	8/30	9/3	UK		1,458.00		130.41				1,588.41
Commercial airfare							2,041.10				2,041.10
Hon. Debbie Wasserman Schultz	9/5	9/7	Israel		292.00						292.00
Commercial airfare							11,660.00				11,660.00
Hon. Steve Israel	9/5	9/7	Israel		292.00						292.00
Commercial airfare							7,072.00				7,072.00
Committee total					47,811.28		122,622.39		3,253.67		173,687.34

[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. DAVID R. OBEY, Chairman, Oct. 28, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]
Visit to Lebanon, July 5–9, 2010, With STAFFDEL Kuiken:											
Mark Lewis	7/6	7/8	Lebanon		494.00						494.00
Commercial transportation							8,532.80				8,532.80
Visit to Afghanistan and Germany, July 5–10, 2010:											
Hon. Carol Shea-Porter	7/6	7/6	Germany		105.25						105.25
	7/7	7/8	Afghanistan		28.00						28.00
	7/9	7/9	Germany		105.25						105.25
Hon. Michael Turner	7/6	7/6	Germany		74.58						74.58
	7/7	7/8	Afghanistan								
	7/9	7/9	Germany		74.57						74.57
Debra Wada	7/6	7/6	Germany		99.88						99.88
	7/7	7/8	Afghanistan								
	7/9	7/9	Germany		99.87						99.87
Kari Bingen	7/6	7/6	Germany		98.38						98.38
	7/7	7/8	Afghanistan								
	7/9	7/9	Germany		98.37						98.37
Visit to Germany, India, Thailand, July 29–August 6, 2010, With CODEL Ruppersberger:											
Hon. Duncan Hunter	7/31	8/1	Germany		350.01						350.01
	8/1	8/2	India		163.84						163.84
Commercial transportation							3,057.20				3,057.20
Visit to Dubai, Oman, Afghanistan, Bahrain, July 31–August 5, 2010:											
Hon. Gene Taylor	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Hon. Madeleine Bordallo	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Hon. Glenn Nye	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Hon. Mark Critz	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Hon. Joe Wilson	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Hon. Mike Conaway	8/1	8/2	Oman								
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		36.83						36.83
Commercial airfare							8,123.70				8,123.70
Josh Holly	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Visit to Iraq, Kuwait, August 10–14, 2010:											
Paul Arcangeli	8/11	8/12	Kuwait		447.24						447.24
	8/12	8/13	Iraq								
Commercial airfare							7,168.60				7,168.60
Debra Wada	8/11	8/12	Kuwait		447.24						447.24
	8/12	8/13	Iraq								
Commercial airfare							7,168.60				7,168.60
Tim McClees	8/11	8/12	Kuwait		447.24						447.24
	8/12	8/13	Iraq								
Commercial airfare							7,168.60				7,168.60
Pete Villano	8/11	8/12	Kuwait		447.24						447.24
	8/12	8/13	Iraq								
Commercial airfare							7,168.60				7,168.60
Tom Hawley	8/11	8/12	Kuwait		447.24						447.24
	8/12	8/13	Iraq								
Commercial airfare							7,168.60				7,168.60
Visit to Lebanon, Turkey, August 8–13, 2010, With STAFFDEL Hughes:											
Roger Zakheim	8/9	8/11	Lebanon		394.00						394.00
	8/11	8/13	Turkey		614.88						614.88
Commercial airfare							9,148.30				9,148.30

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—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]
Visit to Mongolia, China, August 22–28, 2010:											
Mark Lewis	8/23	8/27	Mongolia		702.00						702.00
	8/28	8/29	China		95.00						95.00
Commercial airfare							8,656.50				8,656.50
Visit to Afghanistan, United Arab Emirates, Jordan, August 24–28, 2010, With CODEL Baird:											
Hon. Rick Larsen	8/25	8/26	United Arab Emirates		135.00						135.00
	8/26	8/27	Afghanistan		28.00						28.00
	8/28	8/28	Jordan								
Commercial airfare							8,441.10				8,441.10
Visit to Serbia, Montenegro, Croatia, August 29–September 6, 2010, With CODEL Delahunt:											
Hon. Michael Turner	8/30	9/1	Serbia		216.00						216.00
	9/1	9/3	Montenegro		762.00						762.00
	9/3	9/6	Croatia		460.00						460.00
Visit to Malta, Lebanon, Pakistan, Afghanistan, Georgia, September 1–7, 2010, With CODEL Marshall:											
Hon. Jim Marshall	9/1	9/2	Malta		268.90						268.90
	9/2	9/2	Lebanon								
	9/2	9/4	Pakistan		80.00						80.00
	9/4	9/5	Afghanistan		28.00						28.00
	9/5	9/7	Georgia		570.00						570.00
Commercial transportation							1,404.00				1,404.00
Tom Hawley	9/1	9/2	Malta		268.90						268.90
	9/2	9/2	Lebanon								
	9/2	9/4	Pakistan		80.00						80.00
	9/4	9/5	Afghanistan		28.00						28.00
	9/5	9/7	Georgia		570.00						570.00
Commercial transportation							785.00				785.00
Peter Villano	9/1	9/2	Malta		224.90						224.90
	9/2	9/2	Lebanon								
	9/2	9/4	Pakistan		40.00						40.00
	9/4	9/5	Afghanistan		28.00						28.00
	9/5	9/7	Georgia		532.00						532.00
Commercial transportation							785.00				785.00
Visit to Canada, September 9–10, 2010:											
Dave Kildee	9/9	9/10	Canada		112.00						112.00
Commercial airfare							1,930.83				1,930.83
Visit to England, September 17–21, 2010:											
Hon. Trent Franks	9/17	9/21	England		860.00						860.00
Commercial transportation							915.20				915.20
Kari Bingen Tytler			England		860.00						860.00
Commercial transportation							915.20				915.20
Visit to Japan, September 25–29, 2010:											
Robert DeGrasse	9/26	9/29	Japan		1,383.00						1,383.00
Commercial transportation							11,705.30				11,705.30
Kari Binen Tytler	9/26	9/29	Japan		1,383.00						1,383.00
Commercial transportation							12,169.30				12,169.30
Committee total					16,853.61		169,278.33				186,131.94

[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. IKE SKELTON, Chairman, Nov. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]
Teri Gullo	7/03	7/04	Senegal		241.00		(3)				241.00
	7/04	7/06	Liberia		414.00		(3)				414.00
	7/06	7/09	Kenya		986.00		(3)				986.00
	7/09	7/11	Tanzania		448.00		(3)				448.00
	7/11	7/13	Mali		746.00		(3)				746.00
	7/13	7/14	United States				3,783.40				3,783.40
Hon. Cynthia Lummis	9/01	9/02	Malta		54.00		(3)		194.00		248.00
	9/02	9/02	Lebanon				(3)				0.00
	9/02	9/04	Pakistan		80.00		(3)				80.00
	9/04	9/05	Afghanistan		15.00		(3)				15.00
	9/05	9/07	Georgia		98.00		(3)		487.82		585.82
Committee total					3,082.00		3,783.40		681.82		7,547.22

[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 M. SPRATT, Jr., Chairman, Oct. 28, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return ☒

[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. GEORGE MILLER, Chairman, Oct. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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. Tammy Baldwin	8/03	8/04	Israel		466.00						466.00
	8/05	8/06	Afghanistan		28.00		(3)				28.00
	8/06	8/07	Germany		176.25						176.25
Hon. Joe Barton	8/03	8/04	Israel		466.00						466.00
	8/05	8/06	Afghanistan		6.00		(3)				6.00
	8/06	8/07	Germany		148.25						148.25
David Cavicke	8/03	8/05	Israel		780.80						780.80
Military and Commercial Aircraft	8/05	8/07	Germany		432.45		715.99				1,148.44
Hon. Marsha Blackburn	8/28	8/31	China				10,177.90				10,177.90
Committee total					2,503.75		10,893.89				13,397.64

[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. HENRY A. WAXMAN, Chairman, Nov. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]
Stephane LeBouder	8/6	8/8	Colombia		702.67		(3)				702.67
Hon. Andre Carson	8/3	8/4	Israel		466.00		(3)				466.00
	8/5	8/6	Afghanistan		28.00		(3)				28.00
	8/6	8/7	Germany		176.25		(3)				176.25
Committee total					1,372.92						1,372.92

[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. BARNEY FRANK, Chairman, Oct. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]
Paul Berkowitz	7/30	8/1	Germany		559.84		(3)				559.84
	8/1	8/2	India		303.75		(3)				303.75
	8/2	8/5	Thailand		569.00		(3)				569.00
	8/5	8/6	Austria		370.90		(3)				370.90
Dan Bob	7/4	7/6	Philippines		474.00						474.00
	7/6	7/8	Korea		700.00						700.00
	7/8	7/12	Japan		1,724.00						1,724.00
							[4] 14,786.10				14,786.10
Genell Brown	8/17	8/18	Gabon		0.00		(3)				0.00
	8/18	8/19	Uganda		234.00		(3)				234.00
	8/19	8/21	Ghana		857.00		(3)				857.00
Hon. Dan Burton	8/30	9/1	Serbia		712.00		(3)				712.00
	9/1	9/3	Montenegro		762.00		(3)				762.00
	9/3	9/6	Croatia		1,332.20		(3)				1,332.20
Joan Condon	8/2	8/4	Ghana		509.00						509.00
	8/4	8/7	Guinea		442.00						442.00
	8/7	8/10	Senegal		894.00						894.00
							[4] 6,795.84				6,795.84
Hon. Bill Delahunt	8/25	8/26	Canada		546.02						546.02
							[4] 3,654.42				3,654.42
	8/30	9/1	Serbia		712.00		(3)				712.00
	9/1	9/3	Montenegro		762.00		(3)				762.00
	9/3	9/6	Croatia		1,332.20		(3)				1,332.20
Hon. Eliot L. Engel	8/6	8/8	Colombia		702.67		(3)				702.67
Hon. Eni F. H. Faleomavaega	8/24	8/27	Vietnam		763.89						763.89
	8/27	8/28	Japan		187.00						187.00
							[4] 12,145.10				12,145.10
Hon. Jeff Flake	8/30	9/1	Serbia		712.00		(3)				712.00
	9/1	9/3	Montenegro		762.00		(3)				762.00
	9/3	9/6	Croatia		1,332.20		(3)				1,332.20
Brian Forni	8/30	9/1	Serbia		712.00		(3)				712.00
	9/1	9/3	Montenegro		762.00		(3)				762.00
	9/3	9/6	Croatia		1,332.20		(3)				1,332.20
Guillermina Garcia	8/22	8/29	Colombia		2,029.00						2,029.00
							[4] 3,663.25				3,663.25
Daniel Harsha	7/4	7/8	Malaysia		646.00						646.00
	7/8	7/12	Cambodia		657.00						657.00
							[4] 11,440.30				11,440.30
Hon. Bob Inglis	8/17	8/18	Gabon		0.00		(3)				0.00
	8/18	8/19	Uganda		264.00		(3)				264.00
	8/19	8/21	Ghana		932.00		(3)				932.00
Kristin Jackson	8/6	8/10	Colombia		1,405.34		(3)				1,405.34
	8/10	8/13	Ecuador		718.00						718.00
							[5] 1,166.92				1,166.92
Hon. Sheila Jackson Lee	7/6	7/7	Germany		61.25		(3)				61.25
	7/7	7/8	Afghanistan		10.00		(3)				10.00
	7/8	7/9	Germany		97.00		(3)				97.00
	8/17	8/18	Gabon		0.00		(3)				0.00
	8/18	8/19	Uganda		248.00		(3)				248.00
	8/19	8/21	Ghana		752.00		(3)				752.00
Eric Jacobstein	8/6	8/10	Colombia		1,405.34		(3)				1,405.34

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—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]
	8/10	8/13	Ecuador		718.00						718.00
							[5] 1,166.92				1,166.92
Janice Kaguyutan	7/4	7/8	Malaysia		612.00						612.00
	7/8	7/12	Cambodia		752.00						752.00
							[4] 11,653.30				11,653.30
	8/22	8/29	Colombia		2,029.00						2,029.00
							[4] 3,663.25				3,663.25
Hon. Ron Klein	8/3	8/4	Israel		466.00		(3)				466.00
	8/5	8/6	Afghanistan		28.00		(3)				28.00
	8/6	8/7	Germany		176.25		(3)				176.25
Jessica Lee	7/4	7/8	Malaysia		732.00						732.00
	7/8	7/12	Cambodia		752.00						752.00
							[4] 11,563.00				11,563.00
	8/29	9/1	India		958.00						958.00
	9/1	9/5	Thailand		842.00						842.00
							[4] 7,891.80				7,891.80
Vili Lei	8/24	8/27	Vietnam		763.89						763.89
	8/27	8/28	Japan		169.23						169.23
							[4] 14,250.20				14,250.20
Hon. Connie Mack	8/6	8/7	Colombia		453.33		(3)				453.33
							[3] 648.00				648.00
Alan Makovsky	7/30	8/2	Greece		900.00						900.00
	8/2	8/6	Egypt		1,068.00						1,068.00
	8/6	8/7	Cyprus		240.00						240.00
							[4] 7,660.50				7,660.50
Robert Marcus	8/16	8/20	Morocco		789.00						789.00
							[5] 5,032.90				5,032.90
Hon. Gregory W. Meeks	8/6	8/8	Colombia		702.67		(3)				702.67
Diana Ohlbaum	8/16	8/22	Morocco		992.00						992.00
							[5] 5,002.20				5,002.20
	9/27	9/28	Kuwait		353.06						353.06
	9/28	9/30	Iraq		0.00		(3)				0.00
							13,585.70				13,585.70
Thomas Omestad	9/27	9/28	Kuwait		337.06						337.06
	9/28	9/30	Iraq		0.00		(3)				0.00
							[5] 13,585.70				13,585.70
Hon. Donald M. Payne	7/3	7/5	Rwanda		0.00						0.00
							[7] 8,626.80				8,626.80
Peter Quilter	9/7	9/10	El Salvador		593.00						593.00
							[4] 1,526.56				1,526.56
Jacqueline Quinones	7/6	7/8	Switzerland		834.00				[6] 1,115.00		1,949.00
							[4] 947.30				947.30
	7/31	8/4	Ghana		762.00						762.00
	8/4	8/7	Guinea		433.50						433.50
	8/7	8/10	Senegal		919.00						919.00
							[4] 6,584.44				6,584.44
	9/27	9/28	Kuwait		355.06						355.06
	9/28	9/30	Iraq		0.00		(3)				0.00
							[4] 13,550.70				13,550.70
Hon. Dana Rohrabacher	7/30	8/1	Germany		559.84		(3)				559.84
	8/1	8/2	India		293.75		(3)				293.75
	8/2	8/5	Thailand		574.00		(3)				574.00
	8/5	8/6	Austria		370.90		(3)				370.90
Hon. Edward R. Royce	8/24	8/25	Canada		286.00						286.00
							[4] 2,990.83				2,990.83
Julie Schoenthaler	8/6	8/8	Colombia		695.67		(3)				695.67
Daniel Silverberg	7/6	7/8	Yemen		458.00						458.00
	7/8	7/9	Lebanon		294.00						294.00
							[4] 12,077.90				12,077.90
Hon. Albio Sires	8/6	8/8	Columbia		702.67		(3)				702.67
Amanda Sloat	6/2	6/6	Bosnia		558.00						558.00
							[4] 1,535.20				1,535.20
	7/3	7/6	Iceland		596.00						596.00
	7/6	7/7	Norway		329.00						329.00
	7/7	7/11	Sweden		998.00						998.00
							[4] 2,856.30				2,856.30
	7/31	8/4	Ghana		762.00						762.00
	8/4	8/7	Guinea		438.00						438.00
	8/7	8/10	Senegal		899.00						899.00
							[4] 6,584.44				6,584.44
	9/1	9/3	Uzbekistan		268.00						268.00
	9/3	9/9	Kyrgyzstan		1,487.83						1,487.83
							[4] 12,130.95				12,130.95
Mark Walker	8/30	9/1	Serbia		712.00		(3)				712.00
	9/1	9/3	Montenegro		762.00		(3)				762.00
	9/3	9/6	Croatia		1,320.60		(3)				1,320.60
Robyn Wapner	8/6	8/10	Columbia		1,361.34		(3)				1,361.34
							[5] 1,327.90				1,327.90
Lisa Williams	8/24	8/27	Vietnam		763.89						763.89
	8/27	8/28	Japan		169.23						169.23
							[4] 14,250.20				14,250.20
Shanna Winters	7/6	7/8	Switzerland		836.00				[6] 1,115.00		1,951.00
							[4] 947.30				947.30
Brent Woolfork	7/4	7/6	Iceland		601.00						601.00
	7/6	7/7	Norway		314.00						314.00
	7/7	7/10	Sweden		1,038.00						1,038.00
							[4] 4,028.00				4,028.00
	8/29	9/1	Turkmenistan		127.00						127.00
	9/1	9/3	Uzbezkistan		277.00						277.00
	9/3	9/9	Kyrgyzstan		1,517.83						1,517.83
							[4] 10,241.76				10,241.76
Committee total					69,387.20		249,561.98		2,230.00		321,179.18

[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] Round-trip airfare.
[5] Return airfare.
[6] Indicates delegation costs.
[7] One-way airfare.

HON. HOWARD L. BERMAN, Chairman, Oct. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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. Henry Brown	8/17	8/18	Gabon				(3)				
	8/18	8/19	Uganda		103.00		(3)				103.00
	8/19	8/21	Ghana		282.00		(3)				282.00
Committee total					385.00						385.00

[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. NICK J. RAHALL II, Chairman, Oct. 6, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]
Andrew Wright	8/16	8/19	United Kingdom		1,239.00		784.00				2,023.00
Boris Maguire	8/12	8/15	Kyrgzstan		1,122.48		7,646.90				8,769.38
	8/15	8/19	United Kingdom		1,652.00						1,652.00
Thoms Alexander	8/22	8/15	Kyrgzstan		1,122.48		7,649.90				8,772.38
	8/15	8/19	United Kingdom		1,652.00						1,652.00
Christopher Bright	8/12	8/15	Kyrgzstan		1,122.48		7,646.90				8,769.38
	8/15	8/19	United Kingdom		1,641.00						1,641.00
Scott Lindsay	8/12	8/15	Kyrgzstan		1,122.48		7,646,90				8,769.38
	8/15	8/19	United Kingdom		1,652.00						1,652.00
Other Delegation Costs: United Kingdom									3,937.66		3,937.66
Michael McCarthy	8/3	8/4	Israel		466.00		(3)				466.00
	8/5	8/6	Afghanistan		28.00						28.00
	8/6	8/7	Germany		176.25						176.25
Sharon Boyl	8/3	8/4	Israel		421.00		(3)				421.00
	8/5	8/6	Afghanistan		28.00						28.00
	8/6	8/7	Germany		176.25						176.25
Steven Rangel	8/3	8/4	Israel		448.00		(3)				488.00
	8/5	8/6	Afghanistan		28.00						28.00
	8/6	8/7	Germany		34.25						34.25
Hon. Edolphus Towns	8/3	8/4	Israel		466.00		(3)				466.00
	8/5	8/6	Afghanistan		28.00						28.00
	8/6	8/7	Germany		176.25						176.25
Other Delegation Costs: Israel									8,214.63		8,214.63
Jenny Rosenberg	8/3	8/5	Israel		817.00		(3)				817.00
	8/5	8/7	Germany		514.25						514.25
Hon. Peter Welch	9/1	9/2	Malta		179.39		(3)				179.39
	9/2	9/2	Lebanon		0.00						
	9/3	9/4	Pakistan		48.00						48.00
	9/4	9/5	Afghanistan		28.00						28.00
	9/5	9/7	Georgia		906.72						906.72
Ryan Dwyer	8/30	9/1	Serbia		712.00		(3)				712.00
	9/1	9/3	Montenegro		762.00						762.00
	9/3	9/6	Croatia		1,332.20						1,332.20
Hon. Bill Shuster	8/22	8/23	Jordan		493.00		6,564.69				7,057.69
	8/23	8/24	Iraq		0.00						
	8/24	8/26	Dubai		548.00						548.00
	8/26	8/27	Afghanistan		28.00						28.00
	8/28	8/30	Israel		466.00						466.00
Committee total				2,476.00	19,160.48		37,939.29		12,152.29		71,728.06

[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. EDOLPHUS TOWNS, Chairman, Nov. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]
Lincoln Diaz-Balart	7/01	7/05	Poland		1,319.07				108.50		1,427.57
	8/06	8/08	Colombia		802.67						802.67
	8/08	8/08	Panama				646.70				646.70
Committee total					2,121.74		646.70		108.50		2,876.94

[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. LOUISE McINTOSH SLAUGHTER, Chairwoman, Oct. 19, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010.

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. Mario Diaz-Balart	7/01	7/05	Poland		1,319.07		(3)				1,319.07
	8/06	8/08	Colombia		674.67		(3)				674.67
Hon. Bart Gordon	7/08	7/10	United Kingdom		663.00		1,527.40				2,190.40
	7/10	7/13	Belgium		842.00						842.00
Bess Caughran	7/08	7/10	United Kingdom		796.00		1,962.40				2,758.40
	7/10	7/16	Belgium		1,974.00						1,974.00
Delegation Expenses—Belgium									34.23		34.23

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010.—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]
Delegation Expenses—United Kingdom									(4)		
Hon. Brian Baird	8/01	8/02	India		486.00		7,857.20				8,343.20
	8/02	8/06	Bhutan		1,120.00		787.40				1,907.40
	8/06	8/08	India		972.00						972.00
Christopher King	8/01	8/02	India		486.00		7,857.20				8,343.20
	8/02	8/06	Bhutan		1,120.00		787.40				1,907.40
	8/06	8/08	India		972.00						972.00
Delegation Expenses—India									724.22		724.22
Delegation Expenses—Bhutan											
Hon. Brian Baird	8/22	8/23	Jordan		493.00		6,987.69				7,480.69
	8/23	8/24	Iraq				(3)				
	8/24	8/26	Dubai		826.00		(3)				826.00
	8/26	8/27	Afghanistan		28.00		(3)				28.00
	8/28	8/30	Israel		932.00		(3)				932.00
Hon. Robert Inglis	8/22	8/23	Jordan		491.00		3,469.59				3,960.59
	8/23	8/24	Iraq				(3)				
	8/24	8/26	Dubai		713.75		(3)				713.75
	8/26	8/27	Afghanistan		28.00		(3)				28.00
	8/28	8/30	Israel		754.00						754.00
Delegation Expenses—Jordan									1,165.80		1,165.80
Delegation Expenses—Israel									7,632.36		7,632.36
Delegation Expenses—Dubai									(4)		
Committee total					15,690.49		31,236.28		9,556.61		56,483.38

[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 transportaiton.
[4] Not yet received.

HON. BART GORDON, Chairman, Nov. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARD OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[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. ZOE LOFGREN, Chairman, Oct. 19, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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. Jean Schmidt	8/6	8/8	Columbia		1,818,40		(3)				1,818.40
Hon. Shelley Moore Capito	7/5	7/6	Germany		54.00		(3)				54.00
	7/6	7/7	Afghanistan		164.00		(3)				164.00
	7/8	7/9	Germany		54.00		(3)				54.00
Hon. Mark Schauer	7/5	7/6	Germany		54.00		(3)				54.00
	7/6	7/7	Afghanistan		164.00		(3)				164.00
	7/8	7/9	Germany		54.00		(3)				54.00
Hon. Steve Kagen	8/3	8/4	Israel		466.00		(3)				466.00
	8/5	8/6	Afghanistan		28.00		(3)				28.00
	8/6	8/7	Germany		176.25		(3)				176.25
Committee total					3,032.65						3,032.65

[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. JAMES L. OBERSTAR, Chairman, Oct. 28, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[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. BOB FILNER, Chairman, Oct. 12, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]
Brian Morrison	7/04	7/06	S.E. Asia		466.00						
	7/06	7/08	S.E. Asia		366.00						
Commercial aircraft							11,903.60				12,735.60
Iram Ali	7/03	7/05	S.E. Asia		466.00						
	7/06	7/08	S.E. Asia		366.00						
Commercial aircraft							11,903.60				12,735.60
Chelsey Campbell	7/03	7/05	S.E. Asia		466.00						
	7/06	7/08	S.E. Asia		366.00						
Commercial aircraft							11,903.60				12,735.60
Mark Young	7/03	7/04	Africa		286.00						
	7/04	7/05	Africa		250.00						
	7/06	7/08	Africa		1,016.00						
	7/08	7/09	Africa		271.00						
Commercial aircraft							6,593.90				8,416.90
George Papaps	7/03	7/04	Africa		286.00						
	7/04	7/05	Africa		250.00						
	7/06	7/08	Africa		1,016.00						
	7/08	7/09	Africa		271.00						
Commercial aircraft							6,593.90				8,416.90
Jay Hulings	7/05	7/07	Europe		326.78						
	7/07	7/09	Middle East		862.00						
Commercial aircraft							2,616.49				3,805.27
Abbas Ravjani	7/05	7/07	Europe		326.78						
	7/07	7/09	Middle East		862.00						
Commercial aircraft							2,626.49				3,805.27
Nate Hauser	7/05	7/07	Europe		326.78						
	7/07	7/10	Middle East		862.00						
Commercial Aircraft							2,616.49				3,805.27
Hon. Dutch Ruppersberger	8/01	8/02	S.E. Asia		331.10						
	8/03	8/05	S.E. Asia		611.21						
	8/06	8/09	Europe		364.68						
	7/30	7/31	Europe		435.00		(3)				1,741.89
Bob Minehart	8/01	8/02	S.E. Asia		331.10						
	8/03	8/05	S.E. Asia		611.21						
	8/05	8/06	Europe		364.68						
	7/30	7/31	Europe		435.00		(3)				1,741.89
Carly Scott	8/01	8/02	S.E. Asia		331.10						
	8/03	8/05	S.E. Asia		611.21						
	8/05	8/06	Europe		364.38						
	7/30	7/31	Europe		435.00		(3)				1,741.89
Frank Garcia	8/1	8/2	S.E. Asia		331.10						
	8/3	8/5	S.E. Asia		611.21						
	8/5	8/6	Europe		364.68						
	7/30	7/31	Europe		435.00		(3)				1,741.89
Mike Delaney	8/2	8/4	Europe		913.66						
	8/4	8/5	Europe		126.00						
	8/5	8/7	Europe		210.00						
Commercial aircraft							4,455.20				5,704.86
Brian Morrison	8/2	8/4	Europe		913.66						
	8/4	8/5	Europe		126.00						
	8/5	8/7	Europe		210.00						
Commercial aircraft							5,407.20				6,656.86
Chelsey Campbell	8/2	8/4	Europe		913.66						
	8/4	8/5	Europe		126.00						
	8/5	8/7	Europe		210.00						
Commercial aircraft							5,407.20				6,656.86
Jay Hulings	8/1	8/3	Europe		734.00						
	8/3	8/5	Europe		494.85						
	8/5	8/6	Europe		640.00						
Commercial aircraft							4,989.70				6,858.55
Adam Lurie	8/1	8/3	Europe		734.00						
	8/3	8/5	Europe		494.85						
	8/5	8/6	Europe		640.00						
Commercial aircraft							4,989.70				6,858.55
Fred Fleitz	8/1	8/3	Europe		734.00						
	8/3	8/5	Europe		494.85						
	8/5	8/6	Europe		640.00						
Commercial aircraft							4,989.70				6,858.55
Hon. Mike Conaway	8/5	8/7	Asia		632.00						
Commercial aircraft							4,580.90				5,212.90
James Lewis	8/5	8/7	Asia		632.00						
Commercial aircraft							10,334.70				10,966.70
Larry Hanauer	8/8	8/10	Asia		958.00						
	8/10	8/11	Asia		632.00						
	8/11	8/13	Asia		443.00						
Commercial aircraft							14,603.60				16,636.60
Linda Cohen	8/08	8/10	Asia		958.00						
	8/10	8/11	Asia		632.00						
	8/11	8/14	Asia		443.00						
Commercial aircraft							14,603.60				16,636.60
Abbas Ravjani	8/08	8/10	Asia		958.00						
	8/10	8/11	Asia		632.00						
	8/11	8/14	Asia		443.00						
Commercial aircraft							14,603.60				16,636.60
Catherine McElroy	8/08	8/10	Asia		958.00						
	8/10	8/11	Asia		632.00						
	8/11	8/14	Asia		443.00						
Commercial aircraft							14,603.60				16,636.60
Nate Hauser	8/08	8/10	Asia		958.00						
	8/10	8/11	Asia		632.00						
	8/11	8/14	Asia		443.00						
Commercial aircraft							14,603.90				16,636.60
Hon. Silvestre Reyes	8/23	8/25	Latin America		793.39						
	8/26	8/29	Latin America		1,077.69						
	8/29	8/30	Latin America		374.00						
							(3)				2,245.08
Hon. Dutch Ruppersberger	8/23	8/25	Latin America		793.39						
	8/26	8/29	Latin America		1,077.69						
	8/29	8/30	Latin America		374.00						
							(3)				2,245.08
Mike Delaney	8/23	8/25	Latin America		793.39						
	8/26	8/29	Latin America		1,077.69						
	8/29	8/30	Latin America		374.00						
							(3)				2,245.08
Iram Ali	8/23	8/25	Latin America		93.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—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]
	8/26	8/29	Latin America		355.00						
	8/29	8/30	Latin America		374.00						
							(3)				2,245.08
Courtney Littig	8/23	8/25	Latin America		93.00						
	8/26	8/29	Latin America		355.00						
	8/29	8/30	Latin America		374.00						
							(3)				2,245.08
Stephanie Leaman	8/23	8/25	Latin America		793.39						
	8/26	8/29	Latin America		1,077.69						
	8/29	8/30	Latin America		374.00						
							(3)				2,245.08
Ashley Lowry	8/23	8/25	Latin America		793.39						
	8/26	8/29	Latin America		1,077.69						
	8/29	8/30	Latin America		374.00						
						(3)					2,245.08
Stacey Dixon	8/23	8/25	Eueope		534.90						
	8/26	8/27	Europe		374.00						
	8/28	8/30	Europe		202.00						
Commercial aircraft							3,387.50				4,498.40
Carly Scott	8/23	8/25	Europe		534.90						
	8/26	8/27	Europe		374.00						
	8/28	8/30	Europe		202.00						
Commercial aircraft							3,387.50				4,498.40
Catherine McElory	8/23	8/25	Europe		534.90						
	8/26	8/27	Europe		374.00						
	8/28	8/30	Europe		202.00						
Commercial aircraft							3,387.50				4,498.40
Hon. Peter Hoekstra	8/27	8/28	Asia		470.00						
	8/28	8/29	S.E. Asia		156.52						
	8/29	8/30	S.E. Asia		233.00						
	8/30	8/31	S.E. Asia		183.00						
	8/31	9/01	S.E. Asia		662.25						
	9/2	9/3	S.E. Asia		367.00						
Commercial aircraft							11,547.20				13,618.97
James Lewis	8/27	8/28	Asia		470.00						
	8/28	8/29	S.E. Asia		156.52						
	8/29	8/30	S.E. Asia		233.00						
	8/30	8/31	S.E. Asia		183.00						
	8/31	9/01	S.E. Asia		662.25						
	9/2	9/3	S.E. Asia		367.00						
Commercial aircraft							8,123.70				10,195.47
Sarah Geffroy	8/26	8/28	Asia		470.00						
	8/28	8/29	S.E. Asia		156.52						
	8/29	8/30	S.E. Asia		233.00						
	8/30	8/31	S.E. Asia		183.00						
	8/31	9/2	S.E. Asia		622.25						
	9/2	9/3	S.E. Asia		367.00						
Commercial aircraft							8,757.50				10,789.27
Hon. Jeff Miller	8/30	9/05	S.E. Asia		1,185.00						
Commercial aircraft							7,551.50				8,736.50
George Pappas	8/30	9/05	S.E. Asia		1,185.00						
Commercial aircraft							14,575.90				15,760.90
Jay Hulings	8/30	9/05	S.E. Asia		1,185.00						
Commercial aircraft							15,877.90				17,062.90
Hon. Jeff Miller	8/30	9/05	S.E. Asia		1,185.00						
Commercial aircraft							7,551.50				8,736.50
George Pappas	8/30	9/05	S.E. Asia		1,185.00						
Commercial aircraft							14,575.90				15,760.90
Jay Hulings	8/30	9/05	S.E. Asia		1,185.00						
Commercial aircraft							15,877.90				17,062.90
Mac Thornberry	9/01	9/03	Europe		367.00						
	9/03	9/04	Africa		346.86						
	9/04	9/06	Africa		392.65						
Commercial aircraft							5,856.20				6,962.71
Chris Donesa	9/01	9/03	Europe		367.00						
	9/03	9/04	Africa		346.86						
	9/04	9/06	Africa		392.65						
Commercial aircraft							5,856.20				6,962.71
Stacey Dixon	9/01	9/03	Europe		367.00						
	9/03	9/04	Africa		346.86						
	9/04	9/06	Africa		392.65						
Commercial aircraft							5,926.90				7,033.41
Hon. Rush Holt	9/05	9/06	Middle East		292.00						
Commercial aircraft							6,307.00				6,599.00
Mark Young	9/05	9/06	Middle East		292.00						
Commercial aircraft							6,307.00				6,599.00
Fred Fleitz	9/05	9/06	Middle East		292.00						
Commercial aircraft							6,307.00				6,599.00
Hon. Peter Hoekstra	9/9	9/10	Europe		416.00						
	9/10	9/11	Europe		617.71						
	9/11	9/12	Europe		234.00						
	9/12	9/13	Europe		300.50						
	9/13	9/14	Europe		243.31						
Commercial aircraft							3,167.80				4,979.32
James Lewis	9/9	9/10	Europe		416.00						
	9/10	9/11	Europe		617.71						
	9/11	9/12	Europe		234.00						
	9/12	9/13	Europe		300.50						
	9/13	9/14	Europe		243.31						
Commercial aircraft							2,686.60				4,498.12
Chelsey Campbell	9/9	9/10	Europe		416.00						
	9/10	9/11	Europe		617.71						
	9/11	9/12	Europe		234.00						
	9/12	9/13	Europe		300.50						
	9/13	9/14	Europe		243.31						
Commercial aircraft							2,686.60				4,498.12
In accordance with title 22, United States Code, Section 1754(b)(2), information as would identify the foreign countries in which the Committee Members and staff have traveled is omitted.											
Committee total											

[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. SILVESTRE REYES, Chairman, Nov. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

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]
Alex Johnson	7/27	7/30	Austria		948.00		1,100.20				2,048.20
Committee total					948.00		1,100.20				2,048.20

[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, Oct. 19, 2010.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits prior to the vote on passage, the attached estimate of the costs of H.R. 6419, the Emergency Unemployment Compensation Continuation Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6419, EMERGENCY UNEMPLOYMENT COMPENSATION CONTINUATION ACT AS AMENDED

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET INCREASE IN THE DEFICIT												
Total Changes	12,115	69	90	92	68	37	26	4	0	0	12,435	12,502
Less:												
Designated as Emergency Requirement [a]	12,115	69	90	92	68	37	26	4	0	0	12,435	12,502
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0
Memorandum: Components of the Emergency Designation: [b]												
Change in Outlays	12,115	0	0	0	0	0	0	0	0	0	12,115	12,115
Changes in Revenues	0	−69	−90	−92	−68	−37	−26	−4	0	0	−320	−387

[a] Section 5 of H.R. 6419 would designate the act as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.
[b] For outlays, a positive number indicates an increase in the deficit. For revenues, a negative number indicates an increase in the deficit.
Notes: Components may not sum to totals because of rounding.
H.R. 6419 would extend Emergency Unemployment Compensation and full federal funding of extended benefits through February 28, 2011. The bill also would allow states to calculate the extended benefits triggers using a three-year look-back for the period of the extension.
Source: Congressional Budget Office.

EXECUTIVE COMMUNICATIONS, ETC.

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

10390. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flubendiamide; Pesticide Tolerances; Technical Correction [EPA-HQ-OPP-2007-0099; FRL-8849-2] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10391. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerances [EPA-HQ-OPP-2008-0781; FRL-8850-3] received Novmeber 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10392. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Captain Philip G. Howe, United States Navy, and his advancement to the grade of rear admiral on the retired list; to the Committee on Armed Services.

10393. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, ''Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account'', for the period ending September 30, 2010; to the Committee on Armed Services.

10394. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Prohibition on Interrogation of Detainees by Contractor Personnel (DFARS Case 2010-D027) (RIN: 0750-AG88) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10395. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements-New Thresholds (DFARS 2009-D040) (RIN: 0750-AG59) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10396. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 48th report required by the FY 2000 Emergency Supplemental Act; to the Committee on Armed Services.

10397. A letter from the Vice President of the United States, transmitting November 2010 Update to the National Defense Authorization Act of FY 2010; to the Committee on Armed Services.

10398. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Equal Access to Justice Act Implementation (RIN: 2590-AA29) received November 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10399. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [EPA-R09-OAR-2008-0740; FRL-9221-6] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10400. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to the proliferation of weapons of mass destruction declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2010, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 111–153); to the Committee on Foreign Affairs and ordered to be printed.

10401. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the report on compliance with the Treaty on Conventional Armed Forces in Europe; to the Committee on Foreign Affairs.

10402. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Audit of Advisory Neighborhood Commission 6B for Fiscal Years 2008 Through 2010, as of March 31, 2010'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10403. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Audit of Advisory Neighborhood Commission 6D for Fiscal Years 2008 Through 2010, as of March 31, 2010'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10404. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Audit of Advisory Neighborhood Commission 6A for Fiscal Years 2008 Through 2010, as of March 31, 2010'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10405. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals for the 1st and 2nd Quarter of Fiscal Year 2010'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10406. A letter from the Director, Office of Personnel Management, transmitting the Office's ''Major'' final rule — Federal Employees' Group Life Insurance Program: Miscellaneous Changes, Clarifications, and Corrections (RIN: 3206-AG63) received November 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10407. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Pequonnock River, Bridgeport, CT [Docket No.: USCG-2010-0787] (RIN: 1625-AA09) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10408. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Swim Events within the Sector New York Captain of the Port Zone [Docket No.: USCG-2010-0502] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10409. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Raccoon Creek, Bridgeport, NJ [Docket No.: USCG-2010-0743] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10410. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Wheeling, WV, Wheeling Heritage Port Sternwheel Foundation fireworks display [Docket No.: USCG-2010-0723] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10411. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ocean City Beachfront Air Show, Ocean City, NJ [Docket No.: USCG-2010-0817] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10412. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Part A Premiums for CY 2011 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8041-N] (RIN: 0938-AP85) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10413. A letter from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's fourth fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; jointly to the Committees on Appropriations and Foreign Affairs.

10414. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for CY 2011 [CMS-8040-N] (RIN: 0938-AP86) received Novmeber 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10415. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2011 [CMS-8042-N] (RIN: 0938-AP81) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10416. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices [CMS-1510-F] (RIN: 0938-AP88) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10417. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2011 [CMS-1503-FC] (RIN: 0938-AP79) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10418. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program: Hospital Outpatient Prospective Payment System and CY 2011 Payment Rates; Ambulatory Surgical Center Payment System and CY 2011 Payment Rates; Payments to Hospitals for Graduate Medical Education Costs; Physician Self-Referral Rules and Related Changes to Provider Agreement Regulations; Payment for Certified Registered Nurse Anesthetist Services Furnished in Rural Hospitals and Critical Access Hospitals [CMS-1504-FC and CMS-1498-IFC2] (RIN: 0938-AP82 and RIN: 0938-AP80) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 5866. A bill to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes; with an amendment (Rept. 111–658). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5498. A bill to enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes; with an amendment (Rept. 111–659, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Agriculture, Transportation and Infrastructure, Foreign Affairs, and Intelligence (Permanent Select) discharged from further consideration. H.R 5498 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5498. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 3, 2010.

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. HOLT (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. SIRES, Mr. PASCRELL, Mr. ANDREWS, Mr. PALLONE, and Mr. ROTHMAN of New Jersey):

H.R. 6425. A bill to prevent harassment at institutions of higher education, and for other purposes; to the Committee on Education and Labor.

By Mr. KIND:

H.R. 6426. A bill to authorize the Secretary of the Interior to carry out programs and activities for connecting children and families with the outdoors; to the Committee on Natural Resources, 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. DINGELL (for himself, Mr. WAXMAN, Mr. LEVIN, Mr. STARK, and Mr. PALLONE):

H.R. 6427. A bill to amend title XVIII of the Social Security Act to provide for an update under the Medicare physician fee schedule through 2011; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Budget, 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. SPEIER:

H.R. 6428. A bill to exclude from gross income compensation provided by Pacific Gas and Electric Company for victims of the natural gas transmission line explosion occurring in San Bruno, California, and to treat as nontaxable any gain from the involuntary conversion of their property as the result of such explosion, without regard to the rules requiring conversion to property of a similar use; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 6429. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 29, 2012; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), 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. MINNICK:

H.R. 6430. A bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McDERMOTT:

H.R. 6431. A bill to amend title 11 of the United States Code to modify the application of chapter 13 with respect to principal residences that are the subject of foreclosure; to the Committee on the Judiciary.

By Mr. CAO:

H.R. 6432. A bill to promote freedom and democracy in Vietnam; to the Committee on Foreign Affairs.

By Mr. CAO (for himself, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. WOLF, and Ms. LORETTA SANCHEZ of California):

H.R. 6433. A bill to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR of Florida:

H.R. 6434. A bill to establish programs to aid in the economic, environmental, and public health recovery of the Gulf States from the damage and harm caused by the blowout of the mobile offshore drilling unit Deepwater Horizon and the resulting degradation of the Gulf over time, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHU (for herself and Ms. LEE of California):

H.R. 6435. A bill to direct the Secretary of Education to carry out grant programs to provide low-income students with access to high-quality early education programs that promote school readiness, address the achievement gap for English-language learners, and encourage bilingualism; to the Committee on Education and Labor.

By Mr. CONYERS (for himself and Mr. FILNER):

H.R. 6436. A bill to amend the National Labor Relations Act to clarify the intent of Congress for Federal labor law preemption of State and local law, and for other purposes; to the Committee on Education and Labor.

By Mr. ENGEL (for himself and Mrs. MYRICK):

H.R. 6437. A bill to amend title XIX of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing a maternity care quality measurement program, identifying payment mechanism improvements, and identifying essential evidence-based maternity care services; to the Committee on Energy and Commerce.

By Mr. GRIFFITH:

H.R. 6438. A bill to provide for the adjustment of status for certain long-term conditional residents; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 6439. A bill to amend the Internal Revenue Code of 1986 to require certain determinations before the filing of all notices of Federal tax liens and supervisory approval before the filing of certain notices of Federal tax liens, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 6440. A bill to amend the Fair Housing Act to provide an exemption for any person seeking to enter into a shared living arrangement with a person sharing similar religious opinions or religious beliefs, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia:

H.R. 6441. A bill to improve the safety of motorcoaches, and for other purposes; to the Committee on Transportation and Infrastructure, 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 Ms. PINGREE of Maine:

H.R. 6442. A bill to amend title II of the Social Security Act to prevent low-income public servants from falling into poverty by modifying the Government Pension Offset to protect their Social Security widows and spousal benefits; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. OWENS, and Mr. LEE of New York):

H.R. 6443. A bill to provide for the design, production, and presentation of a Gold Medal of Remembrance to the children of members of the Armed Forces who die while serving on active duty in support of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.R. 6444. A bill to amend title I of the Patient Protection and Affordable Care Act to provide for appropriate procedures under such title for verification of citizenship status; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 6445. A bill to establish the Carolinas Revolutionary Road National Heritage Area in the States of North Carolina and South Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. STUPAK:

H.R. 6446. A bill to authorize the transfer of a naval vessel to the Mackinac Island State Park Commission of the State of Michigan; to the Committee on Armed Services.

By Mr. THOMPSON of Mississippi:

H.R. 6447. A bill to eliminate the preferences and special rules for Alaska Native Corporations under the program under section 8(a) of the Small Business Act; to the Committee on Small Business, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself, Ms. BERKLEY, and Mr. CARNEY):

H.J. Res. 99. A joint resolution disapproving the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Ms. ESHOO, Mr. KIRK, Mr. PETERS, Mr. FRANKS of Arizona, and Mr. PITTS):

H. Res. 1725. A resolution condemning and deploring the murderous attacks, bombings, kidnappings, and threats against vulnerable religious communities in Iraq, in particular the attack against Our Lady of Salvation Church in Baghdad on October 31, 2010, and for other purposes; to the Committee on Foreign Affairs, 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. BUYER (for himself and Mr. MILLER of Florida):

H. Res. 1726. A resolution honoring the service and accomplishments of Kingston Smith, Republican Staff Director and Chief Counsel for the House Committee on Veterans' Affairs; to the Committee on House Administration.

By Mr. SMITH of Texas:

H. Res. 1727. A resolution recognizing Rotary International for 105 years of service to the world and commending members on their dedication to the mission and principles of their organization; to the Committee on Oversight and Government Reform.

By Mr. BARTLETT (for himself, Mr. HOYER, Ms. EDWARDS of Maryland, Mr. KRATOVIL, Mr. RUPPERSBERGER, Mr. SARBANES, Mr. CUMMINGS, and Mr. VAN HOLLEN):

H. Res. 1728. A resolution expressing the sense of the House of Representatives regarding the recognition, protection, promotion, and facilitation of the annual JFK 50 Mile; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H. Res. 1729. A resolution expressing the sense of the House of Representatives that the United Nations should forthwith take the procedural actions necessary to amend Article 23 of the Charter of the United Nations to establish India as a permanent member of the United Nations Security Council; to the Committee on Foreign Affairs.

By Mr. KINGSTON (for himself, Mr. BROUN of Georgia, Mr. LINDER, Mr. JOHNSON of Georgia, Mr. SHIMKUS, Mr. CONAWAY, Mr. HARPER, Mr. BARTON of Texas, Mr. MCMAHON, Mr. HOLDEN, and Mr. THOMPSON of Pennsylvania):

H. Res. 1730. A resolution commending Bobby Thomson; to the Committee on Oversight and Government Reform.

By Mr. POE of Texas (for himself, Ms. BERKLEY, Mr. WEINER, and Ms. ROS-LEHTINEN):

H. Res. 1731. A resolution reaffirming Congressional opposition to the declaration of a Palestinian state, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SIMPSON (for himself, Mr. SENSENBRENNER, Mr. WAMP, Mr. HASTINGS of Washington, Mr. REHBERG, Mr. LEWIS of California, Mr. FRELINGHUYSEN, Mr. HALL of Texas, Mr. CALVERT, Mr. ALEXANDER, Mr. RYAN of Wisconsin, Mr. BARRETT of South Carolina, Mr. WHITFIELD, and Mr. BARTON of Texas):

H. Res. 1732. A resolution condemning the unilateral decision of the Chairman of the Nuclear Regulatory Commission to begin the closure of the Yucca Mountain license application review and calling on the Nuclear Regulatory Commission to resume license application review activities immediately pending further direction from Congress; to the Committee on Energy and Commerce.

By Mr. SNYDER:

H. Res. 1733. A resolution recognizing Mark Twain as one of America's most famous literary icons on the 175th anniversary of his birth and the 100th anniversary of his death; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 988: Mr. DOYLE.
H.R. 1077: Mr. PITTS.
H.R. 1079: Ms. NORTON and Mr. KIND.
H.R. 1408: Mrs. CHRISTENSEN.
H.R. 1569: Mrs. CHRISTENSEN.
H.R. 1704: Mr. RYAN of Ohio.
H.R. 1835: Mrs. CAPITO.
H.R. 2030: Mr. SIRES.
H.R. 2066: Mr. HARE.
H.R. 2458: Mr. GOODLATTE.
H.R. 3025: Mr. ENGEL.
H.R. 3447: Mr. GEORGE MILLER of California.
H.R. 3464: Mr. MCCARTHY of California.
H.R. 3554: Mr. LANGEVIN.
H.R. 3652: Mr. BARRETT of South Carolina, Mr. ENGEL, and Mr. ISRAEL.
H.R. 4199: Ms. HERSETH SANDLIN.
H.R. 4446: Mr. BISHOP of Georgia.
H.R. 4476: Mrs. BLACKBURN.
H.R. 4689: Mr. MURPHY of New York, Mr. PITTS, Mr. DENT, and Mr. KING of New York.
H.R. 4690: Mr. WEINER, Mr. CONNOLLY of Virginia, Mr. AL GREEN of Texas, Mrs. LOWEY, and Ms. PINGREE of Maine.
H.R. 4757: Ms. SPEIER.
H.R. 4844: Mr. GEORGE MILLER of California.
H.R. 4959: Mr. FILNER.
H.R. 5028: Mr. BACA, Ms. PINGREE of Maine, and Mr. STARK.
H.R. 5078: Ms. ROYBAL-ALLARD.
H.R. 5141: Mr. STEARNS.
H.R. 5184: Mr. FRANK of Massachusetts.
H.R. 5233: Mr. SABLAN.
H.R. 5234: Mr. MURPHY of Connecticut.
H.R. 5295: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5447: Mr. OLVER and Mr. BOOZMAN.
H.R. 5587: Mr. OLSON.
H.R. 5743: Mr. ROTHMAN of New Jersey.
H.R. 5789: Mr. LUETKEMEYER.
H.R. 5926: Mr. FRANK of Massachusetts, Ms. WOOLSEY, and Mrs. MALONEY.
H.R. 5983: Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. FILNER, Mr. REYES, Mr. CARTER, Mr. CONNOLLY of Virginia, Mr. TURNER, Mr. GARAMENDI, and Mr. CRITZ.
H. R. 6021: Mr. PASTOR of Arizona.
H. R. 6032: Ms. HERSETH SANDLIN.
H. R. 6036: Mr. WU.
H. R. 6087: Mr. NEUGEBAUER and Mr. THORNBERRY.
H. R. 6104: Mr. GARRETT of New Jersey.
H. R. 6144: Mr. SENSENBRENNER.
H. R. 6147: Mr. KUCINICH, Ms. CHU, and Mr. MOORE of Kansas.
H. R. 6192: Mr. MCGOVERN.
H. R. 6193: Mr. MCGOVERN.
H. R. 6227: Mr. MANZULLO.
H. R. 6240: Mr. SCALISE.
H. R. 6273: Mr. ETHERIDGE, Mr. PUTNAM, and Mr. FRANK of Massachusetts.
H. R. 6299: Mr. FILNER.
H. R. 6308: Mr. VAN HOLLEN.
H. R. 6355: Mr. MCGOVERN.
H. R. 6403: Mr. LATHAM, Mr. MCCLINTOCK, Mr. CHAFFETZ, Mr. THOMPSON of Pennsylvania, Mrs. EMERSON, Mrs. MYRICK, Mr. SHIMKUS, Mr. FORTENBERRY, Mr. HELLER, Mr. GARY G. MILLER of California, Mr. CARTER, and Mr. ROE of Tennessee.
H. R. 6406: Mr. PRICE of Georgia.
H. R. 6407: Mr. CAO and Mr. YOUNG of Alaska.
H.R. 6408: Mr. JORDAN of Ohio.
H.R. 6415: Mr. CAMPBELL.
H.R. 6416: Mr. JONES and Mr. DUNCAN.
H.R. 6417: Mr. LATTA.
H.R. 6419: Mr. RAHALL, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. SERRANO, Ms. LINDA T. SÁNCHEZ of California, Mr. AL GREEN of Texas, Mr. PIERLUISI, Ms. WASSERMAN SCHULTZ, Ms. SPEIER, Ms. KAPTUR, Ms. RICHARDSON, Mr. MORAN of Virginia, Ms. MCCOLLUM, Mr. PRICE of North Carolina, and Ms. SUTTON.
H.J. Res. 23: Mr. KLINE of Minnesota.
H.J. Res. 77: Mr. GRAVES of Georgia.
H.J. Res. 95: Mrs. LUMMIS.
H.J. Res. 96: Mr. MANZULLO, Mr. MCCOTTER, Mr. BARTLETT, Mr. MORAN of Kansas, Mr. GOODLATTE, and Mr. SMITH of Texas.
H. Con. Res. 110: Mrs. MALONEY.
H. Con. Res. 267: Mr. GUTIERREZ, Ms. WATERS, and Mr. SMITH of New Jersey.
H. Con. Res. 291: Mr. SCOTT of Georgia.
H. Con. Res. 323: Mr. PIERLUISI, Mr. ENGEL, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Ms. LINDA T. SÁNCHEZ of California, Mr. WILSON of South Carolina, and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 1476: Ms. TSONGAS.
H. Res. 1523: Mr. ROSKAM.
H. Res. 1531: Mr. MCINTYRE, Mr. OWENS, Mr. WU, Mr. LARSEN of Washington, Mr. DEFAZIO, Mr. SMITH of Washington, Mr. BRALEY of Iowa, Mr. MINNICK, Mr. BLUMENAUER, Mr. KIND, and Mr. ROGERS of Alabama.
H. Res. 1534: Mrs. MILLER of Michigan and Mr. DENT.
H. Res. 1594: Mr. ETHERIDGE, Mr. MILLER of Florida, and Mr. WILSON of South Carolina.
H. Res. 1687: Mr. LANCE, Mr. MACK, Mr. CALVERT, Mr. CASTLE, Mrs. BLACKBURN, Mr. MANZULLO, Mr. KING of New York, Mr. MORAN of Virginia, Mr. SPACE, Mr. AKIN, Mr. YOUNG of Florida, Ms. JENKINS, and Ms. BORDALLO.
H. Res. 1696: Ms. MCCOLLUM.
H. Res. 1703: Mr. MCINTYRE, Mr. BOREN, Mr. SABLAN, Ms. BORDALLO, Mr. SNYDER, Mr. BRALEY of Iowa, Mrs. CHRISTENSEN, and Mr. FALEOMAVAEGA.
H. Res. 1705: Mr. MURPHY of Connecticut.
H. Res. 1724: Mr. COURTNEY, Ms. PINGREE of Maine, Mr. GARAMENDI, Mr. SPRATT, Mr. SESTAK, Ms. FOXX, Mr. KLINE of Minnesota, Ms. LORETTA SANCHEZ of California, Mr. FORBES, Mr. BUYER, Mr. WALDEN, Mr. ROHRABACHER, Mr. WOLF, Mr. PLATTS, Mr. MILLER of Florida, Mr. ANDREWS, Mr. MCKEON, Mr. FRANKS of Arizona, and Mr. NYE.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, we are in Your hands and may we rejoice above all things in being so. Do with us what seems good in Your sight.

Today show mercy to the Members of this legislative body. Let Your sovereign hand be over them and Your holy spirit ever be with them, directing their thoughts, words, and works. Lord, prosper the works of their hands, enabling them in due season to reap a bountiful harvest. Strengthen their hearts in Your ways against temptation and make them more than conquerors in Your love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 18, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will turn to a period of morning business for an hour. Senators during that time will be permitted to speak for up to 10 minutes each. Republicans will control the first 30 minutes, the majority will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 510, the FDA Food Safety Modernization Act. Yesterday cloture was invoked on the motion to proceed. Today we will continue to work with Senators on reaching an agreement to consider amendments so we may complete action on the bill this week.

We are going to complete action on the bill. We may have to—if we have to use up all of the time, waste all of the time, these 30-hour provisions that are allowed under the Senate procedures, we are going to have to be here during the weekend. This is something we need to get done.

Everyone should understand there is nothing to be gained by stalling this. It has been stalled for years, this piece of legislation.

The Senate will recess from 12:30 until 3 p.m. today because we have another Democratic caucus.

MEASURES PLACED ON THE CALENDAR—S. 3962, S. 3963

Mr. REID. Madam President, I am told there are two bills at the desk that are due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3962) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

A bill (S. 3963) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

Mr. REID. Madam President, I object to any further proceedings with respect to these bills.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

FOOD SAFETY

Mr. REID. Madam President, we are going to continue debate, as I announced, on the food safety legislation. No one in America should have to worry if their salad or sandwich is going to kill them. No one in the Senate should prey on that fear or play with it like a political football. Yet that is exactly what is happening.

If you follow the Senate every day, you might not be surprised to see our Republican friends turn food safety into a partisan political issue. But if you are trying to keep yourself and your family healthy, you may be appalled, and rightfully so.

You might also be troubled to learn that our food safety system has not been updated in almost 100 years, in almost a century. Food processing, production, and marketing have surely advanced over the last hundred years, but

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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our safety measures have not. New contaminants come up every day, but our safety measures do not keep up.

That is because our FDA does not have the authority or research it needs to keep up. This bill will fix that. It will greatly improve this important system, and it will keep regulatory burdens on farmers and food producers to a minimum. It simply gives the FDA the authority to recall contaminated foods to find out where these dangerous foods come from and to stop them from getting into our grocery stores.

It is a bipartisan bill. The HELP Committee passed it unanimously. But somewhere between the committee and the Senate floor, making sure the food we eat is not poisonous has somehow become a partisan issue. That should be unacceptable to everyone.

Food poisoning kills as many as 5,000 of us, we Americans, every year. Foodborne illnesses sicken one in four people every year. I do not how many people have been affected by food poisoning. The Presiding Officer is from New York. My wife and I went to New York a number of years ago with our son and his girlfriend. We were going to go to a play. We had dinner at a nice restaurant. We both had chicken, the same dish. About 4 o'clock in the morning, I asked my wife if she would get me a drink of water. She said: No, I cannot; I am too sick. I was too sick too. We were so sick that day. We got out of the room we were staying in sometime midmorning. And, frankly, my wife never, ever got over that completely. She had an illness to begin with called ulcerative colitis. This exacerbated her symptoms so badly that ultimately she was hospitalized for more than a month.

These illnesses affect everyone. Contaminated food affects people and affects people very badly. I repeat, 5,000 of us die every year as a result of foodborne illnesses. The specialists say it is probably more than that, because a lot of times when people die they do not know it is from food poisoning.

One of four of us every year gets sick. If 25 Senators, one-quarter of this Senate, got food poisoning this year, we would do something about it, and we would not think twice about which political party those Senators who got sick were from. People often think of food poisoning as an upset stomach that goes away in a few hours or a day. Sometimes, yes, that is all it is. But sometimes it is much worse. I have met with the families who have been seriously sickened by the food they have eaten, people who are hospitalized for weeks and months and months, who came close to death.

In some cases they will deal with the results of their food poisoning for the rest of their lives. One such person is a little girl named Rylee Gustafson. She is from Henderson, NV. When she was 9 years old, she ate a salad that almost killed her. It had spinach in it. That spinach had E. coli. Rylee got so seriously ill that she, of course, was hospitalized, and for a long time. Three others who got E. coli from fresh spinach died. This little girl is a feisty little thing. But her growth has been stunted. She will never be the size she should be.

There are lots of stories, none of them pleasant. But a woman named Linda Rivera from Las Vegas ate some cookie dough. E. coli was in the cookie dough. She was in a coma for a long time. She is recovering but not really well.

Then a few days ago, the CDC alerted us to another E. coli outbreak. This was cheese. And 37 Americans so far had gotten sick from a brand of cheese sold in the western part of the United States, including two people in Nevada.

So why have we waited this long to make our food safer? We are still playing these games, political games. The answer is nothing more than very base politics. It is shameful. I hope we can end that today. The vast majority of the Senate wants to pass this bill. And we should not have just a few people standing in the way of doing something that will help the health and safety of our country.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half, and the majority controlling the final half.

The Senator from Kansas.

Mr. ROBERTS. Madam President, I ask unanimous consent that I may proceed for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. ROBERTS. Madam President, health care—big issue. The health care reform bill that is current law—big issue. A lot of talk about repeal, fix what is wrong in the bill, what is right in the bill, depending upon your personal opinion.

I think that the Senate—more especially the committees of jurisdiction, and I am talking about the Senate Finance Committee—has a unique obligation, especially at this time, to conduct its oversight responsibility. Unfortunately, that was not the case as of yesterday.

One of the major problems with the new health care law is the huge amount of power and authority it grants to one man, the Administrator, perhaps we should call him the czar, of the Centers for Medicare and Medicaid Services, CMS. Rest assured, every health care provider in the country knows what and who CMS is.

The Administrator is Dr. Donald Berwick. One of the major problems with Dr. Berwick is his longstanding, well-documented support for government rationing as a means of controlling health care costs—not my words, his.

Yesterday, the Senate Finance Committee finally had our very first chance to question Dr. Berwick. I say finally, because for months my colleagues and I have requested this opportunity, a request which was denied when President Obama provided a recess appointment for Dr. Berwick. So yesterday's hearing was a hollow one of sorts, since Dr. Berwick had already been installed at CMS, or maybe parachuted in would be the right way to describe it, in that he has made many controversial comments about his love for the British health care system and for rationing and other comments that certainly deserve a hearing in regards to a confirmation process. That did not happen.

He was also installed pretty much after the debate that we had on health care. Now, unfortunately, we were only given 5 minutes each yesterday to question the most important man in American health care as of today. This was 5 minutes, sandwiched in between lengthy remarks by the chairman, the witness, and the floor votes we had yesterday.

I was not able to question Dr. Berwick on many things. I asked unanimous consent of the chairman if I could submit questions for the RECORD. Obviously he agreed and that was it. But when Ranking Member GRASSLEY asked Dr. Berwick if he would commit to appearing before the committee again—which I think the doctor would; he is a very affable and personal man. I do not agree with him, but he is affable and personable—so we could continue our oversight, Chairman BAUCUS interrupted his response and refused to make any further commitments.

How is that for transparency? How is that for finally getting to a hearing about the man who is the most important man today in regards to the new health care law and implementing it?

Because I was not able to ask Dr. Berwick my questions yesterday, I am forced and am asking them here on the Senate floor. Dr. Berwick knows my No. 1 concern with President Obama's health care law is the enormous potential for the government to interfere in the treatment decisions of the doctor and the patient. Dr. Berwick has a long history of statements supporting government control of treatment decisions, or what I would call ''rationing.'' I know some would say that is not the case. But Dr. Berwick has said that:

> Most people who have severe pain do not need advanced methods; they just need the morphine and counseling that have been around for centuries.

A most unique statement, to say the least. He has publicly stated an aversion to new medical technology and health care advances, saying:

> One of the drivers of low value in health care today is the continuous entrance of new technologies, devices, and drugs that add no value to care.

That is in his eyes. He refers to this as an ''excess supply'' of health care. And, of course, we have his infamous quote that ''the decision is not whether or not we will ration health care. The decision is whether we will ration care with our eyes open.''

It should then come as no surprise that CMS under Dr. Berwick's leadership has embarked upon a path of increasing government control, centralized decisionmaking, and top-down mandates that treat doctors as nothing more than cooks practicing ''cookbook medicine'' and patients as nothing more than numbers, despite their individual needs and desires.

One example: attempts by CMS to restrict the number of times seniors with diabetes can test their blood sugar by limiting them to one test strip per day, regardless of what the doctor recommends. Doctors understand that diabetes care is an exceedingly complex and personalized enterprise. My question that I could not ask yesterday: Why is CMS replacing the judgment of a doctor on how many times their patient should test their blood sugar with a CMS-knows-best approach?

An even more egregious example of the government getting in between patients and doctors is Dr. Berwick's recent investigation into Medicare coverage of the life-extending prostate cancer therapy Provenge. Provenge is a therapeutic vaccine approved by the Food and Drug Administration to treat late-stage prostate cancer through an innovative process that removes immune system cells from patients and exposes them to cancer cells and an immune system stimulator and then injects them back into the patient. Provenge has been shown to increase life expectancy by an average of 4 months but sometimes longer, with one patient living an additional 7 years. In addition, Provenge is special because of its lack of side effects as compared to the traditional chemotherapy methods. So not only can patients live longer, but their quality of life will be better.

Medicare coverage for FDA-approved drugs is usually automatic. My next question to Dr. Berwick would have been, had I had the opportunity in the committee yesterday but was denied because of scheduling: Why did you initiate a coverage investigation so soon after Provenge was approved? Why is CMS seeking to substitute its judgment for not only patients and doctors but for the FDA, the gold standard for drug approval worldwide? Are you questioning the FDA's decision? When drug companies and research folks produce after many years of research and effort and cost, are they going to have to go through two hurdles—first, the FDA, which can take years, and then CMS—as to whether Medicare will approve it? It seems that is where we are headed.

I know or I think I know the answer as to why Dr. Berwick decided to conduct this investigation.

It is cost—$93,000 for a complete cycle of Provenge was the driving factor behind this investigation.

The good news is that yesterday an advisory committee recommended that CMS cover Provenge. But I am very concerned about the precedent this sets not only for other cancer regimens such as the promising breast cancer drug Avastin but for all new medical innovations.

Some may say that an extra 4 months of life is not enough to justify this high price tag. It is a high price tag. First, the government should not be in the business of placing dollar values on life, period. That is what Great Britain is trying to move away from. That is why David Cameron made the unique statement that maybe we ought to have a system that puts the choice between doctors and patients. What a novel idea.

Secondly, the traditional chemo and all of its associated side effects costs Medicare upwards of $110,000 per patient per year. So Provenge is actually a cost saver when viewed in that context.

Third, this is exactly the type of innovative approach we need to win the fight against cancer. Medical advances don't come in giant leaps; they more often occur at the margins. We should not deny patients and doctors treatment options simply because they don't offer a complete cure. That is shortsighted, not to mention cruel.

Finally, if we want companies and investors to continue to pour their dollars and efforts into developing a cure for cancer, this is the wrong approach. The investment into researching and developing Provenge approached $1 billion over 15 years, 15 clinical trials. Refusing to allow a return on this huge investment will send a chilling effect across the health research industry, resulting in less investment, less innovation, and worse care for patients. Maybe less innovation is actually the goal of this administration and of Dr. Berwick, who has targeted the ''entrance of new technologies, drugs, and devices'' as ''one of the drivers of low value in health care today.'' Value is a subjective concept.

Another question I have for Dr. Berwick: I prefer that the value of health care be determined by the patient and doctor, not the government. Would you agree?

Finally, from yesterday's news, I have been shocked by the number of ObamaCare waivers coming out of the Department of Health and Human Services. According to the New York Times today, 111 waivers have been granted to employers to allow them to avoid the new health care mandates. The only thing more shocking than the number of waivers is who is getting them. Would you believe that they are some of the most ardent supporters of health care reform? Unions such as the Service Employees International Union, the United Federation of Teachers, and the Transport Workers Union have all applied for and been granted waivers from the rules. They don't have to follow the rules. They don't have to follow the mandates. Guess who are the strongest supporters of health care. The fact is, ObamaCare is bad for business, bad for workers, bad for seniors, bad for taxpayers.

My question to Dr. Berwick: When will the American people get a waiver from ObamaCare? Of course, that decision would be under the purview of the Secretary of the Department of Health and Human Services, Kathleen Sebelius, whom I know as a personal friend.

Kathleen, Kathleen, Kathleen, you are granting all these waivers to people in regard to the mandate on health care. When will the American people get a waiver from some of the things they choose not to take part in? This is, indeed, shocking news.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Madam President, I understand I have 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BOND. Will the Chair advise me when 10 minutes has been used.

The ACTING PRESIDENT pro tempore. Yes.

BIOTECHNOLOGY: HOPE FOR THE FUTURE

Mr. BOND. Madam President, as I will be leaving the Senate in a few weeks, I ask my colleagues to indulge me as I speak for a few minutes on a subject I believe is very important, and that is continuing the policies and funding that help drive scientific advancement in new areas, particularly agricultural biotechnology.

It goes without saying that we are living in a time of breathtaking scientific discovery, whether the field is aerospace, information systems, or biotechnology.

In the last hundred years, science has taken us from the Wright Brothers first flight to manned space flight. Science has taken us from Henry Ford's first car to today's vehicles hosting full-fledged entertainment systems and global positioning systems. Science has taken us from typewriters to supercomputer and from candles to electricity.

Science is moving even faster now. Advances in technology will continue to reach far into every sector of our economy.

Future job and economic growth in the areas of health care, life sciences, industry, defense, agriculture and transportation is directly related to scientific advancement. And America's

future wealth and economic preeminence is tied to technological advancement.

Technological advancement will continue to drive our economy, job growth and our quality of life.

While most of the work is being done by our scientists, engineers, entrepreneurs and educators, government can play a role in helping create the conditions for them to succeed: through research funding, through tax policy, and through free trade agreements. This is especially true when it comes too agiotechnology.

Looking back about 15 years ago, I received a strong push for a new idea—mapping the corn genome, one of the first real biotech projects for commercial agriculture. This push came not from leaders in education, science or the corporate world—and we have many—but from corn growers and soybean producers in Missouri.

Our producers convinced me that biotechnology was not only key to improving farm incomes and the rural economy, but in revolutionizing the world in the same way the steam engine revolutionized industry, and the computer revolutionized the sharing of information.

At that time, it was tough to get anyone interested in the project—Congress, the media, even my own staff. Imagine running for reelection and telling your staff: hey, great idea, I'm going to campaign on the corn genome.

As Mark Twain said:

A crank is someone with a new idea—until it catches on. Back then, those of us peddling biotechnology sounded like cranks.

The first time I asked the Agriculture Appropriations Committee to fund biotech projects, I didn't get a single dime.

But we persisted, anyway. I teamed up with my colleague and good friend, Senator BARBARA MIKULSKI, on a bipartisan initiative to fund biotech research through the National Science Foundation.

Through the years we have provided nearly a billion dollars to NSF.

With the help of Missouri's-own Chancellor Bill Danforth and Roger Beachy as well as others, Senator TOM HARKIN and I sponsored legislation creating the National Institute of Food and Agriculture to support the competitive research at the Federal level needed to advance agriculture science.

Fifteen years later, we now have the proof that this idea really is changing the world, as promised.

Already, hundreds of millions of people have been helped by biotechnology drugs and vaccines that can cure diseases and eliminate the need for surgery. And there are many more drugs and vaccines being tested which will eventually help us treat other diseases.

Agricultural biotechnology is bringing hope to those in the developing world by providing crops that are more pest and disease-resistant and more nutritious.

It helps our farmers by consistently increasing crop yields, especially as our global population continues to increase while available farmland decreases.

From an environmental perspective, the use of transgenic seeds has reduced pesticide application on our fields by tens of millions of pounds annually in the United States alone.

And—especially important now during the tough recession we are in—agriculture biotech creates good, high-paying jobs and helps revitalize rural economies.

The sky is the limit for the future of biotech. Advances here will continue to impact the entire world.

Madam President, 2005 marked the year that the billionth acre of transgenic crops was planted worldwide, a notable achievement in a field of science that was at the time only a decade old.

In 2008, the second billionth acre of a biotech crop was planted only 3 years after the first.

All this while a handful of professional antitechnology activists are still, unsuccessfully in search of their first stomach ache. Their persistent Luddite-type hatred of ag biotech, though without any scientific support, has fueled fear of genetically modified, GMO, foods, even in less developed countries, where near-term starvation is a real prospect without a ag biotech.

The growth of biotech will continue to explode in future years. Developing countries using ag biotech out number industrial countries by a ratio of three to two.

In fact, resourceful farmers in some countries are approving biotechnology before their lagging governments do.

Growth brings with it many opportunities for scientists from the ''developed world'' to collaborate on biotechnology projects with scientists in the developing world.

But how do we ensure that all people, especially those who need it, are not left behind?

We must do it. There is a humanitarian imperative. People who are well fed have many problems, a people who are hungry have only one problem.

As Norman Borlaug put it:

Without food, man can live at most but a few weeks; without it, all other components of social justice are meaningless.

We simply cannot afford not to tap into the promise of biotechnology. By 2050, developing countries will be home to 90 percent of the expected population of 9 billion.

However, while the world is expected to increase its population by more than 30 percent the area of productive agricultural lands in the world remains relatively unchanged. Traditional agriculture cannot keep up.

Increasing crop yields—and income—is especially important in a world where according to the United Nations Food and Agriculture Organization, FAO, 925 million children go to bed hungry every day and several million of them die from nutrition-related illnesses every year.

For these individuals, a crop failure can mean the difference between surviving and starving.

We are not without challenges.

Although diminishing, a vocal and aggressive group of advocacy organizations continue to market fear rather than sound science, especially in Europe.

When public policy decisions are based on fear, rather than sound science, we are in trouble.

My good friend Dr. Martina McGloughlin has argued that some multinational corporations operating as NGOs shamelessly hype fear of biotech GMO and use fear to solicit funds for their salaries—these are the modern-day Luddites who know how to profit from their self-generated hysteria.

The result: the science cannot get to the marketplace and improve people's lives.

Fortunately the European Union is perhaps beginning to see they are missing out. They have begun to soften their opposition—however slightly—on genetically- modified imports.

The stakes, of course, are higher in developing nations than in Europe, where most are well fed.

The late Dr. Norman Borlaug, the unassuming humanitarian credited with feeding a billion people and saving the lives of hundreds of millions, warned us about the biotech naysayers.

He worried that ''fear-mongering'' by environmental extremists against pesticides, fertilizers and genetically-improved foods would put millions at risk of starvation while damaging the biodiversity those extremists claim to protect.

So we must do a better job, as policy makers, educators, business leaders, and scientists to communicate the value of biotechnology to those around us.

As my colleagues know, we are struggling to find our way out of this recession and create new jobs.

Some of the millions of jobs lost during the last 2 years are never coming back.

Biotech shows the promise of replacing some of those jobs. And biotech will provide the jobs of the future. Whether in the research lab, the incubator, in a small company or a large corporation, biotech is creating good, high-paying jobs. It is extremely important for producing enhanced revenues and jobs.

That is why ongoing workforce development and job training in new fields like biotechnology is so important.

And it is good to see some of our educational institutions getting involved.

Missouri Western University in St. Joseph, MO, has built a biotech incubator to encourage new businesses in the area and to help train workers.

Not long ago, I visited a St. Louis Community College program that is

training young people to work in biotech labs. They are getting on-the-job training at an incubator known as BioBench.

That's a win-win. It's a win for young people trying to find jobs in the new economy, and it is a win for the companies who need the skills of these workers.

Efforts like these keep high-paying, cutting-edge jobs right here in the United States.

One key to making sure the benefits of biotech continue to grow is making sure the American public and press, beyond farmers, researchers, a few company leaders and policy makers understand the value of biotech. Those who understand biotech must make a conscious effort to educate their peers and leadership across the country.

We need to develop advanced science and technology curriculum that prepares our students for the high-tech jobs of the future. A growing industry needs a pipeline of future talented workers. We need to continue to expand hands-on training opportunities to prepare and transition our current workforce into these new high-tech jobs.

So there is good news on many fronts when it comes to the future of the biotech movement. But we need a continued, strong, public-private partnership going forward.

As I mentioned earlier, in the last 12 or 13 years, Congress has provided nearly a billion dollars to the National Science Foundation to conduct plant biotech research, building on the initiative Senator MIKULSKI and I introduced in the VA–HUD-Independent Agencies Appropriations Subcommittee.

The need for continued investment in basic research is crucial to the growth of biotechnology and I hope Congress will continue to fund research in this area.

While I won't be around to beat the drum next year from the inside, I have worked with my colleagues Senator JOHANNS and Senator KLOBUCHAR to create a new Biotech Caucus. I hope those of you who understand the challenge and promise of ag biotech will choose to join the ranks and communicate the benefits of ag biotech to our peers.

While we have much to be proud of when it comes to developments and advancements in biotechnology—we cannot rest on our laurels. We must continue to support basic research in our Nation's labs. We must continue our investment in the buildings and equipment that make it possible. We must continue to create policies that allow biotech businesses to flourish—bringing critical research from the lab shelves to the marketplace and the benefits to our citizens. We must support job training for new workers and help transition the current workforce into these high-tech jobs of the future. And, maybe most important, we need to continue to educate those who do not understand the full magnitude and benefit of biotech.

Only through effective communication can we ensure that sound science—not myths and fear—guide public policy.

In closing, let me say that in 40 years of public life, I have seen a lot of great ideas come and go. I strongly believe ag biotech is here to stay and will grow. We are only just beginning to see the many exciting applications biotechnology can offer. It is truly changing lives, for the better.

In my opinion, a dedicated and collaborative investment by policymakers, researchers, educators, and farmers will result in a vibrant industry that will fuel our economy, improve our environment, and feed our world for years to come.

IN MEMORY OF JULIE DAMMANN

Mr. BOND. Madam President, I have a very sad message to bring to the body today. It is with great sadness that I report that we have lost one of our own, Julie Dammann, who lost her brave 11-year battle with cancer.

All of you who knew Julie knew of her superior abilities, high spirit, and unshakably impervious character in the face of adversity. As she was struggling with this disease and going off for weekend treatment on Friday, with a bright smile, she always insisted, when asked, that she was ''doing great.'' Her life was far too short, but few on Earth live a life as fully as she did.

Julie was a rural kid from Minnesota and graduated from the University of Minnesota. She worked for Rudy Boschwitz before I was fortunate enough to hire her in 1987. Most recently, she went to work as a senior vice president with Ogilvy Government Relations.

But in 1987, after joining my staff as legislative director, she met Rolf Dammann at the National Republican Senatorial Committee, who was apparently interested in more than her highly regarded legislative acumen. Rolf's newfound interest in budget and appropriations issues eventually paid off, and they were married—after the 1988 election, of course.

They both enjoyed politics, history, golf, German beer, and their two lovely daughters Monika and Paula. Throughout her battle with cancer, they were always by her side.

Within any successful enterprise, there is the heart of the operation. In the case of Julie, she was the heart, the legs, the mind, the backbone, and the can-do spirit of my staff. For me, from the first time she walked into my office, she was also my friend.

Remarkably, from that first day through 24 congressional sessions, three reelections, marriage, motherhood, and her bravely defiant fight against cancer, she never stopped. She never rested. F. Scott Fitzgerald once said, ''Action is character.'' In that case, Julie was character. Now, some who dealt with her would say ''character'' is probably an understatement.

Her ability to multitask was legendary. During her time as chief of staff, she could simultaneously talk with me, listen to C–SPAN, BlackBerry instructions to her staff, check out statistics of the previous Vikings game, and evaluate the potential draft picks 9 months in advance—not only for the Vikings, but she learned to do the same for the Kansas City Chiefs and the St. Louis Rams. We tried to keep up, but it was hard.

The fact that she was able to stay in my employ after the Twins-Cardinals World Series of 1987—an epic tragedy for Cardinal fans—speaks volumes to her otherwise high value.

There is seldom enough recognition of the high-caliber people who staff us in the Congress and the government. Julie was exceptional among the exceptional. From 1987 to 2005 while on my staff she was a perfectly reliable source of sound judgment, energy, cheer, and friendship.

She knew the budget, the whip count, the box scores, the news ratings, the third down conversion rate, the poll numbers, the economic report, the schedule, the process, the players, the politicians, as well as every competing argument. But mostly she knew and loved people. She was the ideal public servant.

Our sincere condolences go to Julie's husband Rolf and their daughters Monika and Paula. The girls will carry on with the richest of all inheritances: having their mother's genes and love and guidance to remember. Julie could not have been in more diligent, loving hands than those of her husband Rolf. We thank him for taking such special care of her. We have lost a special friend, but now we are blessed with a special angel.

Madam President, I ask unanimous consent to have a copy of her obituary from the Washington Post printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Julie Ann Dammann, age 51, passed away on November 13, 2010, after a long battle with cancer. She was born in Roseville, MN, on May 23, 1959, to Mrs. Ervina and the late Dr. Paul Hasbargen. After celebrating their wedding anniversary on November 12, Julie is survived by her loving husband of 22 years, Rolf and their daughters, Monika (15) and Paula (13) of Arlington, VA; as well as her sister Linda Bazille, and husband, Brad, of Emerald, WI; mother-in-law, Leslie Morton of Gainesville, VA; and her father-in-law Rolf Dammann Sr. of Nashua, NH. Julie attended Alexander Ramsey High School in Roseville, MN (1977), and then became a proud Golden Gopher and graduate of the University of Minnesota (1980), where she was an Economics and Political Science major. After graduating, Julie commenced a long career in service to the country she loved. Her career in the United States Senate began as a Legislative Assistant to Sen. Rudy Boschwitz (R–MN). Twenty-five years later, she retired from the U.S. Senate as the Chief of Staff to Sen. Christopher S. ''Kit'' Bond (R–MO), after serving on his staff since

1987. Throughout her career, Julie played a role in the passage of major pieces of legislation including: The Federal Highway Reauthorization Bills of 1992, 1998 and 2005; the 1987 Farm Credit Act; the 1991 Clean Air Act Amendments; the 1992 Family Medical Leave Act; and the 2002 Help America Vote Act. In 2005, after retiring from the U.S. Senate, Julie joined Ogilvy Government Relations as a Senior Vice President, where she continued her work on various transportation and appropriations issues. Throughout her life, Julie was an accomplished athlete, including playing on the University of Minnesota basketball team. Her lifelong love of sports continued into her adult life as an avid golfer and a formidable soccer player. She was a long-time fan of all Minnesota sports, especially the Vikings and the Minnesota Twins, having attended multiple games during the 1987 World Series. Julie's focus on family and work was only equaled by the intensity with which she followed her Minnesota teams, remembering every play from every game. The passion with which Julie lived her life will be sadly missed by all who knew and loved her. The family will receive guests on Friday, November 19, 2010 from 10 a.m. until the time of service at 10:30 a.m. at the Immanuel Lutheran Church, 1801 Russell Road, Alexandria, VA with a private interment to follow. The family requests that in lieu of flowers, gifts will be received for the ''Julie Dammann Family Education Trust''. Donations may be sent to: Redmon, Peyton & Braswell, L.L.P., 510 King Street, Suite 301, Alexandria, VA 22314.

Mr. BOND. Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EMPOWERING STATES TO INNOVATE ACT

Mr. BROWN of Massachusetts. Madam President, I rise today and join my colleague, Senator WYDEN, to speak about legislation we have introduced that will protect not only his State but my State of Massachusetts and other States by allowing them to waive out of specific requirements of the Patient Protection and Affordable Care Act.

As my colleagues know, my single priority is and always has been to ensure that what we do in Washington does not harm my State of Massachusetts or the rest of the country, and that we are responsible stewards with every tax dollar that flows from the States into the Federal Government.

This has been true when it comes to voting against raising taxes on families and businesses. It has been true when it comes to fighting for commonsense, progrowth policies that will create jobs in Massachusetts. It has been true in my efforts to be sure that the Federal health care reform bill does not diminish or harm the health care innovations that have occurred in Massachusetts.

It is my belief that Congress needs to be held responsible for its actions, for the policies it advocates, and the legislation that ultimately passes through these Halls to become law. When Congress passes legislation that is harmful—in this case the Federal health care reform legislation, which I did not support—or there is an unintended consequence—which I think is the case when it deals with Massachusetts and the innovations we have had for years, where we have 98 percent of our people already insured—Members need to be bold enough to stand up and fix it regardless of party affiliation and regardless of whether it is popular.

I commend the Senator who is about to speak after me for his leadership on this matter. Senator WYDEN has been working very diligently on addressing the concerns for his State. Today I get a chance to do the same. Today we get an opportunity to make a correction to the Federal health care reform bill to be sure we are doing the right thing, not just for Massachusetts but for other States that seek to waive out of certain requirements of the Federal health care reform law.

In many ways, Massachusetts has been on the forefront of implementing health care reform: expanding access—as I mentioned, 98 percent of our people are already insured—designing systems to increase market participation—from the Cadillac plan, all the way to the fully subsidized Commonwealth Care Program—and increasing transparency for consumers and providers. We continue to learn, however, lessons every day in Massachusetts about what works and what does not work, and we are continuing to work on those very issues to make sure we can do it better.

This is an important point because it speaks directly to the purpose of this piece of legislation that I have introduced in a bipartisan manner with Senator WYDEN from Oregon.

As you know, the health care reform efforts of Massachusetts are our own. We were one of the first States in the country to take this upon ourselves to address the very serious problem we had in providing funds to hospitals that were providing care for people who were making a good wage but who were not paying the bills. As a result, the citizens had to subsidize the hospitals to the tune of over $1 billion. So we believed it was imperative for us to get something done.

As difficult as it is to admit this, not every State wants to be like Massachusetts. I understand that. They may not want to be like Oregon either. Massachusetts is a great State, with, I believe, the best hospitals, physicians, doctors, nurses, treatment facilities, research facilities in the country and around the world. There is a reason why people come to Massachusetts for the care and coverage they need so badly.

But I recognize that my colleague from Oregon is interested in protecting reform efforts in Oregon as well. He does not want to be like Massachusetts because Oregon is different from Massachusetts. Oregon's insurance market is different. Its provider network is different. Its beneficiaries and population are different than in Massachusetts.

Oregon might want to implement reforms or create a coverage mechanism that I do not like or that I would not want to work in the State of Massachusetts, but that is OK. That is what this bill is about. It allows the individual States to have the right to do what they believe is imperative and important for their particular State, which is why the legislation we have introduced—the Empowering States to Innovate Act—is so important.

Right now, as provided under section 1332—the Waivers for State Innovation—of the Patient Protection and Affordable Care Act, States can waive out of provisions of the Federal reform law. That is the good news. We are allowing States to participate in the process and allowing them not to have duplicate processes or maybe potentially have lesser care and coverage if the Federal health care bill is implemented. So it allows us to continue to provide the care and services we want to provide to our citizens in Massachusetts. The bad news is, this waiver authority is not scheduled to take effect until 2017. So what are we doing until then—a full 3 years after the PPACA is scheduled to be fully implemented?

For me and my dear friend from Oregon it does not make any sense. When I see something that does not make any sense in Washington, I do my best, regardless of party affiliation, to fix it.

The first thing our bill does is to allow States to waive out of specific parts of the PPACA in 2014 rather than 2017. This makes sense not only from an operational standpoint, because the PPACA takes effect in 2014, but also from an economic and fiscal standpoint. Why should Massachusetts be delayed in obtaining a waiver from the Federal reform bill when it may already have met or exceeded, in many cases, the provisions of the act? So holding Massachusetts back by limiting my State's ability to continue to innovate and remain flexible and responsive to the health care market costs money, and it costs the taxpayers money at a point right now where we don't have a whole heck of a lot of money to go around.

The second piece our bill does is to provide States with certainty with the waiver process. Not every State will be eligible. Let me repeat that: Not every State will be eligible for a waiver and not every waiver will be granted. But our bill provides some certainty for States that apply for a waiver by requiring the Secretary of Health and Human Services to begin reviewing applications within 6 months of the enactment of this bill. I hope this bill is enacted quickly. The earlier a State knows whether it has received a waiver, the earlier it can begin implementing its specific plans and proposals. It makes fiscal sense.

Taken together, these two changes are not only good for Massachusetts but potentially for other States. They are good for the other States that are trying to innovate and advance in the areas of health care reform, cost containment, and coverage. That is what it should be. It should be a symbiotic relationship between the Federal Government and the States. The States should have the right to determine what they want to do for their citizenry. Do we think maybe some States could do it better than the Federal Government? I believe when we deal with health care, Massachusetts is second to none, with all due respect to the other Senators in this Chamber.

During Wednesday's Finance Committee hearing, Dr. Berwick, who is from the State of Massachusetts, I might add, said this about State innovation and flexibility:

> The cliche about states as laboratories of democracy is not just a cliche, it's true. The diversity of approaches that we're seeing emerge state by state has been there for long time. I think we should be doing everything we can to encourage it.

I couldn't agree more. I am a strong supporter of States rights, especially when it makes sense, and for allowing States to solve problems without the Federal Government's interference.

Madam President, I ask unanimous consent to have printed in the RECORD a letter from the Massachusetts Hospital Association in support of my efforts today.

There being no objection, the material was ordered to be printed in the Record, as follows:

MASSACHUSETTS HOSPITAL ASSOCIATION,
Burlington, MA, November 16, 2010.

Hon. SCOTT BROWN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BROWN: As you know, the Commonwealth of Massachusetts has succeeded in expanding healthcare coverage to more than 400,000 uninsured residents. We can be proud of the fact that the state has the lowest rate of uninsured in the country, which has improved the lives of so many Massachusetts residents and allowed the healthcare system to operate more efficiently. Our state was able to achieve expanded coverage of this magnitude through innovative programs like Commonwealth Care and Commonwealth Choice, along with other provisions that were part of the Commonwealth's 2006 healthcare reform law.

For these reasons, the Massachusetts Hospital Association (MHA) supports the bill that you intend to introduce that will advance the timeframe for waivers that were included in the Patient Protection and Affordable Care Act (PPACA). As we understand Section 1332 of PPACA, states may apply for a waiver to certain requirements of the federal law so long as the changes achieve healthcare coverage that is at least as comprehensive as the federal law would have provided. The changes are also required not to increase the federal deficit. The law currently allows states to apply for such a waiver beginning in January 1, 2017. Your proposed legislation does not change the terms or process for approving a waiver that currently exist in the PPACA but does move up the date by which the waiver process may begin.

While the Commonwealth is still years away from decisions that will be made in 2014 and beyond, we believe allowing Massachusetts the opportunity to apply for such waiver earlier than 2017 may allow the Commonwealth flexibility it may desire to continue the success it has achieved thus far. We note that Massachusetts is often referred to as a model for national healthcare reform and we believe any waiver that the Commonwealth would apply for, if it so chose, would seek to achieve a similar goal of affordable, comprehensive health insurance coverage as required by Section 1332.

Massachusetts hospitals have been and continue to be supportive of the federal effort to expand coverage to the uninsured and provide affordable health insurance for all Americans. At the same time, we have stressed throughout the national healthcare debate that national reform should support the Commonwealth's own health reform achievements.

On behalf of Massachusetts member hospitals and the patients they serve, we look forward to working with you to preserve Massachusetts healthcare reform as the nation begins to implement the national healthcare reform law.

Sincerely,

LYNN NICHOLAS,
President & CEO,
Massachusetts Hospital Association.

Mr. BROWN of Massachusetts. Thank you, Madam President.

We should be encouraging State innovation and not hampering it, and that is what the Empowering States to Innovate Act does. It helps ensure that States are not held back from innovating and seeking solutions that work for their citizens, their taxpayers, and their communities.

Finally, I wish to associate myself with the comments of the Senator from Oregon when he makes them about how our bill fits into the Federal health care reform debate. Enacting this legislation is the right thing to do because it is good for States such as Massachusetts and Oregon and Utah that have begun to make changes and reform at the State level that make sense for their citizens.

The legislation provides flexibility and says one size fits all is not appropriate and it does not always meet the needs of that individual State. I know the Federal standard is not in the best interests of the people of Massachusetts, which is why passing this bill is the right thing to do.

Let me say I deeply appreciate the Senator from Oregon and his effort to weed through the quagmire of rules and regulations and come up with a commonsense solution. I am hopeful others in this Chamber will learn from our example, that we can work together in a bipartisan manner to tackle problems and try to solve them without the rhetoric and without the bomb throwing and just solve problems. Because right now, we need more people like the Senator from Oregon to do just that.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BROWN of Massachusetts. Thank you, Madam President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Madam President, let me commend the Senator from Massachusetts on a very fine statement, which I think highlights exactly what we are seeking to do.

The Senator from Massachusetts has been a real pleasure to work with on this matter. As he says, the whole point of this, as shown by the recent election, is that people want to find some common ground. They are not interested anymore in food fights and bickering back and forth between the political parties. What Senator BROWN and I are seeking to do is to show it is possible on a significant issue—I think we all understand health care is about as important as it gets—that we can come together, and the two of us have said we are going to come together to put the focus on innovation. It is pretty clear that what works in Springfield, OR, may not be exactly ideal for Springfield, MA. But what we can do is come up with a way to provide more flexibility and particularly more choice and more competition for our States and other States around the country.

So I am very grateful to the Senator from Massachusetts for his effort. It is early in the lameduck session, and it is my hope this will be a signal in the Chamber that even on these difficult issues—issues that were so contentious in the political campaign—it is going to be possible to come together and find some common ground.

As the Senator suggests, if we can just move away from a Federal cookie-cutter approach and encourage the kind of creative thinking we have seen in Oregon and in Massachusetts and other parts of the country, I think we will be well served and will be in a position to better contain health care costs. I think we all understand that how to rein in these medical costs that are gobbling up everything in sight is first and foremost on the minds of our constituents. Literally, for the amount of money we are spending today in this country, one can go out and hire a doctor for every seven families in the United States and pay the doctor more than $225,000 a year just for taking care of seven families. I always bring up this as almost a metaphor for health care, but usually after I am done, the physician who was listening in the audience comes up and says: Where can I go to get my seven families? It sounds like a pretty good deal. It just shows that we are spending this enormous sum of money.

What Senator BROWN and I are seeking to do is to encourage additional innovative approaches in States, approaches that are tailored to the needs of States' own residents, that will help us, in my view, to promote choice and competition in the American health care system. The States are free to do

whatever they choose. I just offer up my own judgment that right now, at a time when most Americans still don't get much choice in their health care coverage, this is an ideal opportunity that both Democrats and Republicans can support. As States seek to go forward with this approach, they can make their own choices.

I hope, in particular, States will take a look at what you, Madam President, the Senator from New York, and I have in our own health care plan. The Federal Employee Health Benefit Plan provides a lot of choice, a lot of competition. You can go out and fire your insurance company if you don't think they are doing a good job. That is the kind of idea a State could pursue and do so, we hope, more quickly if we act legislatively to speed up the waiver process. But as Senator BROWN has correctly noted, this is about giving States the freedom to chart their own course, and I am very hopeful we will be able to get this legislation passed.

In particular, what I have been concerned about, after talking to health policymakers over the last few months, is if, in the State of New York, for example, you go out and set up a process to comply with the legislation for purposes of 2014 and you see that the waiver, as now constituted under 1332, starts in 2017, you say: How am I going to reconcile those two? Am I going to set up one approach for 2014 and then do another approach in 2017? It is going to put us through a lot of bureaucratic water torture to try to figure out how to synchronize those two dates. So it only makes sense to speed it all up and make it possible for everybody to get started in 2014.

One other point because my intentions have been much discussed. When I originally started talking about the State waiver, people questioned whether this was something that was going to be a special opportunity for Oregon and not for other States. For over a decade, I have been promoting the idea that all States—all States—be given the freedom to innovate under health care reform legislation. In fact, to give a sense of how I got into this, going back and looking at the history of the Clinton health care plan, in the early 1990s it was pretty evident that had President Clinton and Republicans thought then about giving States the kind of freedom Senator BROWN and I envision, it might well have been possible back in the early 1990s to enact health care reform that would have gotten all Americans quality, affordable coverage. That opportunity was missed. So I decided by the mid 1990s—if I had the opportunity, the honor, of representing Oregon in the Congress, I was going to use every single opportunity to let all States—and I want to underline all States—have the opportunity to innovate in health care.

So in mid 2005 I started putting together a piece of legislation called the Healthy Americans Act. It was a bipartisan bill, that had 14 or 15 Senators as cosponsors, depending on when you look back at the legislative history, that were almost evenly divided between the political parties. In the Healthy Americans Act, there was a specific section called ''Empowering States to Innovate.'' There was a provision in that bill that was first introduced in 2006, and a similar provision was included as section 1332 in the law the President signed.

So I have long been interested in letting all States have the opportunity to innovate. One of the reasons I have been interested—and my good friend, Senator MERKLEY, is here—is that our State has been one of the leaders in the whole effort to reform American health care. From time to time, folks have said I am the Senator from the State of Waiver rather than the State of Oregon because we have tried so often to pursue innovative approaches in health care waivers. We were, as Senator MERKLEY knows, one of the first States to say Medicaid dollars that have been authorized for seniors to pay for services in institutions such as nursing homes should be used instead for home health care; thereby giving seniors more of what they want, which is to stay in their homes, at a cheaper price to taxpayers. We began those efforts, as Senator MERKLEY knows, with waivers from traditional Federal law. So we have a long history of doing this, and I have spent well over a decade trying to establish the principle that all States ought to have the opportunity to bring their creative juices to this issue of health care reform.

We have outlined the two key changes in the legislation that is law today. The first change is to make the waivers effective in 2014 rather than in 2017 so States only have to change their systems once. The second thing the Empowering States to Innovate Act does is it requires the Department of Health and Human Services to begin to review State waiver applications within 6 months of enactment of the legislation. This would allow States early notification of whether their State waivers have been approved and would give them adequate time to roll out their State-specific plans. I think this, too, will help us create more competition, more choice, and more affordability in American health care because it will give the States adequate time to gear up. That is the philosophy behind the Empowering States to Innovate Act, whether one likes one particular approach or another. Clearly, there will be great diversity of approaches tried at the State level.

At a time when we are looking for ways to bring this country together to deal with the most contentious issues of our time, we ought to be supporting innovation. We ought to be supporting unleashing creative kinds of approaches to deal with domestic issues. That is what Senator BROWN and I propose in this legislation. I look forward to working with colleagues on both sides of the aisle.

I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Oregon is recognized.

Mr. MERKLEY. Madam President, I applaud the work my senior Senator from Oregon, RON WYDEN, has been doing in seeking affordable, effective health care for all Americans and, in particular, his work to utilize our State laboratories in developing smart health care strategies that then, if successful, can become a model for the Nation.

This process of utilizing waivers isn't about a State wanting an exception so that it can be different; it is about recognizing that States have powerful opportunities to form policies that work well under particular circumstances but also may provide insights into our whole national strategy for affordable, quality health care.

So for the work Senator WYDEN and Senator SCOTT BROWN are doing, I applaud them and support them, and I thank Senator WYDEN for his decades of advocacy for affordable health care.

FOOD SAFETY

Mr. MERKLEY. Madam President, it is a pleasure to rise to speak about the historic Food Safety Modernization Act.

I thank Chairman HARKIN, who worked with me to include provisions to help small farms and processors and organic farms so that they have before them in this bill provisions that support them and will help make them successful. The last thing we want to see is an effort to make our food safety system work better be used as a tool to diminish the ability of small farms and organic farms to thrive. That has been effectively addressed in the bill but also by provisions I will speak to in a while that Senator TESTER is bringing forward.

I also compliment Senator DURBIN, who has been advocating for this bill, working on the elements of the bill for a very long time, and his determined, tenacious advocacy is the reason this bill is on the floor before us at this moment.

I also appreciate the bipartisan problem-solving approach of the ranking member of the Health, Education, Labor, and Pensions Committee, Senator ENZI, and all of the members of the committee for coming together to say: This is not a Republican or a Democratic problem, this is a national health care issue, a national nutrition issue, and let's tackle it together.

The safety of the Nation's food supply is a serious concern for every family in Oregon and across this Nation. I wish to highlight one Oregon family in particular, Jake Hurley and his dad Peter. I am sure they are very happy to see that we have this bill on the floor, and they will be particularly thrilled when we have it on the President's desk because the issue of tracing contaminated food is an issue that has affected their family very directly.

This picture is one of Jake taken when his father Peter came with him to Washington, DC, to testify before this Congress and share their story. Jake's favorite food was peanut butter crackers. When he was 3 years old, he became very, very ill. Those crackers he loved so much were the source of his illness, but because we didn't have an effective tracking system, there was no recall and there was no understanding that the crackers were contaminated. So in his illness, his family continued to share with him his favorite comfort food—those same peanut butter crackers that were making him extremely ill. It turns out they were contaminated with salmonella, and the result was that a child's snack ended up putting Jake's life in danger.

The Food and Drug Administration had already determined that peanut butter was a cause of sickening people across the country, but they hadn't been able to trace the peanut butter and know it had made its way into processed products—in particular, the product Jake was consuming. The Peanut Corporation of America, a peanut processing facility in Georgia, had contaminated peanut butter that went into thousands of products, sickening 714 people in 46 States, including Oregon, and killing 9. The Hurleys and countless other families have been waiting for Congress to pass this bill so that other families don't have to be worried that their children will become terribly sick because we can't track contaminated food.

This bill requires the FDA to create rules for tracing processed foods, such as the peanut butter crackers that made Jake sick last year. It took the FDA over a year to trace all the products that the peanut butter went into during that outbreak in 2009. It is still not clear that they ever found all of the products. This is unacceptable. Provisions in this bill will help prevent not only future outbreaks but also future problems tracking down the contaminated food products.

In my work in the HELP Committee, I secured a provision to ensure that in addition to tracing produce, which was already in the bill, we set up a pilot project to calculate the best practices for tracing processed food, which is a more difficult undertaking. But after the bill came out of committee, Senator SHERROD BROWN worked hard to build on that, and he has strengthened the tracing provisions further in the bill. I certainly thank him for doing that. The bill now requires the FDA to create regulations ensuring quick and accurate tracing of all types of contaminated food.

Better tracing of contaminated food and better coordination between local, State, and Federal food safety officials can help prevent children like Jet Valenzuela from getting food poisoning. I turn now to a picture of Jet. I met Jet earlier this summer in Oregon. This is a picture of him in the hospital 2 years ago, when he became violently ill from contaminated food. He had a deadly form of E. coli. He was hospitalized in Bend, OR. He became so ill that he was flown to Portland for more intensive care. Jet underwent multiple surgeries, blood transfusions, and was eventually put into a medically induced coma. He came within a hair's breath of dying twice. The scariest part of Jet's story is that we were never able to find what made him sick, despite their best efforts, because we didn't have the type of produce and processed food procedures that could assist in tracking down the source.

So for Jet and Jake, it is urgent to pass this bill. Not only does this help respond, but it helps prevent food outbreaks. No family should have to go through what these families went through. Most parents, including myself, have spent a lot of time worrying about how to keep their kids safe, but we should not have to worry about how to protect our children from the food on our plates.

Implementing food safety provisions has to be done in a way that supports our small farms, our family farms. We cannot have a process that hinders them in operating successfully or puts unnecessary restrictions in their path.

I thank Chairman HARKIN for including language in the bill that I suggested, so that no new regulations would conflict with or duplicate the requirements of the National Organic Program. This ensures that there will not be any food safety regulations that would put their organic certification in jeopardy.

I wish to draw attention to the work Senator TESTER has done. He authored provisions that provide reasonable exemptions for very small farms and processors—farms that sell their products directly to local consumers, farms that sell their products directly to local restaurants or to local grocery stores. This comprises only about 1 percent of our national food production, but it is a very important part of our local economies, a very important foundation for our family farms. So I am proud to support the work Senator TESTER has done in making sure our small local farms are fully accounted for and supported in this legislation.

Also in this bill are exemptions for farms that produce low-risk food, no matter what their size. This is a type of logical flexibility to make regulations apply when they are needed and not provide unnecessary restrictions or hurdles when they are not.

In conclusion, I urge all of my colleagues to support this bill. It will improve the tracing of contaminated food, whether that be produce or processed. It will increase inspections. It will create safety guidelines for farms and processors. It will protect organic farms, protect small farms.

This bill works to prevent contamination as well so that we can avoid unnecessary illness and death. Improvements to tracing contaminated food will not only prevent illness but will prevent costly recalls for farms and food processors who are not at fault for a particular contamination.

Most important, this bill will help other families avoid what Jake and Jet and their parents went through. Parents should be able to pack their children's lunch boxes without fear.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

EXTENDING CURRENT TAX RATES

Mr. MCCONNELL. Madam President, we have a lot to do and not much time to do it in before the end of the session. The American people spoke loudly and clearly on election day. They want us to put aside the liberal wish list and focus on jobs. The most important thing we can do to create jobs between now and January 1 is to send a message to job creators that we are not going to raise their taxes. That is why I offered a bill back in September—S. 3773—that would make current tax rates permanent. This is the only bill that has yet been offered that would prevent a tax hike on anyone. In other words, nobody in America would get a tax hike at the end of this year.

The White House didn't seem to like that idea. They said we should raise taxes on small businesses. But this should be an easy one. We should be promoting private job creation, not killing private job creation. So I look forward to hearing any ideas the White House has to achieve that.

One thing we will need to do before we leave this year is to fund the government because Democrats didn't pass a single appropriations bill this year. So now we will have to mop up in the eleventh hour with an omnibus spending bill that covers all of it. This is one more sign they aren't learning many lessons from the election.

If this election showed us anything, it is that Americans don't want Congress passing massive trillion-dollar bills that have been thrown together behind closed doors. They want us to do business differently. So I will not be supporting an omnibus spending bill. We have seen what happens when Democrats rush legislation and try to jam it through at the last minute, with no time for review or for the American people to learn what is actually in the bill. The ''Cornhusker kickback'' and

the ''Louisiana purchase'' are fresh on their minds.

Americans want us to take our time and get things right, and they want us to spend less. The voters have spoken. We need to show that we heard them.

TERRORIST AHMED GHAILANI

Madam President, yesterday's acquittal in a Federal court of accused terrorist Ahmed Ghailani on all but 1 of 285 charges of conspiracy and murder is all the proof we need that the administration's approach to prosecuting terrorists has been deeply misguided and, indeed, potentially harmful as a matter of national security.

You will recall that Attorney General Holder assured the American people last year that Ghailani would not be acquitted of the charges against him. Holder said back then:

With his appearance in Federal Court today, Ahmed Ghailani is being held accountable for his alleged role in the bombing of U.S. Embassies in Tanzania and Kenya and the murder of 224 people.

Holder also said back then that Ghailani's prosecution in civilian court would prove its effectiveness in trying terrorists who were picked up on the battlefield.

At the time, most Americans wondered why we would even take the chance. Now they are wondering when the administration will admit it was wrong and assure us, just as confidently, that terrorists will be tried from now on—from now on—in the military commission system that was established for this very purpose at the secure facility at Guantanamo Bay or detained indefinitely if they cannot be tried without jeopardizing national security.

When it comes to terrorism, we should err on the side of protecting the American people.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 510, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 247, S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. TESTER. Madam President, I wish to make a brief statement about the food safety bill. I very much appreciate the opportunity now that this important legislation is shaping up to be a much better bill with the inclusion of my amendment for family-scale producers. It protects the jobs of family farmers and ranchers and processors. It is time to get this bill passed and strengthen food safety for all Americans.

There is little disagreement that the necessity of this bill is real. If you take a look at the impacts of recent E. coli outbreaks, of salmonella and those kinds of foodborne diseases out there, it is absolutely critical we get this bill passed. I had some concerns with this bill as it was originally introduced, on its impacts to family-sized growers and processors. The fact of the matter is, these are folks who help build this country, and undue regulation on them—and I do believe it would be undue regulation—would simply stop a movement in this country that has gone on since this country's inception, but more recently we have gone back to it with locally produced foods.

It is critically important my amendment be part of this bill. I appreciate everybody who worked to make that happen. Here is why. We deal with consolidation in our energy sector, we deal with consolidation in our banking sector—we have done it since I have gotten here, and before. We have consolidation in our food industry too. The fact is, we need to not encourage that consolidation. If we can get more locally grown food, if we get producers who connect up with consumers eyeball to eyeball, that is a positive thing. I don't want to diminish their ability to do that. My amendment protects the ability for farmers markets to flourish and provide food for people locally, without shipping it halfway around the world and back again. Yet this bill also puts regulations on the industrialized folks because, frankly, with the size of their operations and because they are highly mechanized, when a mistake is made it can affect hundreds of thousands of people in 10, 20, 30 States. So this bill is a win-win for consumers, both locally and consumers who deal with the more highly industrialized food suppliers.

People have asked me why do you think the small guys can even be regulated by the local and State regulators in this country? First of all, they are small and there is a pride of ownership there that is real. They raise food, they don't raise a commodity, as happens when operations get bigger and bigger. There is a direct customer relationship with that processor or that farmer that means a lot. If a mistake is made—which rarely happens—it doesn't impact hundreds of thousands of people. We know exactly where the problem was and we know exactly how to fix it. So the traceability of the outbreaks is immediate and is taken care of without impacting 20 or 30 States and hundreds of thousands of people.

As we move forward with this bill, I think it is incredibly important that we do things as we did in the last farm bill—move forward with locally grown food, move forward with that farmers market model that helps people get to know the people who produce and process their food. We don't want to throw undue paperwork on those folks. They don't have the ability to do it. It takes them out of the field to do that, and honestly, as they move forward, the consumer and the connection with that consumer makes it so that local entities can do that regulation much better than we can, anyway.

We have been over a pretty long road here over the last many months. I very much appreciate the work Representative DINGELL has done, in the House, on this bill. I very much appreciate the work that was done on my amendment over here. KAY HAGAN in particular, a great Senator from North Carolina, worked closely with me on this amendment and her input was incredibly valuable. I also thank Senator MERKLEY and the work he did on the amendment. I thank the consumers groups out there that I think found a commonsense solution to this issue, and many of the organizations we worked with over the last many months to make sure this bill meets the needs of the people, to make sure we do address the issue of foodborne illnesses and safe food but yet allows the little guys to grow, employ people, and allow that economy to get bigger and better as time goes on.

This is an important bill we need to get done. It makes sense for this country and it makes sense for people in agriculture.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to be able to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to be recognized for as much time as I need to consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. BURRIS. Madam President, as you know, one of the first duties delegated to freshman Senators is the high honor of presiding over the Senate. I

remember the very first time I sat where you are sitting now, Madam President. Throughout my time as a Member of this august body, I have had the opportunity to spend more than 200 hours in the Presiding Officer's chair and have earned two Golden Gavels. I also had the honor of delivering our first President's—President George Washington's—Farewell Address on his birthday of this year to this august body. From the chair, I have had the opportunity to listen to the words of my colleagues and reflect upon the great debate that unfolds each and every day—as it has always done throughout our Nation's history—in this, the greatest deliberative body in the world.

We come to this Chamber from every State in the Union—Democrats, Republicans, and Independents alike. Each of us carries the solemn responsibility of giving voice to the concerns of those we represent. Although we do not always agree, as the debate on this floor will often show, I am always struck by the passion that drives each and every Senator to stand in this singular place in the world and to speak their mind. It is this passion that will always define this Chamber for me. For all the weight of history—for all the great and eloquent sentiments that have been expressed by our forefathers—on a fundamental level this remains a very human place.

We stand today, as the Members of this body have done frequently throughout our great Republic's history, at a critical moment. Partisanship and obstructionism threaten to somewhat paralyze this great institution. But it is a testament to the inherent wisdom and durability of the Senate—of the rules and the tradition that govern this institution—that even in the face of great discord we have had the high privilege of serving in the most productive Congress in generations.

Despite our many differences, I believe the men and women who make up this Senate remain its greatest strength. It has been the honor of my lifetime to once again represent the people of Illinois and to do so in the Senate. First, as a cabinet member for our Governor, as the Illinois State comptroller, and as Illinois attorney general, the people of my State placed in me a sacred trust and one that throughout my 30 years in public service I made into my life's work: to serve the people of my State to the very best of my ability.

In my younger years, shortly after graduating from law school at Howard University, not far from where we stand today, I was turned off by a city with far too much government. I headed to Chicago, convinced that I would not return to this city unless I could be an effective and meaningful part of the solution to the many challenges we face and dreaming of a time I might come back to Washington as a Senator or as Vice President of the United States.

That dream took longer to achieve than I could have imagined that day, but in a towering testament to the vibrancy of the American dream, that day came. After decades of experience in the executive branch of Illinois government, I was sworn in as a Senator for Illinois, and this became my first introduction to serving as a legislator. It was the steepest of learning curves, but with the warm assistance of my Senate colleagues, the steady support of my loving family, and the dedication of my tireless staff, I could not be more proud of what we have been able to accomplish together.

To my family, my friends, and my staff I owe the deepest thanks. My wife Berlean has always been by my side, and I will always be grateful beyond words for her constant support. My son, Roland II and his wife Marty, and my daughter Rolanda are the pride and joy of my life. Of course, they were just here yesterday, my two grandchildren, Roland Theodore and Ian Alexander, to whom I dedicate my service and for whom I have the greatest hopes and even greater expectations.

To my friends and supporters from Chicago to Centralia, I will never forget your smiles and your kind words during even the most difficult of times. To my staff, in DC and those in Springfield, Moline and Carbondale, you have been some of the most dedicated, talented, and professional individuals with whom I ever had the privilege to serve. From the front office staff assistants and interns answering the endless ringing telephones, to my circle of senior advisers who gave me wise and thoughtful counsel throughout, my team has been indispensable to me, and they have all served the people of Illinois with distinction. I am deeply grateful for their service.

Madam President, I ask unanimous consent that the complete list of my staff be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BURRIS. Thank you, Madam President.

I wish to extend a special word of gratitude to my old friend who is sitting right there, the Sergeant at Arms, Terry Gainer; the Secretary of the Senate, Nancy Erickson; the secretary for the majority—where did she go—Lula Davis; for their many kindnesses, and a thank-you to the Senate Chaplain, Dr. Barry Black, for his counsel and prayers during my time here.

I also wish to acknowledge my fellow freshman Senators: Senators BEGICH, BENNETT, FRANKEN, GILLIBRAND; the Presiding Officer, the North Carolinian, Senator HAGAN; as well as Senators MERKLEY, SHAHEEN, MARK UDALL, TOM UDALL, MARK WARNER, and our just departed Senator Kaufman from Delaware. They are tremendous individuals possessing incredible talents and have been a very supportive group for me. Thank you, my freshman colleagues.

In a broader sense I wish to also thank all of those who serve under this hallowed dome with quiet and often unheralded dignity and duty. The Senate floor staff, you all do a heck of a job—the maintenance crews, the elevator operators, the Capitol Police, the Senate train drivers, the dining room servers, and the scores of others whose hard and important work ensures the smooth and constant operations of the business that takes place within our Capitol.

As I stand to address this Chamber for the last time, I cannot help but reflect on the unlikely path that led me to this point and upon the challenges we continue to face. When I first came to the Senate nearly 2 years ago, our Nation was only days away from inaugurating an African-American man from Chicago as the 44th President of the United States of America. It was a national milestone I never thought I would ever live to see, an incredible moment that speaks volumes about the progress our country has made even in my lifetime.

As a child, I knew the injustice of segregation. When I was only about 15 years old, I helped integrate the swimming pool in my hometown of Centralia, IL. Although that incident drove me to pursue a life of public service—dedicating myself to the goals of becoming both a lawyer and a statewide elected official—there was never any guarantee that such a path would be open to me. There were no people of color in elected office in those days, especially not in Illinois and not in Centralia, and there was no path to follow. So I knew from the start that I would have to blaze a trail.

Despite the lack of established role models, my parents provided nothing but support and encouragement. They nurtured my dreams and helped me develop the skills to achieve them. In the end, they and my older brother Earl, who is now deceased, and my sister Doris, God bless her, who is still living, were the only role models I needed. The values they instilled in me—of hard work, determination, and unwavering dedication to principle—have guided me throughout my life, and the same values have driven me to take an interest in the next generation.

It is that focus on the future that drives all of our legislative energy, to constantly improve the quality of life for the generations to come.

Not too many generations ago, my family roots told a different story. I stand in this Chamber as the great-grandson of a man who was born into slavery, in an era when this Senate debated whether he and others like him were worthy of freedom and equal treatment under the law. Yet today I stand among my colleagues on the Senate floor, a Member of the highest body of lawmakers in this land. In some ways, this is a remarkable testament to our Nation's ability to correct the

wrongs of generations past, to move always toward that ''more perfect Union.''

However, in other ways, it is a solemn reminder of how far we still have yet to go. In a country as progressive and diverse as any on this planet, I am today the only Black American Member of this Senate. Aside from myself, I can count the number of Blacks who have served in this body on the fingers of a single hand: Blanche K. Bruce, Hiram Revels; Edward Brooke, the last from Illinois, Carol Moseley-Braun, and our President, Barack Obama.

Throughout 220 years of Senate history and 111 Congresses, only six Black Americans have been able to serve. This is troubling in its own right. But when the 112th Congress is sworn in this coming January, there will not be a single Black American taking the oath of office in this Chamber.

This is simply unacceptable. We can and we will and we must do better. In this regard, and in others, our political process has proven less successful and less representative than it ought to be. Although I have never allowed my race to define me, in a sense it has meant that my constituency as a Senator has stretched far beyond the boundaries of Illinois.

Letters, e-mails, and telephone calls have poured in to my office from Black Americans from all across the country, and at times, as I have tried to bring their voices to this Chamber, I have acutely felt the absence of any other Black person to represent them.

Our government hardly resembles the diverse country it was elected to represent. Partisan bickering has driven moderates out of both parties and made principled compromise more difficult for those who remain. Too often our politics seem to have become a zero-sum game. It is easy for people to believe that the best argument or the plainest truth would not necessarily win the day anymore. In such a destructive political environment, people are often left wondering who will speak up for them. And the media certainly isn't blameless. News outlets which could play a critical role in educating the American public with facts too often bow to ratings or quick sales and, in the process, end up choosing to pursue the entertainment value of conflict over thoughtful analysis.

This is the harsh reality we face.

America just can not afford this any longer. We should check these notions at the cloakroom door.

This is a critical moment.

So I believe it's the responsibility of everyone in this chamber to take ownership of this process once again, to demonstrate leadership, and pledge a return to more responsible rhetoric, and more responsive government.

What we face is a test—not only of our willingness to meet the challenges we face, but of the democratic institutions designed to cope with these challenges.

Here in the U.S. Senate, this question is paramount.

Have our destructive politics left this great body locked in a stalemate—unable to move forward, because of the petty obstructionism that has taken root?

Or can this Chamber be made to address these problems once again? Can it be redeemed, by the good people who serve here?

I have confidence that it can.

It will require the concerted effort of all one hundred Senators to overcome the partisanship that has paralyzed this chamber, and the obstructionist tactics that have become the rule rather than the exception.

Colleagues, this is the moment to summon the strength of our convictions, and fight for what we believe in.

This is the hour for principled leadership, originating right here in the U.S. Senate.

But even as we look to the future and debate the agenda for the upcoming year, I must note with regret that my time here is nearly at an end.

Serving as a Member of this body, alongside so many fine colleagues who have become good friends, has been the honor of a lifetime.

Together we have achieved passage of the most ambitious legislative agenda since the Great Depression. And a great deal of the credit for our success is owed to Leader HARRY REID.

And I am proud of every vote I cast in the name of the people of Illinois, and proud of the more than the 60 bills I sponsored and over 300 I have cosponsored.

In the 22 months I have been a Member of the Senate, I have advocated for comprehensive health care reform designed to meet the goals of a public option, and fought to address health care disparities that separate minority communities from the population as a whole; pushed for redirection of subsidized funds that made $68 billion available for new Pell grants and extended new opportunities for minority students to attend historically Black colleges and universities, and predominantly Black Institutions; stood up for minority-owned businesses, and made sure they will have equal opportunity to share in America's renewed prosperity as our economy continues to recover; worked hard to extend unemployment insurance, improve access to COBRA benefits, and create jobs for the people of Illinois and across the country; voted for the sweeping stimulus package that brought this country back from the brink of economic disaster and started us on the road to recovery; introduced legislation that would improve transparency and accountability as stimulus dollars are spent, so the American people can keep their elected officials honest; cosponsored legislation to repeal the military's discriminatory don't ask, don't tell policy, so all of our soldiers, sailors, airmen and marines can serve openly and had a press conference on that.

I say to my colleagues, don't filibuster that issue. We need all of our individuals to have an opportunity to serve in the military service, regardless of their sexual orientation. Don't be surprised if I come back for that vote. I am from Chicago, and I will vote twice. I supported major credit card reforms, to prevent credit card companies from abusing their customers; fought for equal pay and benefits for women, to cut down on workplace discrimination; fought for additional impact aid funding, to shore up federal support for school districts that serve military communities and other Federal activities; honored the accomplishments of pioneers like Vice Admiral Samuel Gravely, the first African American to serve as a flag officer in the Navy, and the Montford Marines, the first African-American Marine division; supported the Matthew Shepard Act, which will help make sure those who target people based on sexual orientation, race, or other factors are brought to justice; raised my voice on behalf of Main Street, and all those who have been left behind in our continuing economic recovery, so that everyone can share in the benefits; introduced legislation calling for the Department of the Interior to study a historic site called New Philadelphia, IL—the first settlement founded by a freed African-American slave—for its preservation as part of the National Park system.

I hope, as a legacy to BURRIS, that someday that legislation will pass.

I raised awareness of youth violence, which threatens our children and tears our inner cities apart—and must be stopped; fought for veterans' benefits, including the implementation of the new GI bill, so we can honor the service of those who defend our freedom.

And now, as we ready to close the books on the one hundred and eleventh Congress and the long and significant chapter of legislative accomplishment, it is time for a new class of Senators to join this fight.

I am deeply grateful to my friends on both sides of the aisle for the passion they bring to their work every day.

I have witnessed it from the Presiding Officer's chair—and have had the privilege not only to watch the debate but to take part.

But now it is time for me to find new ways to serve.

This is the arena where great ideas are put to the test, on a national stage. This is where our identity is forged anew, every day, and where our principles are challenged.

It is the heart of our democratic process. And although there will be few easy solutions for the problems we face, I will never forget the courage and patriotism that I have seen from countless citizens of Illinois and America over the course of my time here.

This is a trying time for our Nation. But as long as the American people have the wisdom to elect leaders like the ones I have come to know in this Chamber—and as long as this Senate remains true to the people we serve—I

will never lose faith in our ability to overcome these challenges together.

These are my parting remarks from this body. I treat this as an opportunity of a lifetime, and I treat this with great respect and dignity for all of those I have worked with and have come to know in this body.

With that, I thank the Chair, I thank all my colleagues, and I yield the floor for the final time. God bless you all. Thank you.

EXHIBIT 1

OFFICE OF SENATOR ROLAND W. BURRIS STAFF LIST

WASHINGTON DC OFFICE

Dori Alexandre, Legislative Aide; Roosevelt Barfield, Military Legislative Assistant; Eleanor Bastian, Legislative Assistant; Charles Brown, Legislative Assistant; Nicholas Catino, Legislative Aide; Nate Davern, Legislative Aide; Cynthia Dorsey, Intern Supervisor; Amanda Fox, Legislative Assistant; Joel Griffith, Staff Assistant/Driver; Cristen Hall, Counsel/Legislative Assistant; Giana Hutton, Staff Assistant; Renee Johnson, Legislative Aide; Andy Keeney, Correspondence Manager; Brady King, Chief of Staff; Ursula Lauriston, Deputy Press Secretary; Ken Montoya, Legislative Director; Kyle Moore, Military Fellow; Terry Mullan, Legislative Aide; Robin Nichols, Director of Scheduling; Jim O'Connor, Communications Director; Ford Porter, Legislative Aide; Aleysha Proctor, Administrative Director; Shomaila Sharif, Deputy Administrative Assistant; Stephan Tibbs, Special Assistant.

CHICAGO OFFICE

Rachelle Badem, Grant Coordinator/Special Assistant; Matt Berry, Outreach Rep.; Jacqueline Dawkins, Constituent Service Agent/Outreach Rep.; Scott Kagawa, Outreach Rep.; Rodney LaBauex, Staff Assistant; Jazmine Hasty, Small Business Outreach Rep.; Frank S. McClatchey, Small Business Coordinator; My'Ron McGee, Constituent Service Agent/Outreach Rep.; Kristina Michell, Constituent Service Agent; Jason Miller, Constituent Service Agent; Richard Porter, Director of Outreach; Chris Russo, Special Assistant; Kenneth Sawyer, State Director; Tami Stone, State Scheduler; Audrey Till, State Press Secretary; Zorie Valchev, Constituent Service Agent; Erin T. Williams, Assistant to State Director; Marianne Wolf-Astrauskas, Office Manager/Intern Coordinator.

SPRINGFIELD OFFICE

Ceceilia Haasis, Constituent Service Agent; Jamar Johnson, Constituent Service Agent; Sally Millichamp, Constituent Service Agent; Bradley Smith, Constituent Service Agent; Jimmie Voss, Downstate Director.

CARBONDALE OFFICE

Dina Timmons, Field Rep./Constituent Service Agent.

Mr. BURRIS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mrs. HAGAN. Mr. President, as I see my colleague, Senator BURRIS, still on the floor, I wish to thank him for his excellent work and his comments today. He will certainly be missed by all of us.

Mr. BURRIS. I thank the Senator from North Carolina.

Mrs. HAGAN. Mr. President, today I rise in support of S. 510, the FDA Food Safety Modernization Act, and also in support of an amendment I cosponsored with my colleague from Montana, Senator JON TESTER.

Each year, upwards of 70 million Americans are sickened from foodborne illnesses. Thousands of the most vulnerable, including children and the elderly, die. I do not think there is anyone who has not heard of the massive recall of millions of tainted eggs that sickened nearly 1,500 people. We need to find a better way to protect Americans from these tragic deaths.

During the HELP Committee's consideration of the bill late last year, we had the opportunity to hear from Dan Ragan, director of the North Carolina Department of Agriculture and Consumer Services Food and Drug Protection Division, about the innovative steps that North Carolina is taking to prevent and address food safety problems. North Carolina was one of the first pilot States for the Manufactured Food Regulatory Program Standards, MFRPS. And North Carolina has a robust training program for those dealing with food safety issues. I am proud that my State is leading the way forward in trying to prevent and quickly address foodborne illnesses.

At the same time, North Carolina is a farming State. And in my State, we have honest farmers who work very hard to make a living. Unfortunately, oftentimes when there is a food safety breach followed by a massive recall, the producers or farmers suffer dire financial consequences. Farmers are at the front of the food supply chain and frequently are not responsible for the food safety breach further down the line.

Many farmers in North Carolina are still struggling, particularly after the salmonella outbreak at the Peanut Corporation of America and after the massive recall of tomatoes nationwide in 2008.

One such farm is Patterson Farms, a third generation family-run farm in China Grove, NC. The family has been growing tomatoes since 1919 when James A. Patterson began growing vegetables.

Currently, Patterson Farms, Inc., operated by James A. Patterson's grandsons, Doug and Randall, grows about 350 acres of tomatoes, including mature green, vine ripe, and Roma tomatoes. In addition to growing tomatoes, the Pattersons grade, pack, and ship their tomatoes across the United States and Canada. Patterson Farms is currently the largest tomato grower in the State of North Carolina.

The 2008 erroneous safety citation for tomatoes by the Food and Drug Administration cost the Pattersons dearly. While consumer demand for tomatoes dropped between 50 and 60 percent, Patterson Farms lost hundreds of thousands of dollars. The damage was so severe that Doug and Randall could not pay back their farm operating loan at the end of the year—marking the first time in the history of Patterson Farms that they were not able to pay back their operating loan.

In fact, they had to borrow more money to stay in business. With very narrow profit margins, the massive recalls such as this certainly can jeopardize the financial stability of farms that have been in families for generations. That is why I think the FDA needs to be very sure about the source of a foodborne illness when it institutes a recall, and why I fought hard to include a provision in this bill to look at new and existing mechanisms available to provide restitution.

Specifically, the language in this bill directs the GAO to conduct a review within 3 months on new and existing mechanisms available to provide restitution in the event of an erroneous mandatory food safety recall. If such mechanisms do not exist or are inadequate, then within 90 days the Secretary of Agriculture must conduct a feasibility study on implementing a restitution program.

One false recall can put a family farm out of business. And while I support giving the FDA mandatory recall authority, I want to make sure there are enough protections in place for farms such as the Patterson farm, which were brought to the brink of bankruptcy through no fault of their own. This study language is an important step in ensuring that farmers are treated fairly.

I am also pleased to be a cosponsor of the amendment by my colleague Senator TESTER, which will be included in the final bill. While I believe strengthening our food safety standards and giving FDA the enforcement authority it needs is critical to ensuring public safety, this bill would have imposed Federal regulation on even the smallest food producers, including family farms.

Take, for example, a small family farm in North Carolina that produces homemade jams and jellies to sell on their farm, at the farmers market, or to the local food co-op. This farm would have to register with the FDA and develop a costly hazard analysis and risk-based preventive control plan, similar to the plans required of large food companies. Small producers in North Carolina already have to use a North Carolina Department of Agriculture-approved commercial kitchen to make these products.

To allow small producers to remain in business, this amendment ensures that the smallest producers selling directly to consumers can continue being regulated at the State level. Also, farmers raising produce to sell directly to consumers at farmers markets and food co-ops face significantly different issues and pose less risk than those selling into the industrial supply chain, and should not be regulated in the same way.

North Carolina is a farming State, and I value farming as an institution that is central to my State and America's history and our culture. In my

State we have honest farmers who work very hard to make a living.

I believe, with the restitution study language, and with the adoption of the Tester-Hagan amendment, this food safety bill strikes the right balance between protecting the public health from foodborne illnesses while ensuring our Nation's farmers can continue to feed Americans.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 3 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senate is not in a quorum call right now.

Mr. COBURN. Oh, very good. Then I withdraw my request and ask that I might be recognized.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Thank you, Mr. President. I wish to spend a few minutes discussing the bill that is before us. Having been a manufacturing manager for 10 years, producing products that came through the medical device industry, and having dealt with the FDA as a manufacturer and then having dealt with the FDA and the consequences of the FDA as a physician over the last 25 years and then looking at this bill that is on the floor today, I think it addresses three things I have talked about, especially in Oklahoma over the last year.

Everybody recognizes this Nation is at a critical point—fiscally, internationally. From the standpoint of foreign policy, it has been impacted by our fiscal problems. But there are three structural reasons why I think we are there, and I think we need to learn from them. This bill provides us a great example.

The first is, as a physician—and I knew it as a business manager—you have to fix real problems. If you fix the symptoms that have been created or the circumstances that have been created by the real problems, you will make things better for a while, but you actually will not solve the underlying problem. What happens when you do not solve the underlying problem and fix the symptoms is, you delay the time and you also increase the consequences of not fixing the real problems.

Second, if you only think short term, you do not have the planning strategy with which to do the best, right thing in the long term. We consistently do that in Washington. Consequently, the CBO put out the unfunded liabilities for Medicare, Medicaid, and Social Security yesterday. It is now $88.9 trillion. It was $77 trillion last year. It was $63 trillion the year before. So we are up $26 trillion in unfunded liabilities that we are going to pass on to our kids in 3 years because we continue to think short term instead of long term.

Then, the fourth thing is to have the courage to stand and say: No, we should not do things that address the symptoms; we should address the underlying problems. No, we should not think short term or parochially; we should think long term and address that issue.

As to the food safety bill, all my colleagues are very well intended in terms of what they are trying to accomplish with it. But there are some facts we ought to be realistic about. We could spend $100 billion additionally every year and not make food absolutely safe. There are diminishing returns to the dollars we spend. But if you look at what the case is: In 1996, for every 100,000 people in this country, we had 51.2 cases of foodborne illness—the best in the world, by far. Nobody comes close to us in terms of the safety of our food. But, in 2009, we only had 34.8 cases—three times better than anybody else in the world. So the question has to be asked: Why are we doing this now when, in fact, we are on a trendline to markedly decrease it? The second question that should be asked is: No matter how much money we spend, is there a diminishing return?

There are a lot of things in this bill that I agree with—a lot. I think foreign food ought to be inspected before it comes into this country and I think those who want to sell products in this country ought to have to demonstrate the quality of it and I think the cost of that ought to be on the person selling the food, not on the American taxpayer. But ultimately that cost will be added to the cost of the food.

I think the recognition of peanut allergy is a realistic one, and I understand the purpose for wanting a grant for that. But as I read the Constitution, that is a State function. That is not our function. The other thing that bothers me about the grant proposals—I walked out of the deficit commission to come over here. I have spent 8 months in that commission looking at the problems in front of this country. We cannot afford another grant program. We do not have the money.

So we can say we are going to authorize it in this bill, but, do you know what, it is not going to get funded next year because we do not have the money. When the interest rates skyrocket in less than a year from now because of our misplaced spending over the past 20 years and our continued short-term decisionmaking instead of long-term decisionmaking, our situation is going to grow even darker. So this bill provides a wonderful example of how we ought to fix the real problems instead of the symptoms of the problems.

The other thing that truly is not addressed is the long-term criticisms the GAO has continually made on our food safety. Senator HARKIN has the best idea of all, but he could not get everybody to do it; that is, an independent food safety agency, to where we are not relying on the CDC, we are not relying on the FDA, we are not relying on the Department of Agriculture, that we put them all into one and say: You are responsible for food safety. But he could not sell that.

Ask yourself the question: If you had three different agencies stepping all over each other with different sets of rules with agreements between themselves that they will do certain things, and then they do not do them—that, by the way, is why we had the salmonella problem; they did not follow their own protocols to notify the FDA of the problem—most commonsense thinking people would say: Well, maybe you ought to put all those things into one agency, with one boss and one line of accountability and responsibility.

So Senator HARKIN is absolutely right in where he wants to go. We are going to spend $1.5 billion over the next 5 years on this bill that does not accomplish what we need to accomplish, which is what Senator HARKIN wants to do—and he is right—and we are not going to fix the criticisms that have been leveled against the agencies by the GAO for 8 years, in spite of the fact, as I stand here and am critical of different agencies, they actually have done a very good job. That is known by the fact that our incidence of foodborne illness is now less than 34 per 100,000 people. Think about that. Think about all the sources of food we get in this country and the diverse places they come from. Yet only 34 people get a staph poisoning or a nontoxigenic E. coli poisoning or a salmonella poisoning or a Yersinia poisoning or a Shigella poisoning in a year. So that is the incidence of illness.

The question is, How do we stop the 10 or 20 deaths a year from foodborne illness? Can we do that? Well, as a physician trained in epidemiology, we could do it. But I will posit we do not have the money to do that because it would take billions upon billions upon billions of additional dollars to ever get there. So we find ourselves in a dilemma.

I commend to my colleagues the reports GAO–09–523, GAO–09–873, and GAO–05–213.

The GAO does a wonderful job telling us where we are failing, and we ought to address everything they raised in these reports.

Even further than that, Dr. Hamburg, around the time we were having the salmonella with the eggs problem, released an egg standard. The bureaucracy took 11 years to develop that standard. That falls on the shoulders of President Bush's administration as

well as this one. I am proud of her that she got it out. But the fact is, 11 years to do what you are responsible for, to get an egg standard so we do not have significant salmonella poisoning coming from eggs? Then, lo and behold, after the egg standard is out, the FDA inspectors on farms in Iowa are violating their own protocols, cross-contaminating egg farms, as documented in the press.

It is not a matter that we do not have enough rules and regulations. That is borne out by the fact that we are continually seeing a decline in foodborne illness. That is not the real problem. The problem is effectively carrying out the regulations that are there today. So we have a bill on the floor that has 150 to 170 pages—I cannot recall exactly how many it is—here it is. It is 266 pages of new regulations, new rules, new requirements.

Let me tell you something else I learned about dealing with the FDA. The FDA overall in this country does a fantastic job. They do. They are very professional. They are very slow sometimes, but they are very professional, and they are very cautious. In this bill is a mandate to require recalls. Not once in our history have we had to force anybody to do a recall. It has always been voluntary, and you can check with the FDA on that. They do not need that authority. Why don't they need that authority? Because if you have a problem with your product in the food system in this country, you are going to get sued. You are going to get fined if you do not recall that product.

What is wrong with a potential mandatory recall? What is wrong is it is going to markedly raise the cost of foods. Let me explain why. It is called Coburn's bureaucratic principle: Do what is safe first in the bureaucracy rather than what is best.

Here is what I imagine happening with a mandatory recall. Because we have a problem, we are going to recall something and we are going to force a mandatory recall. Even though they may recall it voluntarily, somebody is going to pull the trigger earlier, because they don't want any criticism. There is a great example for that. How many people remember the toxigenic E. coli jalapeno pepper episode? Voluntary recall for tomatoes, because we said it had to be in the tomatoes, so they did that. That cost $100 million to the tomato farmers in this country and didn't save one life, because they got it wrong. They discovered about 10 days after that, it wasn't the tomatoes, but the damage was already done. I can remember I ordered my hamburger in my special place in Muskogee, My Place BBQ, and I couldn't get a tomato on it. The reason we couldn't get a tomato—there wasn't anything wrong with tomatoes in this country; it was because a recall had been suggested by the FDA and the tomato growers responded.

So what we are going to see is a heavy hand rather than a working, coordinated foundation upon which we do recalls, as we do now. We have not had one instance ever when a food needed to be recalled that wasn't voluntarily recalled.

What I worry about is the fact that we will have recalls that are mandated much too soon on the wrong products at the wrong time. We don't have a track record that says the government needs additional power. As a matter of fact, the FDA doesn't say they need additional power.

So let's summarize for a minute. Where is the crisis in food safety, when the science demonstrates that we have the safest food in the world and we are on a trendline to have it even safer? Where is the cost-benefit analysis in terms of what we are going to get from spending another $1.5 billion in terms of lowering that number? There is nothing in this bill to show that. What is in this bill are tremendous new sets of regulations and authorities on top of the authorities that both the CDC, FDA, and Department of Agriculture already have, that I don't believe—and I agree I am in the minority on that, but I am trained in the area of medicine, science, and epidemiology—I don't believe we are going to get a significant cost-benefit from it.

We are going to feel better because we did something. But, again, that goes back to the first three principles. If we don't treat the underlying problem—in other words, have the oversight hearings to make sure the agencies are actually carrying out their functions every day on a thorough basis that can be vetted and making sure we are doing the right things to create the opportunities to have safe food—we are not accomplishing anything, but we are going to feel better. But do we know who is going to feel worse? Our kids. Because they are going to pay—if we appropriate this money, and I highly doubt a good portion of it will be appropriated—they are going to pay for it. If you followed last week in international finance, the scare over Ireland's ability to repay its debt, and the pressure it had—and we got good news on the economic front today—good news, and it is welcome news by all of us. But the fact is, what is happening in Ireland and in Greece and Spain and Portugal is getting ready to happen to us. And this is a small example of why—very good-intentioned, well-intentioned people trying to do the right thing, fixing the symptoms instead of the underlying problem.

Our answer is more regulation has to be the answer. That is what we did in the financial regulation bill. That is what we did to the SEC after Bernie Madoff. Everybody knows the SEC was alerted several times, but they didn't do their job. Consequently, we put all of these new rules and regulations to not let another Bernie Madoff scandal happen when we should have been holding people accountable for not doing their jobs.

I am not against regulation, but I think it ought to be smart, targeted, and focused to real problems, not the symptoms of the problems. It is my personal belief—that we are targeting symptoms and not the real problems with this bill.

Senator HARKIN has bent over backward to work with me. He is an honorable man. He is interested in food safety and the welfare of this Nation. Nobody should ever say otherwise. But my experience leads me to believe it isn't going to accomplish the very purpose he wants to accomplish, and my recommendation is to go back and work in the new Congress to develop a true food safety center organization within the Federal Government that combines all the factors.

Do my colleagues realize right now when we buy a pizza at the grocery store, if you buy a cheese pizza it comes through the FDA, but if you buy a pepperoni pizza, it gets approved by the U.S. Department of Agriculture? How many people in America think that makes sense?

The other thing with this bill—and I will finish with this and then yield the floor—is this bill wants more inspections. That is great. There is no question that inspections will help; the question is what is the return on the dollars we spend for it. But if we are going to use more inspections, there is not nearly enough money in this bill to do it effectively. That is what we are going to trust.

Let me tell my colleagues why I think we have the safest food in the world: because we have the best legal system in the world. That is why we have the safest food, because the market forces applied on somebody selling food into our commerce are so great and the consequences legally are so negative that it is only in their best interests to bring a safe product to the market. When we have food scares, most of the time it is not an intentional act that created the problem, it is an unintentional act. It is a failure of someone in carrying out a protocol that should be established.

Under this bill, anybody who sells more than $500,000 worth of food—that is almost every Amish farmer in America—a co-op of Amish at every farm—will have to have a detailed, laid-out plan, written down, double checked, cross checked and everything else. What do my colleagues think that is going to do to the cost of food? Do my colleagues think as we implement new regulations, those costs aren't going to be passed on? So as we grow the government, if, in fact, we are treating symptoms and not underlying problems—and I don't have any problems with regulations that address real problems—all we are doing is raising the costs and making ourselves less competitive, decreasing the number of jobs that are available in this country, and not truly ensuring an increased level of safety with our food supply.

It is hard to dispute the facts about our incidence of foodborne illness. One case is too many. But we don't have

the resources to make it where there is not one case, even. It is the same question on homeland security. Can we ever spend enough money to 100 percent guarantee that we won't have another terrorist attack? Anybody who looks at it says no, we can't do that. It is the same with food. For every additional dollar expended, what is the return to the American consumer for that?

If it were an achievable goal to eliminate all foodborne illness, I would be right there with you. It is not achievable. It is going to happen. The question is: Can we continue on a slope to continue to decrease the frequency where we have the least amount for the dollars we spend? There is a balance, and we need to be there. I will take the criticism of my colleagues that they think we need to spend this additional $1.5 billion to get it further down the road. But I still raise the question of how we cut it in half over the last 9 years—or 5 years—and didn't spend anything. So we are on a good trend.

We are, unfortunately, going to have complications with our food supply, but we have a great legal system where we have bad actors such as the peanut butter factory in Georgia which is now shut down, in bankruptcy, and people are going to jail, because they intentionally violated the rules we have today. But how did they intentionally do it? Because we didn't have effective carrying out of the regulations we have today.

I appreciate the great manner in which Senator ENZI and Senator HARKIN have worked with me. I have another amendment I wish to offer on this bill. Everybody knows what it is. It is an earmark amendment. I understand the disdain for having to vote on that and I understand the procedural moves that will be made for that, but we are going to vote on it. We are going to suspend the rules to get the first vote, but I can assure you in the next Congress we are going to get an up-or-down vote on it, and it is going to pass in this body because the American people expect it to pass. It is something we ought to put away until we get out of the problems we are in nationally.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I am here today to highlight the urgency of passing the legislation to overhaul our Nation's food safety system. The last time the FDA's law related to food was changed in any substantial way was 1938. Think of how things have changed since that time: food coming in from all over the world. We think about all of the new producers and the new processing plants and the new kinds of food we have that weren't available in 1938. An overhaul of the food safety system is long overdue, and so is the passage of the Food Safety Modernization Act. Food safety reform should have passed Congress and should have been signed into law months ago. I have stood in this Chamber many times saying the same thing. Each time, each month, something new comes up where people get hurt or people die. Whether it is jalapeno peppers or peanut butter or more recently eggs, these outbreaks of foodborne illness and nationwide recalls of contaminated food highlight the need to better protect our Nation's food supply. We need to fix it.

The good news is we know how we can do it and we have legislation sitting right here on the table that could go a long way toward helping families at their own kitchen tables. The bad news is this legislation has been stalled in the Senate since last November.

This legislation is, first of all, comprehensive. It covers everything from ensuring a safe food supply at the front end to ensuring a rapid response if tainted food gets into the supply chain.

I wish to respond to a few points my colleague from Oklahoma raised. First he noted that somehow the FDA didn't need the authority to recall. In fact, right after the last outbreak, the egg issue, the eggs in Iowa, the FDA Commissioner came out and said she needed additional authority to do a recall. So let's set the record straight on that. That was wrong.

Secondly, I would point out that this legislation is bipartisan. It has both Democratic and Republican sponsors and it passed through the committee, the committee on which the Presiding Officer serves, last November with bipartisan support. Food safety is not a partisan issue and it shouldn't be. It is a national issue of public health and public safety. Do my colleagues know what else? It is a business issue. So when I heard my colleague from Oklahoma talk about how somehow it was going to hurt the bottom line, I wish to know why the grocery stores of America support this bill. Does anyone think they are not worried about their bottom line?

I would like to know why companies such as General Mills support this bill, and why companies such as Schwan's in Marshall, MN, one of the biggest frozen producers in the country—the No. 1 issue they raised with me was passing this bill. Do you think Schwan's is a company that doesn't care about the bottom line?

You haven't met their business executive, I say to my friend from Oklahoma. Their focus is on jobs, making money, and producing a good product.

So why do these businesses that are so clearly concerned about their bottom line care about passing this bill? Guess what. These bad actors—whether it is the peanut butter factory in Georgia or whether it is the egg place that had rats in it—these bad actors hurt all the good actors out there, the good food producers and good farmers and all of the companies that put in safety measures. That is why the companies, the grocery stores, SuperValue, and these kinds of companies want to get this bill passed. They think having bad food out there is not only bad for consumers when they get sick or die, but it is bad for their bottom line. That is why there is industry support for the bill.

Finally, this legislation addresses a very serious issue—and this was the most difficult thing to hear from my friend from Oklahoma. You all know in our State about the case of Shirley Ahlmer, a grandmother. She fought cancer and survived it. She was ready to go home for Christmas, and she ate a little piece of peanut butter toast. That grandmother died because of that peanut butter toast.

I don't want to hear about how it is not worth it for the people of America, that it is going to cost the people of America, until you talk to Shirley's son Jeff and find out what it cost his family because there wasn't an adequate food inspection system in this country. That is what this is about.

One other thing that was not true was when my colleague from Oklahoma talked about the tomato recall. That was true, and it was misdiagnosed. They said the wrong thing. It was actually jalapeno peppers. They said it was tomatoes.

Why should we keep the same food system in place now if people are out there calling the wrong card and saying tomatoes caused this and tomato prices go down and people who produce them get hurt and instead it is jalapeno peppers? Meanwhile people are getting sick across the country. Why would the answer be that we have a great system and let's not change it? The answer is we have to change the system.

The other thing is, both the peanut butter contamination and the jalapeno peppers, do you know who called it right? The State of Minnesota. It was the University of Minnesota and the Minnesota Health Department. None of it got identified until people got sick in the State of Minnesota. That makes us proud of our State. But we would have rather not lost three people in the peanut butter crisis and said: Guess what, we got it right.

What we can do is take the system we have in Minnesota, which is common sense, and instead of just having this problem sit on a county nurse's desk, we have graduate students who can work together and make calls and figure out what caused this when people got sick, and ask: What did you eat yesterday? It is that simple.

The part of the bill which Senator CHAMBLISS and I sponsored is to use that model—not make every State do it but say, let's look at the best practices in four regions of the country and see if we can improve the system so we can catch these illnesses quicker and respond better and have less people die or get sick.

When I look at all of the issues raised by my colleague, the bottom line for businesses is this: Businesses in this industry support this bill. When I look at the issue of consumer safety, all you have to do is go and look at what happened to Shirley Ahlmer.

When I look at the issue of what is better for the consumers of this country, I don't think anybody wants to get sick from eggs that have Salmonella. It is unacceptable, Mr. President.

I hope anybody who was listening to my colleague from Oklahoma has also listened to this because it is very easy to make these claims. Let me tell you, one, the people who do this work say they need more authority to do recalls and to do it right. The businesses that are affected by the food safety outbreaks need a better system. They don't want to get stuck in one from back in 1938. The people hurt by this, or family members killed by this, say we need improvement. That is why this bill has bipartisan support and why three-fourths of the Senate supported moving forward on the debate.

I hope this delay will end and that we will get this done so that when families sit down for Thanksgiving dinner, they will at least know there is hope in the future that we are not set back in the inspection system that we had in 1938.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for such time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WARMING

Mr. INHOFE. Mr. President, as Mark Twain might have characterized where we were a short while ago, reports of the death of cap and trade have been greatly exaggerated.

It is true we defeated all the bills. This was after the Kyoto Treaty, which failed to even get recognized for discussion, let alone ratified. We had all the bills—the McCain-Lieberman bill, the Lieberman-Warner bill, the Waxman-Markey bill, and all of the others, and they were all killed.

I can remember way back 8 years ago when I was the only bad guy, the one everybody hated. That is when I made an honest statement at the time that perhaps what they were trying to do with the global warming was the ''greatest hoax ever perpetrated on the American people.''

As time went by, more and more people agreed. A lot of things have happened. Just in the past year, we have had the revelation of Climategate, the failure in Copenhagen, the admission of the futility of unilateral climate action, the year of the skeptic, and the vindication at the ballot box that took place November 2.

With all this, one might be tempted to declare victory, and I have to admit that for a short while I did. It was a year ago today that I gave a speech right here on the Senate floor, at this same podium, noting that the tide turned decisively against global warming alarmism. The year of the skeptic took place.

Just 2 days later, Climategate exploded into view as thousands of e-mails were released that showed, at a minimum, the very scientific spokesmen for alarmism were scheming to block open and honest assessments of their work. Behind the veil of e-mail, they showed their true colors: They weren't acting as scientists but as political hacks. They were scientists defending a political agenda. The agenda would virtually shut down America.

A lot of people realize and recognize that fossil fuels are necessary to run this machine called America. Right now, 53 percent of our energy is generated from coal. Coal is necessary. We have clean coal technology, and the releases are much less than they used to be. Oil and gas are both fossil fuels. It is necessary. You cannot run this machine called America without them.

The damage has been done in terms of what was going on at Copenhagen. I think the chapter on the climate science wars has closed. Climategate scientists and the allies want to keep fighting. They are particularly begging us to bring them before committees to question their work. But we will not because they are now irrelevant. The time to talk about this science is over.

I will say this: Five years before Climategate, I gave a speech in the Senate and talked about what they were trying to do to cook the science. Instead of talking about science, we are talking about the economics of what is happening now. We are talking about jobs, about competitiveness, and manufacturing and small businesses and real people who have to pay more for electricity, food, and gasoline. What do I mean? Even with all of the progress we have made—and while cap and trade is dead, bureaucratic cap and trade is alive and well—what is happening in this country is that we have an administration with a majority in Congress who tried to pass this legislatively, tried to pass cap and trade. The cost of cap and trade, we were finally able to convince the American people—if you look at it not from what Senator JIM INHOFE says but what the economists say, what they said at MIT and what they said at Wharton, if you pass any of these cap-and-trade schemes, the cost to the American people will be in the range of $300 billion to $400 billion a year. That is what they decided they were able to do legislatively. They thought we will do this—because we control EPA, we will do it through the regulations.

What Senator REID said may be true for the massive 1,000-page bills filled with mandates, taxes, regulations, bureaucracy, and not much else. But it is not true for the more subtle strain of cap and trade now moving through the EPA.

That is right; this backdoor cap and trade hidden behind an administrative curtain. I can hear already what my friend, the EPA Administrator, Lisa Jackson, would say: Senator INHOFE, you know we are regulating in broad daylight, and we are inviting public comment and we are providing guidance. It is all aboveboard and out in the open.

That may be true, and I trust that Administrator Jackson wants the EPA to be transparent. Unfortunately, this bureaucracy has gotten to the point where transparency is virtually impossible.

The reality is that backdoor cap and trade is hidden behind acronyms such as PSD, BACT, SIPs, FIPs, BAMM, GHGRP, and the like and arcane legal provisions in the Clean Air Act. It is all a great muddle for bureaucrats and lawyers, but it is a profound disaster for jobs and small businesses in America.

Make no mistake, the intent and ultimately the effect is no different than Waxman-Markey, which is to eliminate fossil fuels and impose centralized bureaucratic control over America's industrial manufacturing base. Unless we stop them, that is what they will achieve.

Of course, President Obama would say we could have avoided all this if we passed cap and trade. That is true. If we had done that, we also know it would not have preempted what EPA would be doing.

That is wrong on two counts. First, what kind of a deal involves accepting a bad bill in place of bad EPA regulations? That is no deal at all. Secondly, the supposed deal wasn't an either/or proposition. Waxman-Markey didn't fully eliminate EPA's ability to regulate under the Clean Air Act. President Obama and cap-and-trade supporters wanted both options—cap and trade including regulation under the Clean Air Act.

Keep in mind we are talking about something that is very massive—the largest single tax increase on the American people. When you talk about $300 billion or $400 billion a year, you have to bring that down and say: What does that mean to me?

To the taxpayers in Oklahoma, it would mean over $3,000 a year. What do they get for it? Nothing. One thing I like about Administrator Lisa Jackson, the Administrator of the EPA, is she is honest in her answers. I asked her the question: If we were to pass something like this, pass Waxman-Markey and do something legislatively, how would it affect worldwide emissions of CO_2. She said it wouldn't have much of an effect at all. The reason is we can't do that in the United

States: This isn't where the problem is. It is in China, India, Mexico, and other places around the world. As we tighten our availability of power, they have to go someplace—our manufacturing base—to find power. Well, now they would be going into areas where we have less controls. So that could very well have—by banning it here, it would have an increase in the effect of CO_2 emissions. Most people understand and agree with that.

We have a long, difficult fight ahead. It goes back to December of 2009 when EPA promulgated the endangerment finding that CO_2 endangers public health and welfare. We know that finding is wrong and based on flawed science.

Before I went to Copenhagen last December—first of all, what Copenhagen is, that is the annual big party that the U.N. puts together—and they have done it for 15 years now—and they always have it at exotic places. Next month it will be in Cancun. Last year, before I went there, I asked Administrator Jackson the very question: What does your endangerment finding—the way it happened, I say to you, was that we had a hearing, a public hearing, live on TV, and Administrator Jackson was in our hearing room.

I said: I am getting ready to be the one-man truth squad in Copenhagen. I have a feeling when I leave, you are going to have an endangerment finding. What would that be based on? The IPCC.

To make sure everybody understands, that is the U.N. That is what started this thing way back in the 1980s. And so now that is established and we know the science on which an endangerment finding is based, we go to Copenhagen. It was almost the next day that climategate broke. Oddly enough, the timing couldn't have been better—I had nothing to do with it; I was as surprised as anyone—because they came out and talked about the flawed science that was there and the fact they were cooking the science.

I have to say this. Five years ago this week, in 2005, I gave a speech on the Senate floor talking about how they were cooking the science at the United Nations—the IPCC—to make people believe that greenhouse gases—anthropogenic gases, CO_2, methane—were causing catastrophic global warming. That was their mission. They started with that conclusion and they tried to get science to support it. Well, all that was exposed.

The list of IPCC errors is so long I won't repeat it here, because I did so in my speeches before. We know the claim that the Himalayan glaciers would melt by 2035 was off by about 300 years. What is important now is that the endangerment finding triggered regulations that will eventually reach out into every corner of the American economy. This will be the greatest bureaucratic intrusion into American life we have ever seen.

Let us put some specifics on that. We are talking 6.1 million sources subject to EPA control and regulations. With regard to EPA control and regulations, I don't think I have to tell you how onerous that would be, what that would be doing to all these institutions that would be affected. The U.S. Chamber of Commerce has put together a list as to who would be affected by these new regulations and that thousands and thousands and thousands of new bureaucrats would be crawling all over in America. The list includes 260,000 office buildings, 150,000 warehouses, 92,000 health care facilities—that is hospitals and so forth—71,000 hotels and motels, 51,000 food service facilities, 37,000 churches and other places of worship, and 17,000 farms.

The EPA understands the political peril of regulating all these sources so they decided to change the law without congressional authorization to exempt many of the sources I have mentioned, but that is a front. It sounds good, and they will stand up and say, no, we are not talking about 250 tons of CO_2. But the Clean Air Act specifically says that the major sources are those that have the potential to emit 250 tons or more of given pollutants. All the farms, all the churches, as I mentioned, are going to be in that category.

Two hundred fifty tons of, say, sulfur dioxide or nitrogen oxide is a good deal of pollution. But when it comes to CO_2, it is not. Lots of facilities emit that amount and more. We are talking schools, nursing homes, restaurants, even individual residential sources, mind you, that were never contemplated to be regulated when Congress passed the Clean Air Act.

So what did EPA do? Well, they promulgated something called the tailoring rule. This gets in the weeds here, but it is something they created to say, well, no, we are not going to use 250 tons of emissions, we are going to use 75,000 tons. That means we are talking only the giants—the refineries and some of these groups. Well, the problem with that is that is not what the Clean Air Act says.

Sources emitting above those amounts have to get permits that require so-called best available control technology to reduce CO_2. Of course, we don't know what that is. It has never been defined. The EPA issued draft guidance on what they call the BACT—best available control technology—last week, but it provided no help, just more confusion and uncertainty on what the requirements would be.

Of course, they talk about the EPA has a law in front of it that says clearly the major sources are those that have the potential to emit 250 tons or more. Yet it says the new number is 75,000 tons or more. So now the EPA can conveniently say that schools, hospitals, and the like won't be regulated, at least not until 2016, when the agency says it will consider whether to regulate such sources.

There is the catch. This supposed exemption through the tailoring rule only lasts for a few years, not to mention the fact that it blatantly violates the Clean Air Act, which subjects it to litigation. On that last point, the tailoring rule, along with the endangerment finding and other greenhouse gas rules, is being litigated, so we will know eventually whether the tailoring rule survives. I think it will be thrown out, but the fact it can be thrown out should be enough for us to be honest with the American people and say we are going to regulate everything that falls within the 250 tons—all the residences, the churches, and the farms I mentioned before.

Again, I want everyone to understand: The regulation of global warming by EPA, backdoor cap and trade, begins on January 2. It is here, a month away. I am not the only one concerned about it. On February 19, Senator ROCKEFELLER, joined by seven of his other Democratic colleagues, wrote Administrator Jackson. Keep in mind, this is coming from the Democrats here in this Chamber. He wrote:

> We write with serious economic and energy security concerns relating to the potential regulation of greenhouse gases from stationary sources under the Clean Air Act. We remain concerned about the possible impacts on American workers and businesses in a number of industrial sectors, along with the farmers, miners and small business owners who could be affected as your agency moves beyond regulations for vehicle greenhouse gas emissions.

We need to address this, because employers and small businesses are afraid to hire and expand right now, in large part because of the EPA's global warming regulations. They do not know what to expect. They are looking at the Clean Air Act, that has a very small threshold. Yet statements are being made that this is going to affect everyone and they don't know what to do.

I want my colleagues and the American people in general to know that EPA is moving in all directions, beyond just implementing job-killing global warming regulations. EPA is threatening jobs on a host of fronts. A few months ago, I released an oversight report examining the thousands of jobs at risk. And by the way, this is a good report. It talks about four major areas of concern, and they are all on my Web site at inhofe.senate.gov. Read them over, if you want to be scared. But here is what I found:

The new standards for commercial industrial boilers, for example, put up to 798,000 jobs at risk. The revised National Ambient Air Quality Standard for ozone puts severe restrictions on job creation and business expansion in hundreds of counties nationwide. New standards for Portland cement plants put up to 18 cement plants at risk of shutting down, threatening nearly 1,800 direct jobs and 9,000 indirect jobs.

I think we should be concerned enough about the unemployment rate that we have right now without exacerbating that problem, which is what we do with these rules. I think everyone knows that. Where are these rules

going to hurt the most? In the heartland. By that I mean Pennsylvania, Ohio, Michigan, Indiana, Illinois, Missouri, Wisconsin, Nebraska, Minnesota, and Montana. Of course, my own State of Oklahoma is feeling the brunt, and others will as well.

Here is the bottom line. Backdoor cap and trade is alive and well. It is moving forward. The fight over the future of America's industrial base is under way. I want to put the administration on friendly notice that I will investigate these rules vigorously in my capacity as the ranking member of the Environment and Public Works Committee. I do this to expose their impact on jobs, energy prices, competitiveness, small businesses, energy security, and the true extent of their environmental benefits.

It is my sincere hope the EPA will pull back, revise, reform, and balance its regulatory agenda to protect jobs as well as the environment. If the EPA persists on moving down a more extreme path, then our 9.6 unemployment rate will be even worse in 2012.

In an attempt to stem the impending economic harm facing thousands of small businesses, the EPA has developed its so-called tailoring rule. I don't want to elaborate on this. I will only say that the tailoring rule is to make people think we are only going to be regulating those entities that emit 75,000 tons or more, when the law clearly says 250 tons or more.

In some cases, these rules will have no meaningful environmental benefits. Consider EPA's rules to regulate greenhouse gases. They would reduce global temperatures by 15 one-hundredths of 1 degree by 2100. That same figure goes all the way back to the consideration of Kyoto. This is back in the 1990s. I remember at that time it was Vice President Al Gore's own scientist—Tom Prigley, I believe his name was—who came out and the question was if all of the developed nations were to comply with Kyoto's emission requirements, how much would it reduce the temperatures in 50 years. The answer was 7 one-hundredths of 1 degree Celsius. So you can talk about all the sacrifice we are making and nothing good can come from it.

I want to conclude, because there are a lot of people here wanting to speak, saying that the Administrator of the EPA, Lisa Jackson, talks about the fact that what we do unilaterally, here in the United States, is not going to have a major impact on emissions nationwide, yet we know what it is going to cost. I want to say we are going to quit talking about the science. We understand how the science is not on their side; that the things we said on the floor of the Senate 5 years ago were verified with climategate. They have been cooking the science, and it is very convenient.

Lastly, I went to Copenhagen, as I mentioned earlier. That is the big U.N. party each year. That was probably the most productive 2½ hours of my life, the 2½ hours I was on the ground in Copenhagen. I was preceded by Senator KERRY, Hillary Clinton, President Obama, and several others—NANCY PELOSI—and they were all assuring the other 191 countries present that we were going to do something about cap and trade. I went there to make sure they knew we were not. I will always remember that, because we had 400 people and the 120 cameras were zeroing in on me. I say to my good friend from Virginia, they all had one thing in common: They all hated me.

That is behind us now and we have to now look at the regulators. This regulation would put America out of business.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Virginia.

Mr. WARNER. Before I get to my remarks, Madam President, I want to commend my friend, the Senator from Oklahoma, for his comments. I don't always agree with him, but I have had the opportunity to sit in the Presiding Officer chair and listen to his views over the last 2 years, and let me make sure I make clear that his characterization of some of those folks with those cameras, I would not fall into that category.

I also want to wish the Senator a very happy birthday. I understand it was yesterday, and I wish him all the best. Our offices are next to each other and we are good neighbors.

TRIBUTE TO FEDERAL EMPLOYEES

Madam President, I rise today to continue a recent tradition of the Senate—the tradition of honoring exemplary Federal employees—my friend Senator Ted Kaufman began last year. Senator Kaufman believes, as I do, that our Federal employees deserve recognition for their admirable patriotism which drives them in their daily work as civil servants.

Senator Kaufman highlighted 100 Federal employees in his close to 2 years of service—100 Federal employees with significant accomplishments in the fields of medicine, science, technology, diplomacy, and defense. Today I will start to continue that tradition. I am very proud that the first Federal employee I am going to have a chance to honor is currently a resident of Virginia who combined his engineering expertise with his past experiences in the Navy to help save 33 Chilean miners after they had been trapped 2000 feet underground for 69 days. This was an incident that captured the attention of the world, as we all watched the rescue of those miners. Again, I will only take a couple of moments to describe this employee and how he contributed to that remarkable worldwide success story.

Clint Cragg served in the Navy for 26 years. He, as I mentioned, is currently a resident of Virginia. His lifetime of service to our country led him to many exciting opportunities, including serving as the Chief of Current Operations, U.S. European Command. While in Europe, he participated in a number of operations, including the wars in Kosovo, Afghanistan, and Iraq. Today, Cragg is principal engineer for NASA's Engineering and Safety Center, a center which NASA established after the 2003 *Columbia* Space Shuttle tragedy. Clint has given a lifetime of service to his country since his graduation from the Naval Academy in 1978, and his service was never more important than it was when he took part in the worldwide effort to save the Chilean miners.

Clint and his colleagues were asked by the Chilean Government to assist in rescuing their 33 countrymen trapped underground in a collapsed copper and gold mine. Clint rose to the challenge and flew to Chile with three fellow NASA employees to examine the scene. Using his experience as a commanding officer of a submarine in the Navy, Clint provided valuable insight to the miners on how to cope with the underground existence they were in for a sustained period of time. Clint and his team also met with Chilean officials to discuss the development of a rescue squad capsule that at that time was a completely untested idea.

Upon his arrival home, Clint received a message from the Chilean Health Minister in which the Minister asked for NASA's help in thinking of specific features that would make the rescue capsule idea a reality. Clint assembled a team of 20 engineers, 10 from NASA Langley and 10 from around the country. They commenced brainstorming innovative ideas for a capsule design. This was thinking whole cloth. The only information the team had available was the capsule's maximum length and the diameter of the rescue shaft through which the capsule was required to fit. Seventy-two hours later, the team had a written, comprehensive report that included 75 proposals for the rescue capsule. The paper concluded that the rescue capsule should include a harness inside the capsule that can hold a miner in case the miner fell unconscious during ascent.

I think we all remember those images on CNN as they kind of drew up the capsule. I didn't know, but that capsule was designed by a Federal employee and his team we honor today.

As the 33 men rose from beneath the Earth, Clint could take pride in his work for NASA and in the knowledge that he and his colleagues had made the reunion between these men and their families possible.

I was privileged to meet Clint Cragg and his family and other members of the rescue team during a visit to NASA Langley last week and present them with a framed American flag that had flown at the U.S. Capitol in honor of their contributions. The successful rescue of the miners was a testament to the American spirit of cooperation and ingenuity, a spirit exemplified by the NASA team.

I hope my colleagues will join me in honoring Clint for his service and his leadership team at NASA as this

week's example of a great Federal employee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that immediately following my and Senator GRASSLEY's colloquy, the distinguished Senator from North Dakota be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAJOR TAX ISSUES

Mr. HATCH. Madam President, my colleague, Senator GRASSLEY, and I come to the floor to discuss very urgent business for the American people that has been put off for far too long. I am talking about the outstanding tax issues this Congress has so far failed to address. As I count them, there are five major tax issues that collectively represent a looming crisis for the economy. These are, first, the set of tax provisions that expired almost a year ago on December 31, 2009, and have yet to be extended. Second is another set of important tax provisions due to expire at the end of this year, which is only 44 days from now. The third item is the need to once again address the threshold of the alternative minimum tax so that about 25 million more American families are not caught in its clutches for the tax year about to end. Fourth is the estate tax issue which has been haunting us and the American people all year long. I submit it is way past the crisis stage and is about to enter into even a worse stage. Finally, and certainly not least, is the looming expiration of the tax relief provisions we passed in 2001 and 2003 which are swinging over the future of our economy like a hangman's noose. It is this situation that I particularly would like to address the bulk of my remarks to, but before doing so, let me turn to my colleague for his initial comments, the ranking member on the Finance Committee and a great friend, Senator GRASSLEY.

Mr. GRASSLEY. Madam President, Senator HATCH has long been a leader on a lot of these tax provisions, particularly in research and development. I thank him for his leadership.

I think Senator HATCH has clearly outlined the gravity of the economic consequences of a continuing failure to finish time-sensitive legislative tax business.

There is a chart I will put up that shows where we are on these categories of expiring tax provisions. Said another way, here are the categories of tax hikes that congressional inaction will put in place. I have used this chart before, so I think Members will be familiar. In fact, several months ago, I used it. The congressional Democratic leadership paid no attention to the seriousness of these issues then. Unfortunately, the to-do list is exactly the same today as it was several months ago.

If we go down through the chart, Members can see that we have had partisan votes on extender packages negotiated between the bicameral Democratic leadership but no effort to reach out to the Republican side to find bipartisan common ground.

On this year's alternative minimum tax patch, as Senator HATCH noted, inaction on the AMT will force a ''gotcha'' tax hike on millions of middle-income families when they start to file their tax returns 6 weeks from now.

On death tax reform, the House passed a permanent reform almost 1 year ago, but it has languished in the Senate during that period. On our side, we would like to improve that bill to protect more small businesses and farm families from the death tax.

On the 2001–2003 tax relief packages, there is no bill from the other side that would serve as a starting point on preventing this massive tax hike. On our side, if the Democratic leadership permitted us, we would like to start with Senator MCCONNELL's bill. Senator HATCH and I are cosponsors of that legislation.

Mr. HATCH. Senator GRASSLEY has been the ranking Republican or chairman of the Finance Committee for a long time now. We have seen times when the expiring tax provisions have been dealt with in as timely a manner as they should have been, but have we ever seen a state of affairs like we have now with the extenders? What has this meant for job creation and economic growth?

Mr. GRASSLEY. First of all, my colleagues probably know that my friend from Utah is going to advance as the incoming ranking member of the Senate Finance Committee, and I congratulate him on that. I know he is going to do a very good job.

One needs only to look to the nonpartisan Congressional Budget Office to assess the harm that could be done to the economy if we don't get this tax legislation passed. According to the Congressional Budget Office, not addressing these very time-sensitive tax issues will reduce economic growth by as much as 1.7 percent on average for the years 2011 and 2012. If Members didn't hear that, it is not some political leader saying that economic growth will be harmed by 1.7 percent; it is the nonpartisan experts in the Congressional Budget Office saying that if we don't pass these tax bills, economic growth is going to get hit 1.7 percent. Some private forecasters put that hit even higher—at 2 percent. When we consider that the last report has the economy growing at an annualized rate of 2 percent, then it is quite obvious.

We can see that this single failure to prevent these great big tax increases could wipe out what little economic growth is currently occurring. I don't know how policymakers can sleep at night, let alone be so casual when we haven't dealt with these time-sensitive tax issues at a time when coming back here we heard nothing from our constituents other than concern about the economy, about jobs, and about the legacy of debt we are leaving.

Mr. HATCH. We ought to listen to Senator GRASSLEY. He is one of the leaders in this body and somebody we all look up to as totally honest and sensitive on these issues. He has done a wonderful job on the Finance Committee.

According to the Commissioner of Internal Revenue, perhaps the most time-sensitive problem waiting for congressional action is the so-called patch for the alternative minimum tax. I understand that if we do not take care of this very soon, we could see major delays in the tax filing season that will start on January 1. Is that the understanding of Senator GRASSLEY?

Mr. GRASSLEY. Absolutely. We have a track record on that. Just a few years ago, it didn't get done on time, and people had to wait for their tax refunds. That is the biggest thing. But it also created a terrible bureaucratic problem for IRS to get the forms out.

My friend from Utah is correct. Fortunately, the chairs and ranking members of the tax writing committees wrote to the Commissioner of IRS last week indicating our intention to pass an AMT patch. The letter specified what the AMT patch would look like. But as helpful as the letter was, we still need to change the law. As a matter of fact, the filing season could become very complicated if we don't act. During our years in the majority, we never let the AMT patch legislation slip past May of any tax year that it applied to. That only happened once.

The death tax is another overdue tax legislative item that has been referred to. Maybe the Senator from Utah could bring up the issue of the estate tax.

Mr. HATCH. That is the third item on the to-do list. If we do not act, 6 weeks from now the reach of the death tax will greatly expand. According to the nonpartisan Joint Committee on Taxation, 10 times the number of estates will be taxable versus the number that would be taxable in the bipartisan Lincoln-Kyl compromise. In the case of farm-heavy estates, 13 times the number of those farm families would be hit by the death tax. That would be unfair because the families would have to either borrow the money or sell the farm in order to pay the death taxes. That is just crazy.

The issue of extending the expiring tax relief provisions enacted in 2001 and 2003 has been a central question all this year, but we are just now beginning to discuss this in earnest. This lack of action on this vital topic has been a major factor in the low performance of our economy.

The outcome of this debate is exceptionally important to the future of this Nation. Its implications go well beyond what many on the other side of this issue might want Americans to believe. This is not merely a question of how well the rich in our society will live if we raise their taxes.

Rather, this debate goes to the heart of the burning questions facing American families of all income levels today: Will I keep my job? How and when can I get a new or better job? Will the economy grow enough to allow my family to pay its bills and make progress toward our dreams? Can we afford to educate our children? Will America continue to prosper in the years ahead, or are we in a permanent decline?

The President and most of my colleagues on the other side of the aisle have decided that the answer to the question of fully extending the tax relief provisions that are set to expire in just about 44 days is no. While they are willing to extend them for those Americans earning less than $200,000 per year if a single individual or $250,000 per year if a family, their position is that anyone above these thresholds should get a tax increase.

However, the right answer for our country's future is that all the tax relief provisions should be extended.

The reasons the President and his allies give for their position largely boil down to the general supposition that the well-off among us can afford to see their taxes go up, and that the Nation cannot afford to forego the revenue lost to the Treasury from these taxpayers continuing to have their taxes as low as they are.

Ironically, this second point implies that we can afford the revenue loss from extending the tax relief to those making under the $200,000 and $250,000 thresholds, even though this loss is upwards of 80 percent of the total amount of lost revenue from extending the tax relief for everyone.

In other words, the President and his congressional supporters would have us believe that this debate is solely about whether the so-called wealthy among us deserve continued tax relief. They either fail to see an economic connection between the finances of those at the top of the income scale and the rest of us, or they refuse to admit that such a link exists.

This may sound somewhat counterintuitive, but it is, nonetheless, true. The essential element to this conundrum is that good permanent jobs, which are the heart and soul of the American dream, are inextricably linked to those in our economy who have wealth. When the income of the wealthy is taxed, particularly in a way that reduces the incentives for saving, investment, and entrepreneurship, that tax is not just paid by those who write the check to the government. Indeed, even those Americans who pay no income tax at all, which is now upwards of half of all adults, can be badly hurt by tax increases on the so-called rich. This is through the loss of opportunities, the lack of jobs or better jobs, and slow or nonexistent economic growth.

One vital fact that many citizens do not realize is that a high percentage of this Nation's business enterprises pay their taxes through the tax returns of their individual owners. Taxes on sole proprietorships, partnerships, S corporations, and limited liability companies are all passed through these entities and assessed on their individual owners. Higher taxes on these entities results in less money for investment and expansion, which translates into fewer jobs created and fewer opportunities for those who want to move up the economic ladder.

Tragically, especially in this time of economic stress and high unemployment, the real cost of taxation is paid by a group of unintended victims. These are the men and women and their families who do not get a chance to have a job or a higher paying job because the tax destroys the economic growth that might have provided for such an opportunity.

A study recently released by the nonpartisan Heritage Center for Data Analysis highlights these facts. This study, which utilizes an economic model owned by the leading economic forecasting firm in the country, concludes that the President's tax plan to allow the tax relief provisions to expire for the so-called well-off would have very serious consequences for millions earning far less than those targeted.

Here are just a few of the highlights of these conclusions. First, the President's tax plan would reduce economic growth for at least the next 10 years. Over the 10-year period, our gross domestic product would fall by a total of $1.1 trillion compared to where it would be otherwise if all the tax provisions were extended.

This slower economic growth would directly translate into fewer jobs created. In fact, the study projects that 238,000 fewer jobs would be created next year and as many as 876,000 lost jobs in 2016. For the 10-year period, the average would be 693,000 jobs each year that would not be created had we extended the tax relief for everyone. This projection alone should be enough to give anyone pause. In this critical time of job shortage, do we want to purposefully choose a course that would lead to even fewer jobs for Americans?

Other economic indicators would also turn negative compared to extending the tax rates as they currently stand. Business investment, personal savings, disposable income, and consumer spending would all be lower. This is exactly the wrong direction we need as the U.S. struggles to recover from this nasty recession.

My home State of Utah will not be spared, despite the fact that the downturn has been less pronounced there than in many other States. The Beehive State would lose an average of 6,200 jobs each year, and household disposable income would drop by $2,200. For a relatively small population State, this is nothing but bad news.

Another recent study highlights the effect on the economy of increases to the capital gains tax rate as is called for under the President's tax plan. This one was prepared by the respected economist Allen Sinai. In this study, Dr. Sinai concludes that increasing the capital gains tax rates to 20 percent from the current 15 percent, as is called for in the President's plan, would cut the number of jobs available by 231,000 per year. Again, this is exactly the wrong direction for a Congress that is supposed to be focused on job creation.

If we were really serious about creating jobs, we should be doing just the opposite; that is, lowering the capital gains tax rate. The Sinai study concludes that a reduction from the current 15-percent tax rate on capital gains to a 5-percent rate would increase the number of jobs by 711,000 per year. That is the kind of job growth we need right now. By lowering the rate down to zero percent, Dr. Sinai says we could turbocharge this rate of job growth to 1.3 million new jobs per year.

Of course, this capital gains tax reduction would not be free since the Treasury would lose some revenue. The Sinai study indicates that this loss would be about $23 billion per year after the effects of stronger economic growth are taken into account. While this is not an insignificant number, it works out to a cost of about $18,000 per job. I call this a bargain, particularly when it is compared with the cost per job from the so-called stimulus bill we passed last year. The Congressional Budget Office projected last year that the cost of each job saved or created from the stimulus bill would be between $414,000 and $1.3 million. And most or all of these jobs are temporary, not permanent. Last year, the CBO also projected that the net increase in the number of jobs from the stimulus bill by 2015 would be zero. In other words, we would get no permanent job increase from this gargantuan stimulus bill. I do not believe the contrast between the two approaches to job creation and economic growth could be any more striking.

Let me refer back to Senator GRASSLEY.

Mr. GRASSLEY. Well, I say to Senator HATCH, the only thing I would add to the good work you put out there is maybe to say a little bit more about the estate tax; that is, if we do not do anything—as you see from this chart, you can see the House passed death tax reform but not the Senate. Obviously, we do not have a final bill. If we do not get a final bill by the end of this year, instead of having no estate tax like this year or a $3.5 million exemption like last year, we are going to have only a million-dollar exemption and a 55-percent tax rate. That is going to be catastrophic on small business. It is going to be catastrophic in the rural areas. So I hope that emphasizes the importance of getting something done on the estate tax ahead of time.

The only other thing I would add, because the Senator did such a good job of saying what the economic consequences are, if we let the biggest tax increase in the history of the country happen by sunset December 31, and

then that means you go back to the tax rates and tax policy of the year 2000, it is going to be very destructive on job creation for small businesses and very destructive as far as bringing the certainty that businesses, particularly small businesses, need if they are going to hire people.

I had a news conference last month in my State, and I brought in some small businesspeople. One of the small businesspeople testifying for me said to the media of Iowa that they would like to hire five or six people, but as long as there is all this uncertainty about what the tax policy is, they are not going to move forward.

So what we have to do—and I say to Senator HATCH, I think you have said it several times—and particularly for small business, we have to bring certainty to the Tax Code. You cannot have this uncertainty of what is going to happen after December 31, particularly when you are certain you are going to have the biggest tax increase in the history of the country without even a vote of Congress.

So I compliment Senator HATCH. I will not have anything more to say on this subject until we get one of these pieces of legislation before the Senate. But I thank the Senator very much for his leadership.

Mr. HATCH. Madam President, I thank my leader on the Finance Committee on the Republican side. I appreciate all the work he has done to try to keep this economy going, and we ought to listen to him.

Let me just say that the President and congressional Democrats and Republicans agree that small business is the key to a job-based recovery. As the President himself says, small business creates about 70 percent of all of our new jobs.

If we fail to prevent the marginal rate hikes, small businesses will be especially hard hit. The Joint Committee on Taxation concluded that half of the flowthrough small business income would be hit by the reimposition of the top two brackets. Ironically, this is what all the resistance from the other side is about. They insist on raising the top marginal rates on small businesses by up to 17 to 24 percent—all of this during a time when we ought to be going the other way and assuring small businesses that they should take steps to grow without paying a tax penalty.

There is a bipartisan group that recognizes the merits of preventing these tax hikes on small businesses. But I think the President and the Democratic leadership need to see the light. We are talking about somewhere between 750,000 and 800,000 small businesses, where 70 percent of the jobs are created. If we do not handle this right, we are going to have a pretty long time of an economic system that really does not work in this country. So it is important that we get going here in this lameduck session and resolve this issue.

There are people all over the map on this issue, but I think the smartest thing to do would be to keep the tax relief the way it is. I would move it at least 2 years and hopefully 3 years. I would like to make it permanent for everybody in our society because we are a high-taxed society under the current circumstances, but apparently we do not have the votes to make it permanent. But we should have the votes to be able to put it over at least until we can get out of the rough politics of a lameduck session, and hopefully we will be able to resolve these problems in the future in a way that both sides can feel good.

Having said all this, let me just say that I have really appreciated serving under the distinguished Senator from Iowa. He is a hard-nosed, practical leader in this body. Everybody knows he is totally honest and totally effective in so many ways. He is a dear friend of mine. I want him to know how much I appreciated serving next to him on the Finance Committee. And we will be serving next to each other on the Judicially Committee in this upcoming year. I look forward to seeing him, as a nonlawyer, take over the controls from the Republican standpoint on the Judiciary Committee because even though the distinguished Senator from Iowa is a nonlawyer, he brings a practical balance to the Judiciary Committee—and to the Finance Committee up until now—that is sorely needed. He is one of the most respected people, by me, in this whole body of very, very strong minds and people. So I am grateful to him. I am grateful he is my friend, and I am grateful we can work together side by side in both of these committees.

I thank the Senator for all the hard work he has done in the Finance Committee all these years. I have watched him, I have sat beside him, and I have seen the products he has done, and the Senator has worked in good faith with both sides, and certainly with total honesty, and that is a high accolade right there.

Madam President, these are important issues. I know that not just the distinguished Senator from Iowa and myself feel deeply about them, but I hope we can get our colleagues together on both sides, and the President, who has indicated he is willing to compromise on this issue, and get this put over. If we could do that, I think the President will be better off, jobs will be better off, and in the end, our country—which is the ultimate goal—there is no doubt in my mind would be much better off.

With that, I thank my distinguished friend from North Dakota and yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

TAXES

Mr. DORGAN. Madam President, I decided some long while ago that I was going to leave the Congress after serving 30 years. So at the end of this year, I will conclude my work here in the U.S. Congress. But I was thinking—sitting in the Chamber, listening to my two colleagues, for whom I have great respect and profound disagreements with—I was thinking about how interesting it is that people of good faith—and they are two Senators of good faith—can feel very strongly about an issue. I feel differently about some of the issues they just described, and I sat here and resisted the urge to jump up every 5 or 10 minutes and engage in that discussion.

It is not a difference of opinion about whether we would like the American people to pay the lowest rate of taxes possible; it is, rather, in my judgment, about the rearview mirror of history, when historians gather 50 and 100 years from now and look back at this moment and say: All right, where was America then?

Well, America had a $13 trillion debt, a $1.3 trillion deficit. We are sending men and women off to war by the hundreds of thousands, strapping on body armor in the morning, getting shot at in the afternoon. About 20 million people are either unemployed or not working up to their potential because they could not find the job that fits them. There are record numbers of people on food stamps. So that is where America was then. And what was the debate on the floor of the Congress? How can you further cut revenue? How can you borrow money from the Chinese in order to give those who make $1 million a year a $100,000 a year tax cut? They are going to say: Are you kidding me? That is what the discussion was? Wasn't there discussion about whether it was wise to borrow $4 trillion more to extend tax cuts that came in 2001 because the President—then-President George W. Bush—felt we were going to have surpluses forever? The first surplus was the year before he took office, the last year of Bill Clinton, the first budget surplus in 30 years. Then they said: OK, we predict we are going to have surpluses for the next 10. President Bush said: Well, let's give them back, with very big tax cuts, the bulk of which go to upper income folks. I didn't vote for that. I thought: Why don't we be a little conservative? What if something happens? Well, it did—a terrorist attack, a recession, wars in Iraq and Afghanistan, debt as far as the eye can see, soldiers at war—and the discussion is how to further cut taxes, especially for upper income Americans. I am telling my colleagues, it is going to confound and confuse some future economists, how on Earth that could have been the major debate of the day in the Congress at this moment.

There is no preordained destiny for this country that this country will always be the dominant world power. That is not preordained. That will happen if this country begins again to make good decisions and tough decisions. People think times are tough now. They have been tougher in this country. Our parents and grandparents and those who came before them, those who homesteaded in sod huts, those

who traveled and populated this country out of wagon trains under the Homestead Act to go and buy a place and build a farm and raise a family, they had it tough, but they built communities and built a country and they did the right things. They made tough decisions. It is not a tough decision for us to say all 100 of us want tax cuts—well, I would like it if nobody paid taxes, if nobody had to pay taxes. But who is going to pay for the cost of things we do together, such as build schools to educate kids, build roads to travel, pay for defense so we can protect this country and on and on and on?

So I didn't come to talk about that, but I couldn't resist at least the urge to say our requirement for this country is to look well ahead and to ask: How do we retain the capability in this country so we will still remain a world economic power? This country needs jobs. This country needs the resurrection of a manufacturing base. We will not long remain as a country, a world economic power, if we don't have world-class manufacturing capability—making stuff—making things that say ''Made in America.'' That ought to be the discussion: how to put America back to work. There is no social program as important as a good job that pays well, and too many Americans are out of work at this point with a sick economy. The solution is not a tax cut for everybody. That is akin to going to a quack doctor who has only one recipe. He has a jug of thick brown liquid, and no matter what you have—the hiccups, gout, liver trouble—he ladles out some thick brown liquid, and he says: There it is. Take that and it will make you better.

We have people who have that vision here. Any urge, any itch, give them a tax cut. How about the Federal budget deficit? How about controlling spending? Yes, we have to control some spending and cut the deficit. Let's cut some spending and let's ask people who should be paying taxes and aren't now to pay their fair share of taxes. That is what we ought to do.

All right. I have that at least a little bit out of my system today.

ENERGY

I came to talk about something else. I came to talk about unfinished business toward the end of this year. There is still the ability to reclaim some success in an area that I think is very important. It is true, as I have just described, that jobs are very important in this country. It is also true that the economy, fiscal policy, debt, and deficits are very important and we need to get a hold on them and deal with them and respond to them and fix this country's economy. But it is also important that we need to address the subject of energy, and we have tried; we have tried so hard. We can decide it doesn't matter much. We can act as though it is irrelevant. But then tomorrow morning, just for a moment, what if all the American people couldn't turn on or off the alarm clock or turn on the light or turn on the hot water heater to take a hot shower or turn on the toaster or the coffee maker? What if they couldn't turn on the ignition to get to work? What if they didn't have lights at work? We use energy 100 ways before we start work and never, ever think about it. What if the switch didn't work? What if the tank wasn't full?

Let me describe the danger because this is not irrelevant. It is not an idle issue that this country could very well find itself belly side up with an economy that couldn't work because we couldn't find the energy we need. About 60 percent of the oil we need and use in this country comes from other countries. I have described hundreds of times on the floor that we stick little straws in the Earth and we suck out oil. About 85 million barrels a day is sucked out of this planet. On this little spot called the United States of America, we need to use one-fourth of it. One-fourth of everything we suck out of this Earth has to come to the U.S.A. We are prodigious users of oil. Much of that oil comes from areas of the world that are very troubled. There are some that don't like us very much. We send them over $1 billion, in some cases $1.5 billion a day, every single day to buy their oil. My colleagues know and I know that in some parts of the world enough money spills from that oil barrel to help fund terrorism. We know it. If we are that vulnerable, if our economy is in that much need of oil from others, particularly troubled parts of the world, if tomorrow that supply were interrupted or shut off and if that meant that this country's economy would be belly up just like that, do we then decide to do nothing about it or do we do something about it to address it in the context of national security?

We have armies. We commit armies to trouble spots around the world to protect our interests. Those armies can only operate if they have food and fuel. They need both. Energy security is the same as national security, and we have ignored for so long this issue of vulnerability that exists with respect to our energy future.

I wish to talk about what we need to do, and I wish to talk about my disappointment that we come now to November, almost December, 3 weeks left perhaps in December, and last June a year ago we passed an energy bill out of the Energy Committee that was bipartisan. It did a lot to address our energy security. Yet we will likely end this year with unfinished business, leaving behind that progress.

I wish to talk a little about the unbelievable progress in this country. In 1830, it took 3 weeks to travel from Chicago to New York—3 weeks from Chicago to New York City. Twenty-five years later, you could do it in 3 days: the transcontinental railroad. The transcontinental railroad changed everything. Then the automobile, the automobile came along, first with an electric engine and then the internal combustion engine and then it needed a substantial amount of oil. Then our government said: We understand that, so anybody who is going to look for oil or gas, we want to give you a big, permanent tax benefit. It was in the public interest to do that. So for a century we have said to people: Go find oil and gas because we need it. We have incentivized that drilling here in this country.

If we think of what has happened over this period I have described in travel and technology, including the automobile, the light bulb—I mean, think of the impact both those innovations have had in our lives; pretty unbelievable.

One day on a Saturday I was in Grand Forks, ND, and I met with our oldest resident, Mary Schumacher, 111 years old. She was spry—I shouldn't say ''spry'' because she wasn't moving very well, but she had a very keen mind and we were able to have a very good visit—111 years old. She talked to me about her memories of when she was 6 and watched the barn burn. She has a great memory. We talked about how things have changed in 100 years of her lifetime. By the way, I stopped at that nursing home to see Mary because I wasn't able to be there some months before when I was invited to go to her birthday party, and I was invited by her niece who showed up when I showed up that Saturday to visit Mary. Her niece put on the birthday party and her niece was 103 years old, in even better shape than Mary, moving around and fussing and making sure this visit with Mary was going well.

So we talked about the big changes in her life. I thought after I left there: Here is a person who has now lived over a century and she has seen everything. So let me think about her life.

In 1909—and she would have been nearly 10 years old then—in 1909, President Howard Taft, 5 foot 11 inches tall and 300 pounds, decided to get rid of the horse and buggy at the White House as the mode of transportation. He was the first President to decide he was going to buy an automobile. He bought a Baker electric car. President Taft might not have fit into a Mini Cooper had there been one back then, but he bought a Baker electric car, which goes to show batteries have a lot of power. There has been a lot of discussion about that these days. But isn't it interesting that an electric car for the White House in 1909—that is 100 years ago—that electric car, now a century later, 100 years later, is the subject of legislation I have on the floor of the Senate, along with Senator LAMAR ALEXANDER of Tennessee and Senator MERKLEY of Oregon; the Electric Vehicle Deployment Act, 100 years later. It is the new new thing. It is what we knew 100 years ago worked.

I wish to talk a little about these things and all the changes we have seen and why this issue is critical and why I feel so disappointed if we don't, in the final 3 weeks, at least take a

portion of that which we know needs to be done and do it because there is bipartisan agreement on a couple of these issues.

Let me mention them quickly. One, a renewable electricity standard so we try to induce more renewable energy production in this country. That is bipartisan. We have cosponsors in the Senate, including Senator BROWNBACK, who is a very strong supporter of that, a renewable electric standard. The Electric Vehicle Deployment Act, which I have described, Senator ALEXANDER and I and others, bipartisan; and the natural gas provision that Senator REID and Senator MENENDEZ have sponsored, that is also bipartisan. Those are things we can do and should do at the end of the year that is bipartisan that will advance our interests.

Why is it that energy is important? Well, one, the vulnerability to our economy if we were to see the supply of energy that is necessary shut off to this country at any point. So it is national security. No. 1, national security. No. 2, it is the issue of the domestic energy use and the conversion as a part of this national and energy security to conservation, No. 1, and the production of different kinds of energy, No. 2, and then, finally, the issue of environmental benefits of some of the changes that are necessary. We are coming to an intersection for the first time when we debate energy in which energy production and national security resulting from that comes to the same intersection as the issue of climate change. So everything is going to change. The question isn't whether, it is how. So I wish to talk just a bit about some of the things we can do, it seems to me, to address these matters.

Let me talk about electricity. We produce a lot of electricity from different sources, including coal and natural gas, and so on. Coal is our most abundant resource. Fifty percent of the electricity in this country comes from coal, but we have to use it differently because when we burn coal, we throw carbon into the air and we understand we can't continue to do that. So we need to find innovative ways to extract the carbon from coal to continue to use that resource. We can and we will, in my judgment. I chair the appropriations subcommittee that funds carbon capture technology. There are all kinds of people around this country doing innovative, wonderful, breathtaking things to find a way to decarbonize coal. It is going to happen, if we decide to make the investment in order to allow it to happen.

So electricity that comes from coal or natural gas and electric plants, one of the problems we have dealing with the electricity is the delivery from where it is produced to where it is needed. Back in the early days of moving electricity around, we would build a plant to produce the electricity and then a spiderweb network of transmission wires in a circle largely around the planet and that became the service area and they were not connected one to another. That is the way it was. Then, finally, we decided we needed to move electricity from one area to another, so we connected the grids, barely, but we never did go back and build a modern transmission system. The result is we have a system now that is not very reliable and can't effectively move power from where it is produced to where it is needed, particularly in the area of renewable power, where the wind blows and the Sun shines. Where you can produce wind energy and solar energy, we can't at this point have full effective capability to where you can move it to where you can produce it and where you need it.

So we need to build an interstate transmission system. We can't do that now. We need legislation to do that. We can't do it now as demonstrated by the fact that in the last 9 years, we have built 11,000 miles of natural gas pipeline to move natural gas around this country, and we have been able to build only 668 miles of interstate high-voltage transmission lines. Why? Because we have all kinds of jurisdictions that can say no and will say no, so you can't build transmission. So the legislation we passed out of the Energy Committee a year and a half ago now solved that problem, put us on the path to be able to build an interstate transmission system, a modern, rich system. We shouldn't lose that. We should proceed to get that opportunity in that legislation.

Let me talk a bit about oil and gas. We are actually producing more oil, for the first time—it has been a long while since we have been on the decline in production. Part of it is from my State. The Bakken formation is the largest formation of oil ever assessed in the history of the lower 48 States. There are up to 4.3 billion barrels of recoverable oil, according to the U.S. Geological Survey. With that, plus the role shale plays in much of the country, we are beginning to produce a bit more oil and gas at this point. That will stop quickly if we can't continue what is called hydraulic fracturing. We have to deal with that big problem. Most of us in this Senate, who come from areas where we produce fossil energy, believe this has been done for 50 years without a problem, and now it is under some siege. If we can't do hydraulic fracturing, that promise of natural gas supplies and new oil will evaporate. We need to continue—and we will—with the production of oil and natural gas in this country.

I also am a supporter of the production of ethanol and the biofuels. I think it makes sense to extend our energy supply, if we can do it every single year, using biomass, corn-based ethanol. That makes a lot of sense to me. The other issue I mentioned is coal. We are going to have to find a way to use coal by extracting the carbon. I believe we can do that. We need to make a much greater effort. We have tried to do that in legislation in the last year or two.

Then we have nuclear energy. We will build some nuclear plants. We are going to do that. I believe we ought to do everything, and do it well, including wind, solar, geothermal. All of the renewables have great promise. I understand that in this country, for a long while, it was that real men dig and drill, and if you are somebody who supports wind or solar energy, go smoke your pipe, read a few books, and have a leather patch on your jacket. Real men dig and drill, and the rest of you are a bunch of nuisances. That was the thought that existed for a long time. It is not true anymore. We are going to dig and drill and do it differently and protect this country's environment. We are also going to incentivize and see the production of substantial amounts of additional energy from the wind and the Sun. It makes sense to do that, in order to expand our energy supply, protect our environment, produce additional jobs. All of these issues I have talked about are very job creating.

Yet, in many ways, the legislation we have worked on languishes because we are told we don't have time. This is urgent. It is about the vulnerability of our economy, about our national security, and it is about jobs. We ought to get about the business of deciding this is a priority.

If I can describe, in summary, here is how we address energy issues: Produce more, yes, in every area. Produce more wind and solar energy, incentivize it. Produce more oil—and we are doing that—and natural gas. Expand ethanol capabilities and geothermal. We can do all of these things. We are building nuclear plants now. We will see some new ones come online. As a country, we ought to do what the French are doing with respect to reprocessing and recycling and reduce that 100-percent body of waste down to 5 percent. That is what they have been doing for some while. We ought to do that—the renewables are so important—and then move toward the electric vehicle deployment, so we can take advantage of all of this. I mentioned to you that we produce about 85 million barrels a day of oil—about 21 million barrels here in the United States, about one-fourth of the oil, and 77 percent of the oil we use in this country is used in vehicles.

If you are going to reduce the use of oil and reduce our vulnerability from too many exports of oil, then you have to do something about transportation. That is why this electric vehicle issue is so very important. It is the same with respect to natural gas vehicles and long-haul trucking across a network in this country. Electric vehicles are important. I have always been a fan, as well, of hydrogen and fuel cells. I think it is probably just beyond electric vehicles. Also, a fuel cell vehicle runs on electricity. It is interesting to get in and drive a hydrogen fuel cell vehicle and find that you can put your nose right down at the exhaust pipe, because it is just water vapor. It doesn't have a sound. It puts water

vapor out the back and has twice the power at the wheel. I think that is what our grandchildren and great-grandchildren are going to drive. All of these issues are so important to this country's future.

Again, I end as I started, by saying how profoundly disappointing it is that at the end of the session we understand how important this issue is and how little has been able to be done. There is still time. We could pass legislation called the Electric Vehicle Deployment Act. We could do that. We could pass legislation calling for a renewable energy standard, renewable electricity standard. This isn't rocket science. These are not complex issues that people can't understand. They understand them. Both political parties have strong supporters for these things. As we turn to December, it seems to me that as we contemplate probably 3 weeks in December on the floor of the Senate, we ought to at least consider what portion of an energy system and energy future can we embrace that came out of the Energy Committee in the Senate. The Electric Vehicle Deployment Act is the legislation that came out most recently and passed 19 to 3 by the Energy Committee—strongly bipartisan. Why wouldn't we take that up? Why would we not complete work on that and advance this country's future?

The other day I talked about the two dune-buggy-size vehicles on the surface of Mars. I did it because I was talking to some people in North Dakota, who said nothing is going right, everything is going to hell in a hand basket, and nothing the government touches works for sure. They were down. I told them the story about the two dune-buggy-size vehicles we are driving on the surface of Mars. Five years ago, 1 week apart, we ignited rockets, and they lifted off on the west coast of the United States, and they were on their journey to Mars—1 week apart. The first rocket transported its payload to the surface of Mars, which landed on Mars with a thump and a bounce. It was in a shroud. When it stopped bouncing and stayed still, the shroud opened, and out of the shroud drove a dune-buggy-size vehicle on the surface of Mars. One week later, the second payload was deposited on the surface of Mars. The shroud bounced, opened, and the second vehicle drove off to the surface of Mars. That was 5 years ago. One's name is Spirit and one is Opportunity—two little vehicles, Spirit and Opportunity. They were supposed to last 90 days on the surface of Mars, giving us information about what we could learn about this strange planet.

Five years later, Spirit and Opportunity are still moving. It takes us 9 minutes to communicate with Spirit or Opportunity, to send them a message. At one point, Spirit fell dead asleep, and we communicated with a satellite orbiting Mars and had the satellite communicate with Spirit, and Spirit woke up. Spirit, they say, has an arm that was used to sample the soil of Mars. That arm has become just like old men become, rheumatoid and arthritic, and now hangs at a strange angle because of that machine arthritis it has, apparently. Also a wheel broke, among the five wheels, but it didn't fall off; it is hanging. As Spirit traverses the surface of Mars, it drags one wheel that digs a slightly deeper 2-inch hole in the surface of Mars, and the arthritic arm reaches back and tells us what is happening on Mars.

How is all of this happening? First of all, it is unbelievable engineering, right? Can you imagine the people who put this together, to send dune buggies we could drive on the surface of Mars, and then they last 5 years when they were supposed to last 90 days? How are they powered? Do they have a Briggs and Stratton engine and somebody pulls it and gets them started? No. They are powered by the Sun. They have solar cells that allow us to have the power to drive dune buggies on the surface of Mars. Is it beyond our reach to believe that if we can power dune buggies with solar cells on Mars, we can fix a few of these things here on planet Earth? Of course that is not beyond our reach. Of course we can do that. In fact, the very names of these dune buggies—Spirit and Opportunity—ought to be the names on these desks in this Chamber: Spirit and Opportunity.

I started by saying there is no preordained destiny for this country to do well. It always has done well. When I grew up, I knew we were the biggest, the strongest, the best, and had the most. We could beat anybody with one hand tied behind our back. That will not always be the case. We will not remain a world economic power, unless we make smart decisions. Our parents and grandparents did. Every parent in this country has sacrificed for their kids. I don't know what is in second, third, or fourth place to most people, but first place is their kids. The question is whether it is on fiscal policy or energy policy. The question is, what are we willing to do for our kids? What kind of future do we want to leave our kids? Do we want to leave them deep in debt or vulnerable on energy production, which may leave us in the dark one day? I don't think so. This country can do much better than that.

Neither party has been much of a political bargain recently. Both parties need to do better. I have strong feelings about which has better ideas at the moment, and I will not be partisan on the floor, except to say that this country deserves more. It is not just coming out here talking about how can we cut taxes for everybody; it is how do we tighten our belts and ask those who are supposed to pay taxes to pay them, getting deficits under control, and getting people back on payrolls, and incentivizing businesses to create jobs.

How do we address energy issues? It is time for this country to be serious—this Congress—about doing things that are necessary, which may require sacrifice from all of us. If young men and women are willing to leave their homes to go to Afghanistan today for a year because their country asks them to, we can do no less than make sacrifices that are thoughtful on behalf of our future, so they won't come home and find a bigger deficit and more unemployment, but instead that we made the tough decisions to fix these things. We are going to fix this because it is important for the country's future.

As I said when I started, this issue of energy is so very important and is unfinished business. In my judgment, we ought not to include at the end of this year an energy bill, or components of one, that I think could be very important to this country's future, to jobs, and to our national security.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, in a very short while here—literally, in about 40 minutes—the time will be expired and we will be voting on the motion to proceed to the Food Safety Modernization Act. The Food Safety Modernization Act. One can wonder why did we have to go through a cloture motion and a vote on that the other day. We got 74 votes on it. But it looks as though now we are going to have to have another vote on the motion to proceed after we have had 74 votes.

A lot of effort has gone into this bill by a lot of people—Republicans and Democrats—and, Lord knows, our staff. This bill has been germinating and being put together over the course of at least the last 3 or 4 years anyway, and probably a little before that when we started. I know Senator DURBIN has been working on this for several years, as have Senator GREGG, Senator DODD, and others. So this has all been put together over a period of several years. But I would say over the last 4 years, diligent work has gone into this bill, and certainly again in the last year.

It was 1 year ago, November 18—1 year ago today—that this bill was reported out of our HELP Committee, which I chair. It was reported out without one dissenting vote. It is a bill that is supported by so many different groups and so many different people. Here is a list of the people supporting this bill. We worked hard to get a broad base of support from both industry and consumers. As I have said, this may be one of the only bills I have seen around here that has the support not only of the Food Marketing Institute and the Grocery Manufacturers Institute and the Center for Science in the Public Interest. So we have both consumer groups and the business groups

supporting this—the U.S. Chamber of Commerce and the U.S. Public Interest Research Group. When have those two ever been together on a bill? And the Snack Food Association and the Pew Charitable Trusts. I mean, we have wide support for this.

The industry wants this. They want it because they know our food safety laws have not been upgraded in seven decades—since 1938, before I was born. Think about how our food has changed in our society and how we produce it and how we process it and how we ship it, not to mention the amount of foreign foods coming into this country. Consumers want it because we know a lot of people are getting sick.

I will hasten to add that we do have one of the safest food supplies in the world. But that is not good enough, because we know how many people get ill every year. Thousands of people are contaminated by food poisoning every year—E. coli, salmonella. I have met with families here from Safe Tables Our Priority. I have met with families of kids who are damaged for life because they happened to eat the wrong thing—they ate some spinach or a tomato or fish, shellfish, or something such as that. These kids are maimed for life.

We have worked very hard to put this bill together. As I said, 1 year ago it came out of our committee without one dissenting vote. But there were still some problems out there, and so we worked very hard since last November to try to reach an agreement on this bill. And we have a broad agreement. As I said, we had 74 votes on the floor of the Senate the other day.

One of my colleagues has raised a lot of issues on this bill. My good friend from Oklahoma, Senator COBURN, is on our committee, and he has raised a lot of concerns about this bill. I have met with him several times and we have had good discussions. I know he said some nice things about me on the floor earlier, and I appreciate that, and I would repay those in kind; that Senator COBURN is a very thoughtful person and he focuses on these things. He reads these bills and he gets involved. This is not something off the seat of his pants. He has focused on this. Some of the suggestions he made I thought were valid. We looked through them and we incorporated a lot of the suggestions made by my friend from Oklahoma into this bill.

We were also willing to go to the consumers and say, look, this is okay. None of us—not any one Senator around here—has infinite wisdom. Only one person has infinite wisdom. No Senators have infinite wisdom. I can't say I have ever written a bill in its entirety that got through here without having anything changed, because we don't know everything. So we rely upon one another in good faith to suggest changes, to point out things maybe we didn't see due to our blinders. We help each other put together bills that have broad support and broad consensus so that we move ahead as a society. To me, that is the way I think we ought to operate.

So when other people were making suggestions—and I didn't mean to single out Senator COBURN, because others too had made suggestions—we tried to work with them to incorporate certain provisions in the bill. Senator TESTER, for example, on our side had suggestions about exempting certain small producers. That raised the consternation of many on the consumer side. It also raised the consternation of many on the business side. A lot of the bigger businesses said: Well, if we have to do this, you can get just as sick from eating things from small producers too. So we had to work through that. But we did work through it. It took us several months but we worked through and we got an agreement.

Quite frankly, we had good input from the Republican side—from Senator GREGG, Senator ENZI, and Senator BURR. I mention those individuals because they have been very integral to this process on our committee. We have worked through that and we got an amendment that satisfies the small producers and the consumers and the business community and the large producers. Not easy. Not easy. But compromises a lot of times aren't very easy. It is a compromise that we worked through. We worked through Senator TESTER's amendment too. That took a long time.

We were not able to reach an agreement on Senator FEINSTEIN's amendment. We agreed not to incorporate it because we could not reach an agreement on it—on the BPA amendment, even though it is very important to her and very important to a lot of people.

We have tried to get something together that would have this broad consensus and yet move us forward in making our food safer, and I believe this bill does that. This bill does this in four ways:

It improves the prevention of food safety problems. That is key. For many years, I served as chair or ranking member on the Agriculture Committee—35 years, both here and in the House. Many years ago, we came up with a program of prevention. Rather than solving the problem later, the question was: How do we prevent pathogens from entering the meat supply? We came up with this proposal of finding the access points. Where are the points in the process where contaminants and pathogens can come in? Let us have the industry come up with plans on how to prevent that on their own. That has worked. Does it work 100 percent every single time? No. But nothing is ever perfect.

I would hasten to add that even if we pass this bill, will it prevent every single foodborne illness forever and ever? Probably not. Probably not. But it is going to be a lot better than what we have right now, a lot better, because we are going to look at prevention—preventing the pathogens from entrance in the first place. So that is one way we do it.

Secondly, it improves the response to detection of foodborne illness outbreaks when they do occur. In other words, we will be able to detect it earlier and respond earlier than we have been able to do in the past.

It enhances our Nation's food defense capabilities. Every year, 76 million Americans get sick from foodborne illnesses—76 million. So the stakes are too high not to act.

These are the critical ways in which we have moved the ball forward. Again, I know my friend from Oklahoma has said to me many times that it will not solve all your problems. I understand that. It is not perfect. But there is an old saying: Don't let the perfect be the enemy of the good. This is a good bill. It is going to help keep our people from getting sick. Everyone? No. I would never stand here and say this is going to solve every single foodborne illness problem in America. But it is sure going to do a lot more than we have been doing.

Again, I want to make it clear that if anyone says we are trampling on the rights of the minority, I ask you to consider all we have done. We have a bipartisan team in place, we have modified the bill dozens of times to get the right balance, we have all made tremendous compromises—Democrats and Republicans, consumers and business. As I said, we agreed to compromises just lately. The mandatory inspection schedule, which is so important to the public health community, has been reduced tenfold—tenfold—since that bill was reported out of our committee unanimously 1 year ago. We accepted language, as I said, which exempted the small facilities from these new requirements—the Tester amendment. We agreed to changes in the section on traceback, which limits the application of the new rule to farms and restaurants. There is no registration fee to help pay for the bill. The routine access to records the FDA wanted, we don't do that either.

That is a short list. I can go on and on. I think one of my friends on the other side said we have bent over backward, and we have. We wanted to reach a point where we could move ahead with the bill, even offering to let some amendments be offered and we would vote on those amendments. But what has happened now, I understand, is that the Senator from Oklahoma, my friend, has now said he wanted to offer an amendment dealing with earmarks.

Look, earmarks is an issue. It is an issue that the next Congress, I would say—probably the next Congress—is going to have to address. But it should be done in the spirit of debate. It should be done in the spirit so committees that have relevant jurisdiction can look at this, make recommendations. We should not do it in the heat of passion, right now. We just came off of a very heated election. There have been a lot of changes made. I understand that.

We live with that. That is fine. But now is not the time to start throwing up red-hot issues that were in the campaign. Let's let things cool down a little bit and approach an issue such as earmarks thoughtfully, with due diligence and with due debate.

This bill that is going to protect our people from getting sick and our kids from being injured for lifetimes because they eat contaminated peanut butter—this is not the bill to deal with something dealing with earmarks. I hope my friend from Oklahoma will relent. There will be plenty of time and plenty of opportunities when we come back in January with a new Congress, I say to my colleague from Oklahoma, to bring up the matter of earmarks and have it debated fully and have some kind of resolution by both the Senate and the House on that issue—but not right now. This is not the time to do it, not in the heat of coming off the campaign.

Let's keep our eye on the ball. This is a food safety bill. We have come so close. We have an agreement from the House that what we pass here, the bill we have put together, that we reached all these compromises on—we have an agreement from the House, if we pass it and we do get significant—we get bipartisan support, that the House would take it and pass it and send it right to the President. What more could you ask for than that? We get to decide what the President actually signs into law.

Without going into every little thing we have done here, let me just mention a few.

Senator COBURN was concerned about the authorization level, so we offered in good faith to reduce it by 50 percent. That is kind of a compromise—we just reduced the authorization by 50 percent on the grants. We offered to modify the sections on performance standards and surveillance. It is completely done. We completely struck section 510. We called for increasing the hiring of FDA staff. In our bill, we called for increasing staff to conduct certain inspections. My friend objected to that. In the spirit of compromise, we struck it. We said no, we are not going to call for increasing hiring of field staff. Mr. COBURN had some concerns—rightfully so, by the way—about improving coordination between FDA and USDA, so we offered to add his language that would force them to get together and not duplicate efforts, and on the customs side, too, so we would eliminate any kind of duplication of inspections. We put that in the bill.

We offered to do all this and to put it in the bill, and we did, and that will be in our amendment that we offer. We will in good faith put those things in our bill. But then I am told that now we are probably going to have to file cloture, fill the tree, and do all that stuff which I was hoping we would not have to do. That is not the way to do business here. I don't like doing it that way. That is why we worked so hard to try to reach these agreements. But I guess we are going to be forced to do that. I hope that is not so.

I also heard that maybe someone might want to read the bill. That is 4 hours of reading the bill. That bill has been out here for a year. If anybody wanted to read it, they could have read it by now. But that is just another delaying tactic we really do not need.

Again, on this issue of saying we cannot vote on this bill unless we will vote on earmarks, I say earmarks is an important issue. I am happy to have the debate and to have a vote on that but not now. This is a food safety bill. We have it ready to go. We have all our compromises in place. This is not the time and this is not the bill on which to debate the whole issue of earmarks.

You might say, why are we so willing to compromise, why am I so passionate on this bill? Because people are dying. We have Thanksgiving coming up. People will be gathered around with their families—except for all those people in homeless shelters. Mr. President, 950,000 children in America who go to elementary, middle, and high school will not have a home to go to this Thanksgiving because they are living in homeless shelters. Think about that. They are living in cars and homeless shelters. They are being shunted around—950,000. Am I going to stand here and say that if we pass this bill and get it to the President, that is going to keep any one of them from getting sick on what they might eat on Thanksgiving Day? I am not here to say that. But what this bill will do is send a strong signal that we are going to take the steps necessary in the coming months and years to upgrade our food safety system so that the chance, the likelihood of them ever getting sick from eating contaminated food is going to be greatly decreased. Surely we can at least send that hopeful message out to our families before Thanksgiving. Surely we could do that and not get bollixed up around here in politics and political debate.

I know of no politics on this bill. I know of no politics. I mean Democrat, Republican, left, right, liberal, conservative—I don't know of anything like that. There is not. I do know that this issue of earmarks, regardless of the substantive issue, is a political issue too. They may have substantive reasons, but there is also a lot of politics hanging around that.

Let's take the bill that has no politics, knows neither left nor right, conservative, liberal, Democrat, or Republican. It has nothing to do with earmarks or what we ever do with earmarks or anything else. It has to do with the safety and welfare of our American families, of our kids. I am just asking people to be reasonable.

There is a time and place for political debate, even here on the Senate floor. We may say it does not happen, but we know it does. There is a time and place for that. That will happen—not now, not on this bill. We have come too far. We are too close. We have too many compromises that we made that are so widely supported. I am afraid that if we lose this, all the good work that has gone in in the last year, the last 2 years, the last 4 years putting this together, it is going to be very hard to put it back together again. So people will continue to roll the dice when they buy food. Maybe it is safe and maybe it is not.

We will continue to see more things happen like what happened to Kayla Boner, Monroe, IA, age 14. On October 22, 2007, she turned 14 and passed her learner's permit. The next day, she stayed home. She had a foodborne illness due to E. coli contamination. She was admitted to the Paella, IA, Community Hospital. Her symptoms worsened. She didn't respond to antibiotics, and within a week her kidneys began to fail. Kayla was transferred to Blank Children's Hospital for dialysis, but her condition continued to deteriorate. She suffered a seizure and began to have heart problems. A few days later, Kayla's brain activity stopped, and her parents made the painful decision to take their beautiful daughter off life support.

For Kyle Allgood—spinach. His family is going to have an empty seat at their Thanksgiving table this year. Kyle, a playful 2-year-old, fell ill after eating bagged spinach contaminated by a deadly strain of E. coli. They thought it was flu. He began to cry from excruciating abdominal pain. He was flown all the way to a Salt Lake City hospital. His kidneys failed, he had a heart attack, and he died—from eating bagged spinach.

Stephanie Bartilucci's family is also going to have an empty seat at their Thanksgiving table this year—killed by listeria, eating lettuce. She was 30 weeks pregnant, Stephanie was. She felt that something was wrong. When she went for an ultrasound, it showed that the baby was not moving. She had contractions, and eventually her heart began to beat dangerously fast and she had to undergo an emergency C-section. When she awoke, she found that her baby boy had bleeding in his brain and couldn't breathe on his own. He was intubated and brain dead. Stephanie soon discovered she had been suffering from a bacterial infection from eating contaminated lettuce. The bacteria was so deadly that she became septic and almost lost her own life. Her newborn baby, Michael, died in her arms that night.

There are also families who have had loved ones survive foodborne illnesses, but their lives will never be the same, such as Rylee Gustafson and her family. On Rylee's ninth birthday, she began to complain of stomach pain after eating E. coli-contaminated spinach. Within 72 hours, she had been admitted to UCSF Children's Hospital. Her kidneys began to fail, and dialysis treatments were started. In addition to kidney failure, she experienced hallucinations and temporary loss of vision,

developed high blood pressure and diabetes, and had fluid buildup in her lungs and around her heart. On the 10th day of hospitalization, Rylee's condition had deteriorated to the point where the doctors believed it necessary to prepare her family that she might not pull through. Rylee spent 35 days in the hospital and will have to endure the memories of that traumatic time for the rest of her life. The long-term effects of her illness are currently unknown.

How many Americans will have to die, how many of these kids will become sick before we fulfill our responsibility to modernize our woefully outdated food safety system?

How many families will have to endure a tragic loss before we pass this legislation? One more tragedy is one too many. I urge my colleagues, as they think about their holiday plans and their preparations, to take a moment to think about families who have had their holidays disrupted by contaminated food. Five thousand people die every year in this country because of contaminated food. Among them are many children. As they spend the day with their loved ones preparing Thanksgiving banquets, the last thing people want is to be jeopardized by the threat of food contamination. Yet many families are haunted by this. It is unacceptable. It is past time we do something. We have come too far. We have reached compromises. We have the support of many sectors of society.

Again, if we pass this bill, will it ensure that no kid like Rylee will ever get sick again? I can't make that promise. Or that no one will ever die? I can't make that promise. But I can promise this: With the passage of this bill, putting it into law, the chances there will be another Rylee Gustafson will be diminished greatly.

Let's not get this caught up in politics. Let's get the politics out of this. Let's vote on the bill. Let's get it through. Let's go home. Let Senators go home for Thanksgiving grateful that we have done a good thing, that we have done something good for our country, and that we didn't let it get all boxed up in politics. Isn't that the least we can do for the country on this Thanksgiving week?

I yield the floor.

Mr. SPECTER. Madam President, I have sought recognition to speak in favor of my amendment No. 4693 to the FDA Food Safety Modernization Act S.510 to permit emergency scheduling of designer anabolic steroids.

Anabolic steroids—masquerading as body building dietary supplements—are sold to millions of Americans in shopping malls and over the Internet even though these products put at grave risk the health and safety of Americans who use them. The harm from these steroid-tainted supplements is real. In its July 28, 2009, public health advisory, the FDA described the health risk of these types of products to include serious liver injury, stroke, kidney failure and pulmonary embolism. The FDA also warned:

> [A]anabolic steroids may cause other serious long-term adverse health consequences in men, women, and children. These include shrinkage of the testes and male infertility, masculinization of women, breast enlargement in males, short stature in children, adverse effects on blood lipid levels, and increased risk of heart attack and stroke.

New anabolic steroids—often called designer steroids—are coming on the market every day, and FDA and DEA are unable to keep pace and effectively stop these products from reaching consumers.

At the Senate Judiciary Subcommittee on Crime and Drugs hearing I chaired on September 29, 2009, representatives from FDA and DEA, as well as the U.S. Anti-Doping Agency, testified that there is a cat and mouse game going on between unscrupulous supplement makers and law enforcement—with the bad actors engineering more and more new anabolic steroids by taking the known chemical formulas of anabolic steroids listed as controlled substances in schedule III and then changing the chemical composition just slightly, perhaps by a molecule or two. These products are rapidly put on the market—in stores and over the Internet—without testing and proving the safety and efficacy of these new products. There is no prenotification to, or premarket approval by, Federal agencies occurring here. These bad actors are able to sell and make millions in profits from their designer steroids because while it takes them only weeks to design a new steroid by tweaking a formula for a banned anabolic steroid, it takes literally years for DEA to have the new anabolic steroid classified as a controlled substance so DEA can police it.

The FDA witness at the hearing, Mike Levy, Director of the Division of New Drugs and Labeling Compliance, acknowledged that this is a ''challenging area'' for FDA. He testified that for FDA it is ''difficult to find the violative products and difficult to act on these problems.'' The DEA witness, Joseph T. Rannazzisi, Deputy Assistant Administrator for DEA, was even blunter. When I questioned him at the hearing, Mr. Rannazzisi admitted that ''at the present time I don't think we are being effective at controlling these drugs.'' He described the process as ''extremely frustrating'' because ''by the time we get something to the point where it will be administratively scheduled [as a controlled substance], there's two to three [new] substances out there.''

The failure of enforcement is caused by the complexity of the regulations, statutes and science. Either the Food Drug and Cosmetic Act, which provides jurisdiction for FDA, or the Controlled Substances Act, which provides jurisdiction for DEA, or both, can be applicable depending on the ingredients of the substance. Under a 1994 amendment to the Food Drug and Cosmetic Act, called the Dietary Supplement Health and Education Act, DSHEA, dietary supplements, unlike new drug applications, are not closely scrutinized and do not require premarket approval by the FDA before the products can be sold. Premarket notification for dietary supplements is required only if the product contains new dietary ingredients, meaning products that were not on the U.S. market before DSHEA passed in 1994.

If the FDA determines that a dietary supplement is a steroid, it has several enforcement measures available to use. FDA may treat the product as an unapproved new drug or as an adulterated dietary supplement under the Food Drug and Cosmetic Act. Misdemeanor violations of the Food Drug and Cosmetic Act may apply, unless there is evidence of intent to defraud or mislead, a requirement for a felony charge. However, given the large number of dietary supplement products on the market, it is far beyond the manpower of the FDA to inspect every product to find, and take action against, those that violate the law—as the FDA itself has acknowledged.

The better enforcement route is a criminal prosecution under the Controlled Substances Act. However, the process to classify a new anabolic steroid as a controlled substance under schedule III is difficult, costly and time consuming, requiring years to complete. Current law requires that to classify a substance as an anabolic steroid, DEA must demonstrate that the substance is both chemically and pharmacologically related to testosterone. The chemical analysis is the more straightforward procedure, as it requires the agency to conduct an analysis to determine the chemical structure of the new substance to see if it is related to testosterone. The pharmacological analysis, which must be outsourced, is more costly, difficult, and can take years to complete. It requires both in vitro and in vivo analyses—the latter is an animal study. DEA must then perform a comprehensive review of existing peer-reviewed literature.

Even after DEA has completed the multiyear scientific evaluation process, the agency must embark on a lengthy regulatory review and public-comment process, which typically delays by another year or two the time it takes to bring a newly emerged anabolic steroid under control. As part of this latter process, DEA must conduct interagency reviews, which means sending the studies and reports to the Department of Justice, DOJ, the Office of Management and Budget, OMB, and the Department of Health and Human Services, HHS—provide public notification of the proposed rule, allow for a period of public comment, review and comment on all public comments, write a final rule explaining why the agency agreed or did not agree with the public comments, send the final rule and agency comments back to DOJ,

OMB and HHS, and then publish the final rule, all in accordance with the Administrative Procedures Act. To date, under these cumbersome procedures, DEA has only been able to classify three new anabolic steroids as controlled substances and that process—completed only after the September 29, 2010, Senate Judiciary subcommittee hearing—took more than 5 years to finish.

It is clear that the current complex and cumbersome regulatory system has failed to protect consumers from underground chemists who easily and rapidly produce designer anabolic steroids by slightly changing the chemical composition of the anabolic steroids already included on schedule III as controlled substances. The story of Jareem Gunter, a young college athlete who testified at the hearing, illustrates the system's failure. To improve his athletic performance 4 years ago, Jareem purchased in a nutrition store a dietary supplement called Superdrol, a product he researched extensively on the Internet and believed was safe. Unfortunately it was not. Superdrol contained an anabolic steroid which to this day is still not included in the list of controlled substances. After using Superdrol for just several weeks, Jareem came close to dying because this product—which he thought would make him stronger and healthier—seriously and permanently injured his liver. He spent 4 weeks in the hospital and has never been able to return to complete his college education.

To close the loopholes in the present laws that allow the creation and easy distribution of deadly new anabolic steroids masquerading as dietary supplements, I filed amendment No. 4693 to the FDA Food Safety Modernization Act S.510 to permit emergency scheduling of designer anabolic steroids. The amendment simplifies the definition of anabolic steroid to more effectively target designer anabolic steroids, and permits the Attorney General to issue faster temporary and permanent orders adding recently emerged anabolic steroids to the list of anabolic steroids in schedule III of the Controlled Substances Act.

Under the amendment, if a substance is not listed in schedule III of the Controlled Substances Act but has a chemical structure substantially similar to one of the already listed and banned anabolic steroids, the new substance will be considered to be an anabolic steroid if it was intended to affect the structure or function of the body like the banned anabolic steroids do. In other words, DEA will not have to perform the complex and time consuming pharmacological analysis to determine how the substance will affect the structure and function of the body, as long as the agency can demonstrate that the new steroid was created or manufactured for the purpose of promoting muscle growth or causing the same pharmacological effects as testosterone.

Utilizing the same criteria, the amendment permits the Attorney General to issue a permanent order adding such substances to the list of anabolic steroids in schedule III of the Controlled Substances Act.

The amendment also includes new criminal and civil penalties for falsely labeling substances that are actually anabolic steroids. The penalties arise where a supplement maker fails to truthfully indicate on the label—using internationally accepted and understandable terminology—that the product contains an anabolic steroid. These penalties are intended to be substantial enough to take away the financial incentive of unscrupulous manufacturers, distributors, and retailers who might otherwise be willing to package these products in a way that hides the true contents from law enforcement and consumers.

Finally, the amendment adds to schedule III 33 new anabolic steroids that have emerged in the marketplace in the 6 years since Congress passed the Anabolic Steroid Control Act of 2004. It also instructs the U.S. Sentencing Commission to review and revise the Federal sentencing guidelines to ensure that where an anabolic steroid product is illegally manufactured or distributed, and that product is in a tablet, capsule, liquid or other form that makes it difficult to determine the actual amount of anabolic steroid in the product, the sentence will be based on the total weight of the product.

Amendment No. 4693 simplifies and expedites the process for scheduling anabolic steroids as controlled substances. By making this simple procedural change, we can protect the health and lives of countless Americans and provide an effective enforcement mechanism to hold accountable those individuals and their companies which purposefully exploit the current regulatory system for their selfish gain. I urge my colleagues to pass amendment No. 4693 to the FDA Food Safety Modernization Act S. 510.

Mr. CONRAD. Madam President, section 311(c) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, aggregates, and other appropriate levels and limits in the resolution for legislation that would improve the safety of the food supply in the United States. This adjustment to S. Con. Res. 13 is contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

I find that S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply, fulfills the conditions of the deficit-neutral reserve fund for food safety. Therefore, pursuant to section 311(c), I am adjusting the aggregates in the 2010 budget resolution, as well as the allocation to the Senate Health, Labor, Education, and Pensions Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 311(c) DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2009	1,532.579
FY 2010	1,612.278
FY 2011	1,939.131
FY 2012	2,142.415
FY 2013	2,325.527
FY 2014	2,575.718
(1)(B) Change in Federal Revenues:	
FY 2009	0.008
FY 2010	–53.708
FY 2011	–149.500
FY 2012	–217.978
FY 2013	–189.810
FY 2014	–57.940
(2) New Budget Authority:	
FY 2009	3,675.736
FY 2010	2,907.837
FY 2011	2,858.866
FY 2012	2,831.668
FY 2013	2,991.128
FY 2014	3,204.977
(3) Budget Outlays:	
FY 2009	3,358.952
FY 2010	3,015.541
FY 2011	2,976.251
FY 2012	2,878.305
FY 2013	2,992.352
FY 2014	3,181.417

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 311(c) DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY

[In millions of dollars]

Current Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	–22,612
FY 2009 Outlays	–19,258
FY 2010 Budget Authority	4,159
FY 2010 Outlays	1,295
FY 2010–2014 Budget Authority	43,782
FY 2010–2014 Outlays	43,026
Adjustments:*	
FY 2009 Budget Authority	0
FY 2009 Outlays	0
FY 2010 Budget Authority	0
FY 2010 Outlays	0
FY 2010–2014 Budget Authority	0
FY 2010–2014 Outlays	0
Revised Allocation to Senate Health, Education, Labor, and Pensions Committee:*	
FY 2009 Budget Authority	–22,612
FY 2009 Outlays	–19,258
FY 2010 Budget Authority	4,159
FY 2010 Outlays	1,295
FY 2010–2014 Budget Authority	43,782
FY 2010–2014 Outlays	43,026

**According to CBO, the amendment in a nature of a substitute would increase revenues from civil and criminal penalties and related spending by less than $500,000. The reserve fund adjustment accommodates this negligible increase in revenues and spending.

Ms. MIKULSKI. Madam President, I rise to address one of the most important issues facing our Nation, the safety of America's food supply. I support the FDA Food Safety Modernization Act that will help reduce the rash of contaminated foods that have recently entered our food supply. Every person should have confidence that their food is fit to eat.

While the FDA has always been the gold standard in maintaining the safety and efficacy of our food and drugs, the salmonella outbreak in eggs over the summer made it painfully clear that we need to do more—and that the law needs updating. The outbreak resulted in as many as 79,000 illnesses, 30 deaths, and the recall of roughly one half billion eggs. Beyond that, the Centers for Disease Control informs us that 76 million people get sick, and 5,000 die, each year from foodborne illnesses. Just last week the FDA warned Marylanders about a potential outbreak of E. coli in apple cider sold in the State.

I applaud the quick action by the FDA in responding to these food outbreaks, but we can do better. FDA Commissioner Margaret Hamburg has told us that she needs more resources and more authority to oversee the way our food is produced and monitored. That is why, as a committed advocate of food safety nationwide, I support the FDA Food Safety Modernization Act.

This bipartisan bill would give the FDA authority to order mandatory food recalls for unsafe foods if companies don't do it themselves. It sets FDA safety standards for produce, creates stronger FDA regulations for sanitary food transportation from our producers to our grocery stores, and establishes FDA pilot projects to better track where fruits and vegetables come from.

This bill also emphasizes prevention and taking action to prevent food outbreaks from occurring in the first place. It ensures that facilities have food safety plans in place to identify, evaluate, and address food safety hazards. With the growing amount of food that is imported globally, this bill ensures imported food meets the same safety standards as domestic food by requiring importers to verify the safety of foreign suppliers and imported food. This bill would grant the FDA the authority it needs to protect the health of our families.

It is time we get serious about the safety of our Nation's food. The health of Americans is not something to take a chance with. It is important that we make food safety a top priority. We must pass the FDA Food Safety Modernization Act and empower the FDA to set safety standards and hold food producers accountable.

Mr. DURBIN. Madam President, I would like to say a few words on this legislation because it is something I have worked on for many years. I can't thank Senator HARKIN and Senator ENZI and others enough for their hard work in bringing this issue to this moment in time. Several things have been stated during the course of the debate which I would like to address. Most of them were stated by my friend from Oklahoma, Senator COBURN. At this point he is the only Senator holding up this bill from consideration, one Senator.

At this point 89 percent of the American people support food safety reform to make our food safer and to have more inspections of imported food so our children and family members don't get sick; 89 percent support it. The bill has substantial bipartisan support. Twenty Republican and Democratic Senators are committed to this bill. Seventy-four Senators, almost three-fourths of the Senate, voted to move forward on this bill, a strong bipartisan roll call. The House passed a companion bill with the support of 54 Republicans. We know it is a bipartisan issue. This should not be a partisan fight.

Senator COBURN objected to giving the Federal Government the authority to recall a dangerous food product. Most people believe if there is a dangerous food product in stores across America, the Federal Government sends out a notice, and it is brought in. That is not the case. The Federal Government does not have the legal authority to recall any food products. All it can do is publicize that the products are dangerous and hope that grocers and retailers and manufacturers will take them off the shelves. That is it. That is the existing state of law. We give the government that authority.

Senator COBURN said it is not necessary. He claims not one company has ever refused to recall contaminated food. He is just wrong. There are many instances of companies that just flatout refuse to recall their food or delay a recall, and many people get sick and die. That is a fact.

Last year Westco Fruit and Nut Company flatout refused FDA's request to recall contaminated peanut products. A few years ago, GAO released a report entitled ''Actions Needed by FDA to Ensure Companies Carry Out Recalls'' which highlighted six other companies that flatout refused to recall contaminated food when they were told it was dangerous. Even the Bush administration realized how important this was and formally requested mandatory recall authority in the 2007 food protection plan.

Senator COBURN has his facts wrong when he claims the FDA does not need the mandatory recall authority.

Senator COBURN also claims our bill does not address the real problem in our Nation's food safety system.

Once again, he is mistaken. The National Academy of Sciences disagrees. In June, the National Academy released a report entitled ''Enhancing Food Safety, the Role of the FDA.'' The report contained seven critical recommendations for improving food safety. This is not a partisan group. Every single one of the key recommendations from that group is addressed in our bill, including increasing inspections and making them risk related, giving FDA mandatory recall authority, improving registration of food facilities, and giving the FDA the authority to ban contaminated imports. Our bill fills all of the critical gaps in the FDA's food safety authority that have been identified by the National Academy of Sciences.

For Senator COBURN to say it is unnecessary is to ignore science and fact and, I guess, the reality that if we are going to make food safer, we need to do our job better. That is why all the key consumer protection and public health groups support this bill—all of them.

He thinks this bill is not good for business. He says it hurts their profits and their productivity. He is just wrong. The number and diversity of the industry and business groups that support the bill speaks for itself. Listen to the groups that support the food safety bill and tell me they are acting against their best business interests: the Grocery Manufacturers Association, the U.S. Chamber of Commerce, the American Beverage Association, the American Frozen Food Institute, the Food Marketing Institute, the International Dairy Foods Association, National Restaurant Association, Snack Food Association, National Coffee Association, National Milk Producers Federation, National Confectioners Association, Organic Trade Association, the American Feed Industry Association.

If Senator COBURN is right, every one of these associations' leadership should be removed tomorrow because, under his analysis, they have decided to support a bill that hurts their business. They know better. Safe food is good business. Think about what it costs these companies when they have to recall a product, when it damages their reputation and all the things they will go through to try to clean up their act.

Senator COBURN says there are 10 or 20 deaths per year caused by foodborne illness. The Senator is just wrong. He uses this number to support his assertion that there are not enough victims to justify a bill. Here are the facts. According to the Center for Disease Control, there are not 10 or 20 deaths per year, there are 5,000 deaths in America every single year caused by foodborne illness—5,000. Senator REID can tell some stories about his State which was hit particularly hard by food illness.

Moreover, every year 76 million Americans contract a foodborne illness; 325,000 are hospitalized. A few weeks ago I told you about one of the victims, a young man named Richard Chatfield from Owasso, OK. At age 15, he was on a camping trip and was diagnosed with E. coli. For 8 years, he suffered pain, migraine headaches, dry heaves, and high blood pressure, and after going on dialysis, kidney failure. When we were last debating this bill, Richard was lying in the hospital and his mother Christine had rushed to be by his side. That hospital turned out to be the scene of Richard's death.

On Monday, October 18, while we were still holding up the food safety bill, Richard Chatfield died from foodborne illness. The complications from an E. coli infection he got 8 years ago proved to be too much for him.

When I hear Senator COBURN on the Senate floor saying there are not enough people dying for us to go to work here, he is just plain wrong. Richard Chatfield of his State is dramatic evidence of that fact.

As we stand here today, one Senator is blocking a bill to protect millions of Americans. Moms and dads across America making dinner tonight, if they happen to have missed the channel they were looking for and ended up on C–SPAN and are following this debate, we are talking about an issue that goes right into their refrigerator and stove and kitchen as to whether the food they are putting on the table is safe for their kids. One Senator from Oklahoma says it is not a big enough problem. It is. It is a problem that is a life-and-death issue.

I thank the Senator from Iowa for his leadership on this issue and Senator REID for bringing this up. If we save one life, it is worth the effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank my friend and colleague from Illinois, Senator DURBIN. He has been the leader on this issue for several years. We have been working on this bill for a number of years. It is Senator DURBIN who has led the charge on this going back literally several years. We have come so close. We have made all the compromises. We have consumer groups, the Chamber of Commerce, U.S. PIRG. We never get those people to agree on anything, and they all agree on this bill.

I thank Senator DURBIN for all his great leadership. Hope springs eternal, and I still hope we will get the votes to pass this and keep the politics out of it.

I wish to correct something I said earlier. Earlier today I had met with Senator COBURN, and we had a number of things he wanted that I said I would try to put in the amendment on which we will be voting. In good faith, I said I would do that. But then, of course, we had to send it out to various offices to get Senators to sign off on it. We couldn't get Republican Senators to sign off on it. So I wish to correct the record.

The changes I had mentioned earlier that I was willing to put in the bill for Senator COBURN were not objected to by anybody on our side. It was objected to by Republicans and not Democrats. It is not in the bill. These were changes I was willing to make to accommodate the Senator from Oklahoma.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, is the 30 hours postcloture gone?

The PRESIDING OFFICER. It is.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Nebraska (Mr. JOHANNS), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Idaho (Mr. RISCH), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay'' and the Senator from Kentucky (Mr. BUNNING) would have voted ''nay.''

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 27, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—57

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Begich	Franken	Nelson (NE)
Bennet	Gillibrand	Nelson (FL)
Bingaman	Hagan	Pryor
Boxer	Harkin	Reed
Brown (MA)	Inouye	Reid
Brown (OH)	Johnson	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lincoln	Voinovich
Dodd	Manchin	Warner
Dorgan	McCaskill	Whitehouse
Durbin	Merkley	Wyden

NAYS—27

Barrasso	Cornyn	LeMieux
Bennett	Crapo	Lugar
Bond	Enzi	McCain
Brownback	Graham	McConnell
Burr	Grassley	Roberts
Chambliss	Hatch	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Corker	Kyl	Wicker

NOT VOTING—16

Alexander	Hutchison	Rockefeller
Bayh	Johanns	Specter
Bunning	Kerry	Vitter
DeMint	Menendez	Webb
Ensign	Murkowski	
Gregg	Risch	

The motion was agreed to.

FDA FOOD SAFETY MODERNIZATION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 510) to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

The Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FDA Food Safety Modernization Act''.

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

Sec. 101. Inspections of records.
Sec. 102. Registration of food facilities.
Sec. 103. Hazard analysis and risk-based preventive controls.
Sec. 104. Performance standards.
Sec. 105. Standards for produce safety.
Sec. 106. Protection against intentional adulteration.
Sec. 107. Authority to collect fees.
Sec. 108. National agriculture and food defense strategy.
Sec. 109. Food and Agriculture Coordinating Councils.
Sec. 110. Building domestic capacity.
Sec. 111. Sanitary transportation of food.
Sec. 112. Food allergy and anaphylaxis management.

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

Sec. 201. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.
Sec. 202. Recognition of laboratory accreditation for analyses of foods.
Sec. 203. Integrated consortium of laboratory networks.
Sec. 204. Enhancing traceback and recordkeeping.
Sec. 205. Pilot project to enhance traceback and recordkeeping with respect to processed food.
Sec. 206. Surveillance.
Sec. 207. Mandatory recall authority.
Sec. 208. Administrative detention of food.
Sec. 209. Decontamination and disposal standards and plans.
Sec. 210. Improving the training of State, local, territorial, and tribal food safety officials.
Sec. 211. Grants to enhance food safety.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

Sec. 301. Foreign supplier verification program.
Sec. 302. Voluntary qualified importer program.
Sec. 303. Authority to require import certifications for food.
Sec. 304. Prior notice of imported food shipments.
Sec. 305. Review of a regulatory authority of a foreign country.

Sec. 306. Building capacity of foreign governments with respect to food.
Sec. 307. Inspection of foreign food facilities.
Sec. 308. Accreditation of third-party auditors and audit agents.
Sec. 309. Foreign offices of the Food and Drug Administration.
Sec. 310. Smuggled food.
TITLE IV—MISCELLANEOUS PROVISIONS
Sec. 401. Funding for food safety.
Sec. 402. Whistleblower protections.
Sec. 403. Jurisdiction; authorities.
Sec. 404. Compliance with international agreements.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

SEC. 101. INSPECTIONS OF RECORDS.

(a) IN GENERAL.—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the heading and all that follows through ''of food is'' and inserting the following: ''RECORDS INSPECTION.—

''(1) ADULTERATED FOOD.—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is'';

(2) by inserting '', and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,'' after ''relating to such article'';

(3) by striking the last sentence; and

(4) by inserting at the end the following:

''(2) USE OF OR EXPOSURE TO FOOD OF CONCERN.—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

''(3) APPLICATION.—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.''.

(b) CONFORMING AMENDMENT.—Section 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by striking ''section 414 when'' and all that follows through ''subject to'' and inserting ''section 414, when the standard for records inspection under paragraph (1) or (2) of section 414(a) applies, subject to''.

SEC. 102. REGISTRATION OF FOOD FACILITIES.

(a) UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking ''conducts business and'' and inserting ''conducts business, the e-mail address for the contact person of the facility or, in the case of a foreign facility, the United States agent for the facility, and''; and

(B) inserting '', or any other food categories as determined appropriate by the Secretary, including by guidance'' after ''Code of Federal Regulations'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) BIENNIAL REGISTRATION RENEWAL.—During the period beginning on October 1 and ending on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.''.

(b) SUSPENSION OF REGISTRATION.—

(1) IN GENERAL.—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: ''The registration shall contain an assurance that the Secretary will be permitted to inspect such facility at the times and in the manner permitted by this Act.'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) SUSPENSION OF REGISTRATION.—

''(1) IN GENERAL.—If the Secretary determines that food manufactured, processed, packed, or held by a facility registered under this section has a reasonable probability of causing serious adverse health consequences or death to humans or animals, the Secretary may by order suspend the registration of the facility under this section in accordance with this subsection.

''(2) HEARING ON SUSPENSION.—The Secretary shall provide the registrant subject to an order under paragraph (1) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 business days after the issuance of the order or such other time period, as agreed upon by the Secretary and the registrant, on the actions required for reinstatement of registration and why the registration that is subject to suspension should be reinstated. The Secretary shall reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

''(3) POST-HEARING CORRECTIVE ACTION PLAN; VACATING OF ORDER.—

''(A) CORRECTIVE ACTION PLAN.—If, after providing opportunity for an informal hearing under paragraph (2), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan in a timely manner.

''(B) VACATING OF ORDER.—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

''(4) EFFECT OF SUSPENSION.—If the registration of a facility is suspended under this subsection, such facility shall not import food or offer to import food into the United States, or otherwise introduce food into interstate or intrastate commerce in the United States.

''(5) REGULATIONS.—The Secretary shall promulgate regulations that describe the standards the Commissioner will use in making a determination to suspend a registration, and the format the Commissioner will use to explain to the registrant the conditions found at the facility. The Secretary may promulgate such regulations on an interim final basis.

''(6) APPLICATION DATE.—Facilities shall be subject to the requirements of this subsection beginning on the earlier of—

''(A) the date on which the Secretary issues regulations under paragraph (5); or

''(B) 180 days after the date of enactment of the FDA Food Safety Modernization Act.

''(7) NO DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.''.

(2) IMPORTED FOOD.—Section 801(l) (21 U.S.C. 381(l)) is amended by inserting ''(or for which a registration has been suspended under such section)'' after ''section 415''.

(c) CONFORMING AMENDMENTS.—

(1) Section 301(d) (21 U.S.C. 331(d)) is amended by inserting ''415,'' after ''404,''.

(2) Section 415(d), as redesignated by subsection (b), is amended by adding at the end before the period ''for a facility to be registered, except with respect to the reinstatement of a registration that is suspended under subsection (b)''.

SEC. 103. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

''(a) IN GENERAL.—The owner, operator, or agent in charge of a facility shall, in accordance with this section, evaluate the hazards that could affect food manufactured, processed, packed, or held by such facility, identify and implement preventive controls to significantly minimize or prevent the occurrence of such hazards and provide assurances that such food is not adulterated under section 402 or misbranded under section 403(w), monitor the performance of those controls, and maintain records of this monitoring as a matter of routine practice.

''(b) HAZARD ANALYSIS.—The owner, operator, or agent in charge of a facility shall—

''(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—

''(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and color additives; and

''(B) hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism; and

''(2) develop a written analysis of the hazards.

''(c) PREVENTIVE CONTROLS.—The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances that—

''(1) hazards identified in the hazard analysis conducted under subsection (b) will be significantly minimized or prevented; and

''(2) the food manufactured, processed, packed, or held by such facility will not be adulterated under section 402 or misbranded under section 403(w).

''(d) MONITORING OF EFFECTIVENESS.—The owner, operator, or agent in charge of a facility shall monitor the effectiveness of the preventive controls implemented under subsection (c) to provide assurances that the outcomes described in subsection (c) shall be achieved.

''(e) CORRECTIVE ACTIONS.—The owner, operator, or agent in charge of a facility shall establish procedures that a facility will implement if the preventive controls implemented under subsection (c) are found to be ineffective through monitoring under subsection (d).

''(f) VERIFICATION.—The owner, operator, or agent in charge of a facility shall verify that—

''(1) the preventive controls implemented under subsection (c) are adequate to control the hazards identified under subsection (b);

''(2) the owner, operator, or agent is conducting monitoring in accordance with subsection (d);

''(3) the owner, operator, or agent is making appropriate decisions about corrective actions taken under subsection (e);

''(4) the preventive controls implemented under subsection (c) are effectively and significantly minimizing or preventing the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means; and

''(5) there is documented, periodic reanalysis of the plan under subsection (i) to ensure that the plan is still relevant to the raw materials, conditions and processes in the facility, and new and emerging threats.

''(g) RECORDKEEPING.—The owner, operator, or agent in charge of a facility shall maintain, for not less than 2 years, records documenting the monitoring of the preventive controls implemented under subsection (c), instances of nonconformance material to food safety, the results of testing and other appropriate means of verification under subsection (f)(4), instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.

''(h) WRITTEN PLAN AND DOCUMENTATION.—The owner, operator, or agent in charge of a facility shall prepare a written plan that documents and describes the procedures used by the facility to comply with the requirements of this section, including analyzing the hazards under subsection (b) and identifying the preventive controls adopted under subsection (c) to address those hazards. Such written plan, together with the documentation described in subsection (g), shall be made promptly available to a duly authorized representative of the Secretary upon oral or written request.

''(i) REQUIREMENT TO REANALYZE.—The owner, operator, or agent in charge of a facility shall conduct a reanalysis under subsection (b) whenever a significant change is made in the activities conducted at a facility operated by such owner, operator, or agent if the change creates a reasonable potential for a new hazard or a significant increase in a previously identified hazard or not less frequently than once every 3 years, whichever is earlier. Such reanalysis shall be completed and additional preventive controls needed to address the hazard identified, if any, shall be implemented before the change in activities at the facility is operative. Such owner, operator, or agent shall revise the written plan required under subsection (h) if such a significant change is made or document the basis for the conclusion that no additional or revised preventive controls are needed. The Secretary may require a reanalysis under this section to respond to new hazards and developments in scientific understanding.

''(j) DEEMED COMPLIANCE OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES SUBJECT TO HACCP.—The owner, operator, or agent in charge of a facility required to comply with 1 of the following standards and regulations with respect to such facility shall be deemed to be in compliance with this section, with respect to such facility:

''(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

''(k) EXCEPTION FOR FACILITIES SUBJECT TO SECTION 419.—This section shall not apply to a facility that is subject to section 419.

''(l) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section with respect to facilities that are solely engaged in the production of food for animals other than man, the storage of raw agricultural commodities (other than fruits and vegetables) intended for further distribution or processing, or the storage of packaged foods that are not exposed to the environment.

''(m) DEFINITIONS.—For purposes of this section:

''(1) CRITICAL CONTROL POINT.—The term 'critical control point' means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce such hazard to an acceptable level.

''(2) FACILITY.—The term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.

''(3) PREVENTIVE CONTROLS.—The term 'preventive controls' means those risk-based, reasonably appropriate procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, or holding of food would employ to significantly minimize or prevent the hazards identified under the hazard analysis conducted under subsection (a) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, or holding at the time of the analysis. Those procedures, practices, and processes may include the following:

''(A) Sanitation procedures for food contact surfaces and utensils and food-contact surfaces of equipment.

''(B) Supervisor, manager, and employee hygiene training.

''(C) An environmental monitoring program to verify the effectiveness of pathogen controls in processes where a food is exposed to a potential contaminant in the environment.

''(D) A food allergen control program.

''(E) A recall plan.

''(F) Good Manufacturing Practices (GMPs).

''(G) Supplier verification activities.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall promulgate regulations to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(2) CONTENT.—The regulations promulgated under paragraph (1) shall provide sufficient flexibility to be applicable in all situations, including in the operations of small businesses.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide the Secretary with the authority to apply specific technologies, practices, or critical controls to an individual facility.

(4) REVIEW.—In promulgating the regulations under paragraph (1), the Secretary shall review regulatory hazard analysis and preventive control programs in existence on the date of enactment of this Act to ensure that the program under such section 418 is consistent, to the extent practicable, with applicable domestic and internationally-recognized standards in existence on such date.

(c) GUIDANCE DOCUMENT.—The Secretary shall issue a guidance document related to hazard analysis and preventive controls related to the regulations promulgated under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(uu) The operation of a facility that manufacturers, processes, packs, or holds food for sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 418.''.

(e) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(f) DIETARY SUPPLEMENTS.—Nothing in the amendments made by this section shall apply to any dietary supplement that is in compliance with the requirements of sections 402(g)(2) and 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(g)(2), 379aa-1).

(g) NO EFFECT ON ALCOHOL-RELATED FACILITIES.—

(1) IN GENERAL.—Nothing in the amendments made by this section shall apply to a facility that—

(A) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5291 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(B) is required to register as a facility under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages,

with respect to the activities of such facility that relate to the manufacturing, processing, packing, or holding of alcoholic beverages.

(2) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Paragraph (1) shall not apply to a facility engaged in the receipt or distribution of any non-alcohol food, except that such paragraph shall apply to a facility described in such paragraph that receives and distributes non-alcohol food, provided such food is received and distributed—

(A) in a prepackaged form that prevents any direct human contact with such food; and

(B) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(3) RULE OF CONSTRUCTION.—Except as provided in paragraphs (1) and (2), this subsection shall not be construed to exempt any food, other than distilled spirits, wine, and malt beverages, as defined in section 211 of the Federal Alcohol Administration Act (27 U.S.C. 211), from the requirements of this Act (including the amendments made by this Act).

(h) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

(A) the amendments made by this section shall apply to a small business (as defined by the Secretary for purposes of this section, not later than 90 days after the date of enactment of this Act) after the date that is 2 years after the date of enactment of this Act; and

(B) the amendments made by this section shall apply to a very small business (as defined by the Secretary for purposes of this section, not later than 90 days after the date of enactment of this Act) after the date that is 3 years after the date of enactment of this Act.

SEC. 104. PERFORMANCE STANDARDS.

The Secretary shall, not less frequently than every 2 years, review and evaluate relevant health data and other relevant information, including from toxicological and epidemiological studies and analyses, to determine the most significant foodborne contaminants. Based on such review and evaluation, and when appropriate to reduce the risk of serious illness or death to humans or animals or to prevent adulteration of the food under section 402 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 342) or to prevent the spread of communicable disease under section 361 of the Public Health Service Act (42

U.S.C. 264), the Secretary shall issue contaminant-specific and science-based guidance documents, action levels, or regulations. Such guidance, action levels, or regulations shall apply to products or product classes and shall not be written to be facility-specific.

SEC. 105. STANDARDS FOR PRODUCE SAFETY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 103, is amended by adding at the end the following:

"SEC. 419. STANDARDS FOR PRODUCE SAFETY.

''(a) PROPOSED RULEMAKING.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Agriculture and representatives of State departments of agriculture (including with regard to the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.)), shall publish a notice of proposed rulemaking to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

''(2) PUBLIC INPUT.—During the comment period on the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

''(3) CONTENT.—The proposed rulemaking under paragraph (1) shall—

''(A) provide sufficient flexibility to be applicable to various types of entities engaged in the production and harvesting of raw agricultural commodities, including small businesses and entities that sell directly to consumers, and be appropriate to the scale and diversity of the production and harvesting of such commodities;

''(B) include, with respect to growing, harvesting, sorting, packing, and storage operations, minimum standards related to soil amendments, hygiene, packaging, temperature controls, animal encroachment, and water;

''(C) consider hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism;

''(D) take into consideration, consistent with ensuring enforceable public health protection, conservation and environmental practice standards and policies established by Federal natural resource conservation, wildlife conservation, and environmental agencies; and

''(E) in the case of production that is certified organic, not include any requirements that conflict with or duplicate the requirements of the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.), while providing for public health protection consistent with the requirements of this Act.

''(4) PRIORITIZATION.—The Secretary shall prioritize the implementation of the regulations for specific fruits and vegetables that are raw agricultural commodities that have been associated with foodborne illness outbreaks.

''(b) FINAL REGULATION.—

''(1) IN GENERAL.—Not later than 1 year after the close of the comment period for the proposed rulemaking under subsection (a), the Secretary shall adopt a final regulation to provide for minimum standards for those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

''(2) FINAL REGULATION.—The final regulation shall—

''(A) provide a reasonable period of time for compliance, taking into account the needs of small businesses for additional time to comply;

''(B) provide for coordination of education and enforcement activities by State and local officials, as designated by the Governors of the respective States; and

''(C) include a description of the variance process under subsection (c) and the types of permissible variances the Secretary may grant.

''(c) CRITERIA.—

''(1) IN GENERAL.—The regulations adopted under subsection (b) shall—

''(A) set forth those procedures, processes, and practices as the Secretary determines to be reasonably necessary to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into fruits and vegetables that are raw agricultural commodities and to provide reasonable assurances that the produce is not adulterated under section 402; and

''(B) permit States and foreign countries from which food is imported into the United States, subject to paragraph (2), to request from the Secretary variances from the requirements of the regulations, where upon approval of the Secretary, the variance is considered permissible under the requirements of the regulations adopted under subsection (b)(2)(C) and where the State or foreign country determines that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under section 402 to the same extent as the requirements of the regulation adopted under subsection (b).

''(2) APPROVAL OF VARIANCES.—A State or foreign country from which food is imported into the United States shall request a variance from the Secretary in writing. The Secretary may deny such a request as not reasonably likely to ensure that the produce is not adulterated under section 402 to the same extent as the requirements of the regulation adopted under subsection (b).

''(d) ENFORCEMENT.—The Secretary may coordinate with the Secretary of Agriculture and, as appropriate, shall contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.

''(e) GUIDANCE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish, after consultation with the Secretary of Agriculture, representatives of State departments of agriculture, farmer representatives, and various types of entities engaged in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including small businesses, updated good agricultural practices and guidance for the safe production and harvesting of specific types of fresh produce.

''(2) PUBLIC MEETINGS.—The Secretary shall conduct not fewer than 3 public meetings in diverse geographical areas of the United States as part of an effort to conduct education and outreach regarding the guidance described in paragraph (1) for persons in different regions who are involved in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including persons that sell directly to consumers and farmer representatives.

''(f) EXCEPTION FOR FACILITIES SUBJECT TO SECTION 418.—This section shall not apply to a facility that is subject to section 418.''.

(b) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 103, is amended by adding at the end the following:

''(vv) The failure to comply with the requirements under section 419.''.

(c) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

SEC. 106. PROTECTION AGAINST INTENTIONAL ADULTERATION.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 105, is amended by adding at the end the following:

"SEC. 420. PROTECTION AGAINST INTENTIONAL ADULTERATION.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall promulgate regulations to protect against the intentional adulteration of food subject to this Act.

''(b) APPLICABILITY.—Regulations under subsection (a) shall apply only to food—

''(1) for which the Secretary has identified clear vulnerabilities (including short shelf-life or susceptibility to intentional contamination at critical control points);

''(2) in bulk or batch form, prior to being packaged for the final consumer; and

''(3) for which there is a high risk of intentional contamination, as determined by the Secretary, that could cause serious adverse health consequences or death to humans or animals.

''(c) DETERMINATIONS.—In making the determination under subsection (b)(3), the Secretary shall—

''(1) conduct vulnerability assessments of the food system;

''(2) consider the best available understanding of uncertainties, risks, costs, and benefits associated with guarding against intentional adulteration at vulnerable points; and

''(3) determine the types of science-based mitigation strategies or measures that are necessary to protect against the intentional adulteration of food.

''(d) CONTENT OF REGULATIONS.—Regulations under subsection (a) shall—

''(1) specify how a person shall assess whether the person is required to implement mitigation strategies or measures intended to protect against the intentional adulteration of food; and

''(2) specify appropriate science-based mitigation strategies or measures to prepare and protect the food supply chain at specific vulnerable points, as appropriate.

''(e) EXCEPTION.—This section shall not apply to farms, except for those that produce milk.

''(f) DEFINITION.—For purposes of this section, the term 'farm' has the meaning given that term in section 1.227 of title 21, Code of Federal Regulations (or any successor regulation).''.

(b) GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall issue guidance documents related to protection against the intentional adulteration of food, including mitigation strategies or measures to guard against such adulteration as required under section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) CONTENT.—The guidance documents issued under paragraph (1) shall—

(A) include a model assessment for a person to use under subsection (d)(1) of section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a);

(B) include examples of mitigation strategies or measures described in subsection (d)(2) of such section; and

(C) specify situations in which the examples of mitigation strategies or measures described in

subsection (d)(2) of such section are appropriate.

(3) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, may determine the time and manner in which the guidance documents issued under paragraph (1) are made public, including by releasing such documents to targeted audiences.

(c) PERIODIC REVIEW.—The Secretary of Health and Human Services shall periodically review and, as appropriate, update the regulations under subsection (a) and the guidance documents under subsection (b).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 105, is amended by adding at the end the following:

''(ww) The failure to comply with section 420.''.

SEC. 107. AUTHORITY TO COLLECT FEES.

(a) FEES FOR REINSPECTION, RECALL, AND IMPORTATION ACTIVITIES.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

''PART 6—FEES RELATED TO FOOD

''SEC. 743. AUTHORITY TO COLLECT AND USE FEES.

''(a) IN GENERAL.—

''(1) PURPOSE AND AUTHORITY.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, in accordance with this section, assess and collect fees from—

''(A) the responsible party for each domestic facility (as defined in section 415(b)) and the United States agent for each foreign facility subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year;

''(B) the responsible party for a domestic facility (as defined in section 415(b)) and an importer who does not comply with a recall order under section 423 or under section 412(f) in such fiscal year, to cover food recall activities associated with such order performed by the Secretary, including technical assistance, follow-up effectiveness checks, and public notifications, for such year;

''(C) each importer participating in the voluntary qualified importer program under section 806 in such year, to cover the administrative costs of such program for such year; and

''(D) each importer subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year.

''(2) DEFINITIONS.—For purposes of this section—

''(A) the term 'reinspection' means—

''(i) with respect to domestic facilities (as defined in section 415(b)), 1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction; and

''(ii) with respect to importers, 1 or more examinations conducted under section 801 subsequent to an examination conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction;

''(B) the term 'reinspection-related costs' means all expenses, including administrative expenses, incurred in connection with—

''(i) arranging, conducting, and evaluating the results of reinspections; and

''(ii) assessing and collecting reinspection fees under this section; and

''(C) the term 'responsible party' has the meaning given such term in section 417(a)(1).

''(b) ESTABLISHMENT OF FEES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d), the Secretary shall establish the fees to be collected under this section for each fiscal year specified in subsection (a)(1), based on the methodology described under paragraph (2), and shall publish such fees in a Federal Register notice not later than 60 days before the start of each such year.

''(2) FEE METHODOLOGY.—

''(A) FEES.—Fees amounts established for collection—

''(i) under subparagraph (A) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the reinspection-related activities (including by type or level of reinspection activity, as the Secretary determines applicable) described in such subparagraph (A) for such year;

''(ii) under subparagraph (B) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (B) for such year;

''(iii) under subparagraph (C) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (C) for such year; and

''(iv) under subparagraph (D) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (D) for such year.

''(B) OTHER CONSIDERATIONS.—

''(i) VOLUNTARY QUALIFIED IMPORTER PROGRAM.—

''(I) PARTICIPATION.—In establishing the fee amounts under subparagraph (A)(iii) for a fiscal year, the Secretary shall provide for the number of importers who have submitted to the Secretary a notice under section 806(e) informing the Secretary of the intent of such importer to participate in the program under section 806 in such fiscal year.

''(II) RECOUPMENT.—In establishing the fee amounts under subparagraph (A)(iii) for the first 5 fiscal years after the date of enactment of this section, the Secretary shall include in such fee a reasonable surcharge that provides a recoupment of the costs expended by the Secretary to establish and implement the first year of the program under section 806.

''(ii) CREDITING OF FEES.—In establishing the fee amounts under subparagraph (A) for a fiscal year, the Secretary shall provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of fees needed to carry out such activities, and consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

''(iii) PUBLISHED GUIDELINES.—Not later than June 30, 2010, the Secretary shall publish in the Federal Register a proposed set of guidelines in consideration of the burden of fee amounts on small business. Such consideration may include reduced fee amounts for small businesses. The Secretary shall provide for a period of public comment on such guidelines. The Secretary shall adjust the fee schedule for small businesses subject to such fees only through notice and comment rulemaking.

''(3) USE OF FEES.—The Secretary shall make all of the fees collected pursuant to clause (i), (ii), (iii), and (iv) of paragraph (2)(A) available solely to pay for the costs referred to in such clause (i), (ii), (iii), and (iv) of paragraph (2)(A), respectively.

''(c) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless the amount of the total appropriations for food safety activities at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) is equal to or greater than the amount of appropriations for food safety activities at the Food and Drug Administration for fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year), multiplied by the adjustment factor under paragraph (3).

''(2) AUTHORITY.—If—

''(A) the Secretary does not assess fees under subsection (a) for a portion of a fiscal year because paragraph (1) applies; and

''(B) at a later date in such fiscal year, such paragraph (1) ceases to apply,

the Secretary may assess and collect such fees under subsection (a), without any modification to the rate of such fees, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(3) ADJUSTMENT FACTOR.—

''(A) IN GENERAL.—The adjustment factor described in paragraph (1) shall be the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year, but in no case shall such adjustment factor be negative.

''(B) COMPOUNDED BASIS.—The adjustment under subparagraph (A) made each fiscal year shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2009.

''(4) LIMITATION ON AMOUNT OF CERTAIN FEES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section and subject to subparagraph (B), the Secretary may not collect fees in a fiscal year such that the amount collected—

''(i) under subparagraph (B) of subsection (a)(1) exceeds $20,000,000; and

''(ii) under subparagraphs (A) and (D) of subsection (a)(1) exceeds $25,000,000 combined.

''(B) EXCEPTION.—If a domestic facility (as defined in section 415(b)) or an importer becomes subject to a fee described in subparagraph (A), (B), or (D) of subsection (a)(1) after the maximum amount of fees has been collected by the Secretary under subparagraph (A), the Secretary may collect a fee from such facility or importer.

''(d) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the operating expenses of the Food and Drug Administration employees and contractors performing activities associated with these food safety fees.

''(e) COLLECTION OF FEES.—

''(1) IN GENERAL.—The Secretary shall specify in the Federal Register notice described in subsection (b)(1) the time and manner in which fees assessed under this section shall be collected.

''(2) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

''(f) ANNUAL REPORT TO CONGRESS.—Not later than 120 days after each fiscal year for which fees are assessed under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to include a description of fees assessed and collected for each such year and a summary description of the entities paying such fees and the types of business in which such entities engage.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010 and each fiscal year thereafter, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or

otherwise affected under the other provisions of this section.''.

(b) EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.—

(1) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''a drug'' and inserting ''a food, drug'';

(B) in clause (i) by striking ''exported drug'' and inserting ''exported food, drug''; and

(C) in clause (ii) by striking ''the drug'' each place it appears and inserting ''the food, drug''.

(2) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

''(C) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (including a publicly available listing) as the Secretary determines appropriate.''.

SEC. 108. NATIONAL AGRICULTURE AND FOOD DEFENSE STRATEGY.

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall prepare and submit to the relevant committees of Congress, and make publicly available on the Internet Web sites of the Department of Health and Human Services and the Department of Agriculture, the National Agriculture and Food Defense Strategy.

(2) IMPLEMENTATION PLAN.—The strategy shall include an implementation plan for use by the Secretaries described under paragraph (1) in carrying out the strategy.

(3) RESEARCH.—The strategy shall include a coordinated research agenda for use by the Secretaries described under paragraph (1) in conducting research to support the goals and activities described in paragraphs (1) and (2) of subsection (b).

(4) REVISIONS.—Not later than 4 years after the date on which the strategy is submitted to the relevant committees of Congress under paragraph (1), and not less frequently than every 4 years thereafter, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall revise and submit to the relevant committees of Congress the strategy.

(5) CONSISTENCY WITH EXISTING PLANS.—The strategy described in paragraph (1) shall be consistent with—

(A) the National Incident Management System;

(B) the National Response Framework;

(C) the National Infrastructure Protection Plan;

(D) the National Preparedness Goals; and

(E) other relevant national strategies.

(b) COMPONENTS.—

(1) IN GENERAL.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security—

(A) to achieve each goal described in paragraph (2); and

(B) to evaluate the progress made by Federal, State, local, and tribal governments towards the achievement of each goal described in paragraph (2).

(2) GOALS.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security to achieve the following goals:

(A) PREPAREDNESS GOAL.—Enhance the preparedness of the agriculture and food system by—

(i) conducting vulnerability assessments of the agriculture and food system;

(ii) mitigating vulnerabilities of the system;

(iii) improving communication and training relating to the system;

(iv) developing and conducting exercises to test decontamination and disposal plans;

(v) developing modeling tools to improve event consequence assessment and decision support; and

(vi) preparing risk communication tools and enhancing public awareness through outreach.

(B) DETECTION GOAL.—Improve agriculture and food system detection capabilities by—

(i) identifying contamination in food products at the earliest possible time; and

(ii) conducting surveillance to prevent the spread of diseases.

(C) EMERGENCY RESPONSE GOAL.—Ensure an efficient response to agriculture and food emergencies by—

(i) immediately investigating animal disease outbreaks and suspected food contamination;

(ii) preventing additional human illnesses;

(iii) organizing, training, and equipping animal, plant, and food emergency response teams of—

(I) the Federal Government; and

(II) State, local, and tribal governments;

(iv) designing, developing, and evaluating training and exercises carried out under agriculture and food defense plans; and

(v) ensuring consistent and organized risk communication to the public by—

(I) the Federal Government;

(II) State, local, and tribal governments; and

(III) the private sector.

(D) RECOVERY GOAL.—Secure agriculture and food production after an agriculture or food emergency by—

(i) working with the private sector to develop business recovery plans to rapidly resume agriculture, food production, and international trade;

(ii) conducting exercises of the plans described in subparagraph (C) with the goal of long-term recovery results;

(iii) rapidly removing, and effectively disposing of—

(I) contaminated agriculture and food products; and

(II) infected plants and animals; and

(iv) decontaminating and restoring areas affected by an agriculture or food emergency.

(c) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, may determine the manner and format in which the National Agriculture and Food Defense strategy established under this section is made publicly available on the Internet Web sites of the Department of Health and Human Services, the Department of Homeland Security, and the Department of Agriculture, as described in subsection (a)(1).

SEC. 109. FOOD AND AGRICULTURE COORDINATING COUNCILS.

The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and the Secretary of Agriculture, shall within 180 days of enactment of this Act, and annually thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the activities of the Food and Agriculture Government Coordinating Council and the Food and Agriculture Sector Coordinating Council, including the progress of such Councils on—

(1) facilitating partnerships between public and private entities to help coordinate and enhance the protection of the agriculture and food system of the United States;

(2) providing for the regular and timely interchange of information between each council relating to the security of the agriculture and food system (including intelligence information);

(3) identifying best practices and methods for improving the coordination among Federal, State, local, and private sector preparedness and response plans for agriculture and food defense; and

(4) recommending methods by which to protect the economy and the public health of the United States from the effects of—

(A) animal or plant disease outbreaks;

(B) food contamination; and

(C) natural disasters affecting agriculture and food.

SEC. 110. BUILDING DOMESTIC CAPACITY.

(a) IN GENERAL.—

(1) INITIAL REPORT.—The Secretary shall, not later than 2 years after the date of enactment of this Act, submit to Congress a comprehensive report that identifies programs and practices that are intended to promote the safety and supply chain security of food and to prevent outbreaks of foodborne illness and other food-related hazards that can be addressed through preventive activities. Such report shall include a description of the following:

(A) Analysis of the need for further regulations or guidance to industry.

(B) Outreach to food industry sectors, including through the Food and Agriculture Coordinating Councils referred to in section 109, to identify potential sources of emerging threats to the safety and security of the food supply and preventive strategies to address those threats.

(C) Systems to ensure the prompt distribution to the food industry of information and technical assistance concerning preventive strategies.

(D) Communication systems to ensure that information about specific threats to the safety and security of the food supply are rapidly and effectively disseminated.

(E) Surveillance systems and laboratory networks to rapidly detect and respond to foodborne illness outbreaks and other food-related hazards, including how such systems and networks are integrated.

(F) Outreach, education, and training provided to States and local governments to build State and local food safety and food defense capabilities, including progress implementing strategies developed under sections 108 and 206.

(G) The estimated resources needed to effectively implement the programs and practices identified in the report developed in this section over a 5-year period.

(H) The impact of requirements under this Act (including amendments made by this Act) on certified organic farms and facilities (as defined in section 415 (21 U.S.C. 350d).

(2) BIENNIAL REPORTS.—On a biennial basis following the submission of the report under paragraph (1), the Secretary shall submit to Congress a report that—

(A) reviews previous food safety programs and practices;

(B) outlines the success of those programs and practices;

(C) identifies future programs and practices; and

(D) includes information related to any matter described in subparagraphs (A) through (H) of paragraph (1), as necessary.

(b) RISK-BASED ACTIVITIES.—The report developed under subsection (a)(1) shall describe methods that seek to ensure that resources available to the Secretary for food safety-related activities are directed at those actions most likely to reduce risks from food, including the use of preventive strategies and allocation of inspection resources. The Secretary shall promptly undertake those risk-based actions that are identified during the development of the report as likely to contribute to the safety and security of the food supply.

(c) CAPABILITY FOR LABORATORY ANALYSES; RESEARCH.—The report developed under subsection (a)(1) shall provide a description of methods to increase capacity to undertake analyses of food samples promptly after collection, to

identify new and rapid analytical techniques, including commercially-available techniques that can be employed at ports of entry and by Food Emergency Response Network laboratories, and to provide for well-equipped and staffed laboratory facilities.

(d) INFORMATION TECHNOLOGY.—The report developed under subsection (a)(1) shall include a description of such information technology systems as may be needed to identify risks and receive data from multiple sources, including foreign governments, State, local, and tribal governments, other Federal agencies, the food industry, laboratories, laboratory networks, and consumers. The information technology systems that the Secretary describes shall also provide for the integration of the facility registration system under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior notice system under section 801(m) of such Act (21 U.S.C. 381(m)) with other information technology systems that are used by the Federal Government for the processing of food offered for import into the United States.

(e) AUTOMATED RISK ASSESSMENT.—The report developed under subsection (a)(1) shall include a description of progress toward developing and improving an automated risk assessment system for food safety surveillance and allocation of resources.

(f) TRACEBACK AND SURVEILLANCE REPORT.—The Secretary shall include in the report developed under subsection (a)(1) an analysis of the Food and Drug Administration's performance in foodborne illness outbreaks during the 5-year period preceding the date of enactment of this Act involving fruits and vegetables that are raw agricultural commodities (as defined in section 201(r) (21 U.S.C. 321(r)) and recommendations for enhanced surveillance, outbreak response, and traceability. Such findings and recommendations shall address communication and coordination with the public, industry, and State and local governments, as such communication and coordination relates to outbreak identification and traceback.

(g) BIENNIAL FOOD SAFETY AND FOOD DEFENSE RESEARCH PLAN.—The Secretary and the Secretary of Agriculture shall, on a biennial basis, submit to Congress a joint food safety and food defense research plan which may include studying the long-term health effects of foodborne illness. Such biennial plan shall include a list and description of projects conducted during the previous 2-year period and the plan for projects to be conducted during the subsequent 2-year period.

SEC. 111. SANITARY TRANSPORTATION OF FOOD.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

SEC. 112. FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(B) a State licensed or regulated child care program or school; or

(C) a State prekindergarten program that serves children from birth through kindergarten.

(2) ESEA DEFINITIONS.—The terms ''local educational agency'', ''secondary school'', ''elementary school'', and ''parent'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) SCHOOL.—The term ''school'' includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall—

(i) develop guidelines to be used on a voluntary basis to develop plans for individuals to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and

(ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

(B) APPLICABILITY OF FERPA.—Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of section 444 of the General Education Provisions Act (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g).

(2) CONTENTS.—The voluntary guidelines developed by the Secretary under paragraph (1) shall address each of the following and may be updated as the Secretary determines necessary:

(A) Parental obligation to provide the school or early childhood education program, prior to the start of every school year, with—

(i) documentation from their child's physician or nurse—

(I) supporting a diagnosis of food allergy, and any risk of anaphylaxis, if applicable;

(II) identifying any food to which the child is allergic;

(III) describing, if appropriate, any prior history of anaphylaxis;

(IV) listing any medication prescribed for the child for the treatment of anaphylaxis;

(V) detailing emergency treatment procedures in the event of a reaction;

(VI) listing the signs and symptoms of a reaction; and

(VII) assessing the child's readiness for self-administration of prescription medication; and

(ii) a list of substitute meals that may be offered to the child by school or early childhood education program food service personnel.

(B) The creation and maintenance of an individual plan for food allergy management, in consultation with the parent, tailored to the needs of each child with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where—

(i) the children are capable of self-administering medication; and

(ii) such administration is not prohibited by State law.

(C) Communication strategies between individual schools or early childhood education programs and providers of emergency medical services, including appropriate instructions for emergency medical response.

(D) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school or early childhood education program areas such as cafeterias.

(E) The dissemination of general information on life-threatening food allergies to school or early childhood education program staff, parents, and children.

(F) Food allergy management training of school or early childhood education program personnel who regularly come into contact with children with life-threatening food allergies.

(G) The authorization and training of school or early childhood education program personnel to administer epinephrine when the nurse is not immediately available.

(H) The timely accessibility of epinephrine by school or early childhood education program personnel when the nurse is not immediately available.

(I) The creation of a plan contained in each individual plan for food allergy management that addresses the appropriate response to an incident of anaphylaxis of a child while such child is engaged in extracurricular programs of a school or early childhood education program, such as non-academic outings and field trips, before- and after-school programs or before- and after-early child education program programs, and school-sponsored or early childhood education program-sponsored programs held on weekends.

(J) Maintenance of information for each administration of epinephrine to a child at risk for anaphylaxis and prompt notification to parents.

(K) Other elements the Secretary determines necessary for the management of food allergies and anaphylaxis in schools and early childhood education programs.

(3) RELATION TO STATE LAW.—Nothing in this section or the guidelines developed by the Secretary under paragraph (1) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

(c) SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to local educational agencies to assist such agencies with implementing voluntary food allergy and anaphylaxis management guidelines described in subsection (b).

(2) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) an assurance that the local educational agency has developed plans in accordance with the food allergy and anaphylaxis management guidelines described in subsection (b);

(ii) a description of the activities to be funded by the grant in carrying out the food allergy and anaphylaxis management guidelines, including—

(I) how the guidelines will be carried out at individual schools served by the local educational agency;

(II) how the local educational agency will inform parents and students of the guidelines in place;

(III) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the guidelines in place; and

(IV) any other activities that the Secretary determines appropriate;

(iii) an itemization of how grant funds received under this subsection will be expended;

(iv) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(v) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this subsection.

(3) USE OF FUNDS.—Each local educational agency that receives a grant under this subsection may use the grant funds for the following:

(A) Purchase of materials and supplies, including limited medical supplies such as epinephrine and disposable wet wipes, to support carrying out the food allergy and anaphylaxis management guidelines described in subsection (b).

(B) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(C) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(D) Outreach to parents.

(E) Any other activities consistent with the guidelines described in subsection (b).

(4) DURATION OF AWARDS.—The Secretary may award grants under this subsection for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this subsection, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(5) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to a local educational agency under this subsection after such local educational agency has received 2 years of grant funding under this subsection.

(6) MAXIMUM AMOUNT OF ANNUAL AWARDS.—A grant awarded under this subsection may not be made in an amount that is more than $50,000 annually.

(7) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to local educational agencies with the highest percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(8) MATCHING FUNDS.—

(A) IN GENERAL.—The Secretary may not award a grant under this subsection unless the local educational agency agrees that, with respect to the costs to be incurred by such local educational agency in carrying out the grant activities, the local educational agency shall make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal funds required under subparagraph (A) may be cash or in kind, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(9) ADMINISTRATIVE FUNDS.—A local educational agency that receives a grant under this subsection may use not more than 2 percent of the grant amount for administrative costs related to carrying out this subsection.

(10) PROGRESS AND EVALUATIONS.—At the completion of the grant period referred to in paragraph (4), a local educational agency shall provide the Secretary with information on how grant funds were spent and the status of implementation of the food allergy and anaphylaxis management guidelines described in subsection (b).

(11) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $30,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) VOLUNTARY NATURE OF GUIDELINES.—

(1) IN GENERAL.—The food allergy and anaphylaxis management guidelines developed by the Secretary under subsection (b) are voluntary. Nothing in this section or the guidelines developed by the Secretary under subsection (b) shall be construed to require a local educational agency to implement such guidelines.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may enforce an agreement by a local educational agency to implement food allergy and anaphylaxis management guidelines as a condition of the receipt of a grant under subsection (c).

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

SEC. 201. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

(a) TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 106, is amended by adding at the end the following:

"SEC. 421. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

''(a) IDENTIFICATION AND INSPECTION OF FACILITIES.—

''(1) IDENTIFICATION.—The Secretary shall allocate resources to inspect facilities according to the risk profile of the facilities, which shall be based on the following factors:

''(A) The risk profile of the food manufactured, processed, packed, or held at the facility.

''(B) The facility's compliance history, including with regard to food recalls, outbreaks, and violations of food safety standards.

''(C) The rigor and effectiveness of the facility's hazard analysis and risk-based preventive controls.

''(D) Whether the food manufactured, processed, packed, handled, prepared, treated, distributed, or stored at the facility meets the criteria for priority under section 801(h)(1).

''(E) Whether the facility has received a certificate as described in section 809(b).

''(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(2) INSPECTIONS.—

''(A) IN GENERAL.—Beginning on the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall increase the frequency of inspection of all facilities.

''(B) HIGH-RISK FACILITIES.—The Secretary shall increase the frequency of inspection of facilities identified under paragraph (1) as high-risk facilities such that—

''(i) for the first 2 years after the date of enactment of the FDA Food Safety Modernization Act, each high-risk facility is inspected not less often than once every 2 years; and

''(ii) for each succeeding year, each high-risk facility is inspected not less often than once each year.

''(C) NON-HIGH-RISK FACILITIES.—The Secretary shall ensure that each facility that is not identified under paragraph (1) as a high-risk facility is inspected not less often than once every 4 years.

''(b) IDENTIFICATION AND INSPECTION AT PORTS OF ENTRY.—The Secretary, in consultation with the Secretary of Homeland Security, shall allocate resources to inspect articles of food imported into the United States according to the risk profile of the article of food, which shall be based on the following factors:

''(1) The risk profile of the food imported.

''(2) The risk profile of the countries or regions of origin and countries of transport of the food imported.

''(3) The compliance history of the importer, including with regard to food recalls, outbreaks, and violations of food safety standards.

''(4) The rigor and effectiveness of the foreign supplier verification program under section 805.

''(5) Whether the food importer participates in the voluntary qualified importer program under section 806.

''(6) Whether the food meets the criteria for priority under section 801(h)(1).

''(7) Whether the food is from a facility that has received a certificate as described in section 809(b).

''(8) Any other criteria deemed appropriate by the Secretary for purposes of allocating inspection resources.

''(c) COORDINATION.—The Secretary shall improve coordination and cooperation with the Secretary of Agriculture to target food inspection resources.

''(d) FACILITY.—For purposes of this section, the term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.''.

(b) ANNUAL REPORT.—Section 1003 (21 U.S.C. 393) is amended by adding at the end the following:

''(h) ANNUAL REPORT REGARDING FOOD.—Not later than February 1 of each year, the Secretary shall submit to Congress a report regarding—

''(1) information about food facilities including—

''(A) the appropriations used to inspect facilities registered pursuant to section 415 in the previous fiscal year;

''(B) the average cost of both a non-high-risk food facility inspection and a high-risk food facility inspection, if such a difference exists, in the previous fiscal year;

''(C) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary inspected in the previous fiscal year;

''(D) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year;

''(E) the number of high-risk facilities identified pursuant to section 421 that the Secretary inspected in the previous fiscal year; and

''(F) the number of high-risk facilities identified pursuant to section 421 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year.

''(2) information about food imports including—

''(A) the number of lines of food imported into the United States that the Secretary physically inspected or sampled in the previous fiscal year;

''(B) the number of lines of food imported into the United States that the Secretary did not physically inspect or sample in the previous fiscal year; and

''(C) the average cost of physically inspecting or sampling a food line subject to this Act that is imported or offered for import into the United States; and

''(3) information on the foreign offices of the Food and Drug Administration including—

''(A) the number of foreign offices established; and

''(B) the number of personnel permanently stationed in each foreign office.

''(i) PUBLIC AVAILABILITY OF ANNUAL FOOD REPORTS.—The Secretary shall make the reports required under subsection (h) available to the public on the Internet Web site of the Food and Drug Administration.''.

SEC. 202. RECOGNITION OF LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 201, is amended by adding at the end the following:

"SEC. 422. RECOGNITION OF LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

''(a) RECOGNITION OF LABORATORY ACCREDITATION.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(A) provide for the recognition of accreditation bodies that accredit laboratories, including laboratories run and operated by a State or locality, with a demonstrated capability to conduct sampling and analytical testing of food products; and

''(B) establish a publicly available registry of accreditation bodies, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies.

''(2) FOREIGN LABORATORIES.—Accreditation bodies recognized by the Secretary under paragraph (1) may accredit laboratories that operate outside the United States, so long as such laboratories meet the accreditation standards applicable to domestic laboratories accredited under this section.

''(3) MODEL ACCREDITATION STANDARDS.—The Secretary shall develop model standards that an accreditation body shall require laboratories to meet in order to be included in the registry provided for under paragraph (1). In developing the model standards, the Secretary shall look to existing standards for guidance. The model standards shall include methods to ensure that—

''(A) appropriate sampling and rapid analytical procedures and commercially available techniques are followed and reports of analyses are certified as true and accurate;

''(B) internal quality systems are established and maintained;

''(C) procedures exist to evaluate and respond promptly to complaints regarding analyses and other activities for which the laboratory is recognized;

''(D) individuals who conduct the sampling and analyses are qualified by training and experience to do so; and

''(E) any other criteria determined appropriate by the Secretary.

''(4) REVIEW OF ACCREDITATION.—To ensure compliance with the requirements of this section, the Secretary shall—

''(A) periodically, or at least every 5 years, reevaluate accreditation bodies recognized under paragraph (1); and

''(B) promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section, specifying, as appropriate, any terms and conditions necessary for laboratories accredited by such body to continue to perform testing as described in this section.

''(b) TESTING PROCEDURES.—

''(1) IN GENERAL.—Food testing shall be conducted by Federal laboratories or non-Federal laboratories that have been accredited by an accreditation body on the registry established by the Secretary under subsection (a)(1)(B) whenever such testing is conducted—

''(A) by or on behalf of an owner or consignee—

''(i) in response to a specific testing requirement under this Act or implementing regulations, when applied to address an identified or suspected food safety problem; and

''(ii) as required by the Secretary, as the Secretary deems appropriate, to address an identified or suspected food safety problem; and

''(B) on behalf of an owner or consignee—

''(i) in support of admission of an article of food under section 801(a); and

''(ii) under an Import Alert that requires successful consecutive tests.

''(2) RESULTS OF TESTING.—The results of any such testing shall be sent directly to the Food and Drug Administration, except the Secretary may by regulation exempt test results that do not have to be so submitted if the Secretary determines that such results do not contribute to the protection of public health. Test results required to be submitted may be submitted to the Food and Drug Administration through electronic means.

''(c) REVIEW BY SECRETARY.—If food sampling and testing performed by a laboratory run and operated by a State or locality that is accredited by an accreditation body on the registry established by the Secretary under subsection (a) result in a State recalling a food, the Secretary shall review the sampling and testing results for the purpose of determining the need for a national recall or other compliance and enforcement activities.

''(d) NO LIMIT ON SECRETARIAL AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Secretary to review and act upon information from food testing, including determining the sufficiency of such information and testing.''.

(b) FOOD EMERGENCY RESPONSE NETWORK.—The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and State, local, and tribal governments shall, not later than 180 days after the date of enactment of this Act, and biennially thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services, a report on the progress in implementing a national food emergency response laboratory network that—

(1) provides ongoing surveillance, rapid detection, and surge capacity for large-scale food-related emergencies, including intentional adulteration of the food supply;

(2) coordinates the food laboratory capacities of State, local, and private food laboratories, including the sharing of data between State laboratories to develop national situational awareness;

(3) provides accessible, timely, accurate, and consistent food laboratory services throughout the United States;

(4) develops and implements a methods repository for use by Federal, State, and local officials;

(5) responds to food-related emergencies; and

(6) is integrated with relevant laboratory networks administered by other Federal agencies.

SEC. 203. INTEGRATED CONSORTIUM OF LABORATORY NETWORKS.

(a) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—

(1) agree on common laboratory methods in order to facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health;

(2) identify means by which each laboratory network member could work cooperatively—

(A) to optimize national laboratory preparedness; and

(B) to provide surge capacity during emergencies; and

(3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies.

(b) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall, on a biennial basis, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the progress of the integrated consortium of laboratory networks, as established under subsection (a), in carrying out this section.

SEC. 204. ENHANCING TRACEBACK AND RECORDKEEPING.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and representatives of State departments of health and agriculture, shall improve the capacity of the Secretary to effectively and rapidly track and trace, in the event of an outbreak, fruits and vegetables that are raw agricultural commodities.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary shall establish at least 3 pilot projects in coordination with the produce industry to explore and evaluate methods for rapidly and effectively tracking and tracing fruits and vegetables that are raw agricultural commodities so that, if an outbreak occurs involving such a fruit or vegetable, the Secretary may quickly identify, as soon as practicable, the source of the outbreak and the recipients of the contaminated food.

(2) CONTENT.—The Secretary shall select participants from the produce industry to run projects which overall shall include at least 3 different types of fruits or vegetables that have been the subject of outbreaks during the 5-year period preceding the date of enactment of this Act, and shall be selected in order to develop and demonstrate—

(A) methods that are applicable and appropriate for small businesses; and

(B) technologies, including existing technologies, that enhance traceback and trace forward.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress on the findings of the pilot projects under subsection (b) together with recommendations for establishing more effective traceback and trace forward procedures for fruits and vegetables that are raw agricultural commodities.

(d) TRACEBACK PERFORMANCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish standards for the type of information, format, and timeframe for persons to submit records to aid the Secretary in effectively and rapidly tracking and tracing, in the event of a foodborne illness outbreak, fruits and vegetables that are raw agricultural commodities. In promulgating the regulations under this paragraph, the Secretary shall consider—

(A) the impact of such regulations on farms and small businesses;

(B) the findings in the report submitted under subsection (c); and

(C) existing international trade obligations.

(2) LIMITATIONS.—

(A) TYPE OF RECORDS.—The Secretary shall not require an entity that is subject to the requirements of section 419 of the Federal Food, Drug, and Cosmetic Act (as added by section 105), but which is not a facility (as such term is defined by section 415 of such Act), to submit to the Secretary distribution records under this section other than distribution records that are kept in the normal course of business and that show the immediate subsequent recipient, other than a consumer.

(B) MAINTENANCE OF RECORDS.—Nothing in this section shall be construed as giving the Secretary the authority to prescribe specific technologies for the maintenance of records.

(e) PUBLIC INPUT.—During the comment period in the notice of proposed rulemaking under subsection (d), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

(f) RAW AGRICULTURAL COMMODITY.—In this section, the term ''raw agricultural commodity'' has the meaning given that term in section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(r)).

SEC. 205. PILOT PROJECT TO ENHANCE TRACEBACK AND RECORDKEEPING WITH RESPECT TO PROCESSED FOOD.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a pilot project to explore and evaluate methods for rapidly and effectively tracking and tracing processed food so that, if an outbreak occurs involving such a processed food, the Secretary may quickly identify the source of the outbreak and the recipients of the contaminated food.

(b) CONSULTATION.—In establishing the pilot project under subsection (a), the Secretary shall consult with food processors and relevant businesses of varying size.

(c) CONTENT.—The Secretary shall select participants from the processed food industry to run a project which overall shall include 1 or more different types of processed food that have

been the subject of outbreaks during the 5-year period preceding the date of enactment of this Act and shall be selected in order to develop and demonstrate—

(1) methods that are applicable and appropriate for small businesses; and

(2) technologies, including existing technologies, that enhance traceback and trace forward.

(d) REPORT.—The Secretary shall report to Congress on the findings of the pilot project under this section, together with recommendations for establishing more effective traceback and trace forward procedures for processed food.

(e) PROCESSED FOOD.—In this section, the term ''processed food'' has the meaning given such term in section 201(gg) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(gg)).

SEC. 206. SURVEILLANCE.

(a) DEFINITION OF FOODBORNE ILLNESS OUTBREAK.—In this section, the term ''foodborne illness outbreak'' means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a food.

(b) FOODBORNE ILLNESS SURVEILLANCE SYSTEMS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses by—

(A) coordinating Federal, State and local foodborne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a foodborne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of identification practices, including fingerprinting strategies, for foodborne infectious agents, in order to identify new or rarely documented causes of foodborne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, de-identified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating foodborne illness surveillance systems and data with other biosurveillance and public health situational awareness capabilities at the Federal, State, and local levels; and

(J) other activities as determined appropriate by the Secretary.

(2) PARTNERSHIPS.—The Secretary shall support and maintain a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food and food testing industries, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of foodborne illness surveillance and implementation of this section, including advice and recommendations on—

(A) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on foodborne illness and its causes;

(B) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and between the Federal, State, and local levels of government;

(C) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to foodborne illness aggregated, de-identified surveillance data collected by government agencies at all levels, including data compiled by the Centers for Disease Control and Prevention;

(D) key barriers to improvement in foodborne illness surveillance and its utility for preventing foodborne illness at Federal, State, and local levels;

(E) the capabilities needed for establishing automatic electronic searches of surveillance data; and

(F) specific actions to reduce barriers to improvement, implement the working group's recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve foodborne illness outbreak response and containment.

(B) Accelerate foodborne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of foodborne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals described in section 108.

(2) REVIEW.—In developing of the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

(d) FOOD SAFETY CAPACITY BUILDING GRANTS.—Section 317R(b) of the Public Health Service Act (42 U.S.C. 247b–20(b)) is amended—

(1) by striking ''2002'' and inserting ''2010''; and

(2) by striking ''2003 through 2006'' and inserting ''2011 through 2014''.

SEC. 207. MANDATORY RECALL AUTHORITY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 202, is amended by adding at the end the following:

''SEC. 423. MANDATORY RECALL AUTHORITY.

''(a) VOLUNTARY PROCEDURES.—If the Secretary determines, based on information gathered through the reportable food registry under section 417 or through any other means, that there is a reasonable probability that an article of food (other than infant formula) is adulterated under section 402 or misbranded under section 403(w) and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the Secretary shall provide the responsible party (as defined in section 417) with an opportunity to cease distribution and recall such article.

''(b) PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.—If the responsible party refuses to or does not voluntarily cease distribution or recall such article within the time and in the manner prescribed by the Secretary (if so prescribed), the Secretary may, by order require, as the Secretary deems necessary, such person to—

''(1) immediately cease distribution of such article; and

''(2) as applicable, immediately notify all persons—

''(A) manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling such article; and

''(B) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article.

''(c) HEARING ON ORDER.—The Secretary shall provide the responsible party subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible, but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

''(d) POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.—

''(1) AMENDMENT OF ORDER.—If, after providing opportunity for an informal hearing under subsection (c), the Secretary determines that removal of the article from commerce is necessary, the Secretary shall, as appropriate—

''(A) amend the order to require recall of such article or other appropriate action;

''(B) specify a timetable in which the recall shall occur;

''(C) require periodic reports to the Secretary describing the progress of the recall; and

''(D) provide notice to consumers to whom such article was, or may have been, distributed.

''(2) VACATING OF ORDER.—If, after such hearing, the Secretary determines that adequate grounds do not exist to continue the actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

''(e) COOPERATION AND CONSULTATION.—The Secretary shall work with State and local public health officials in carrying out this section, as appropriate.

''(f) PUBLIC NOTIFICATION.—In conducting a recall under this section, the Secretary shall—

''(1) ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification—

''(A) of the recall to consumers and retailers to whom such article was, or may have been, distributed; and

''(B) that includes, at a minimum—

''(i) the name of the article of food subject to the recall; and

''(ii) a description of the risk associated with such article;

''(2) consult the policies of the Department of Agriculture regarding providing to the public a list of retail consignees receiving products involved in a Class I recall and shall consider providing such a list to the public, as determined appropriate by the Secretary; and

''(3) if available, publish on the Internet Web site of the Food and Drug Administration an image of the article that is the subject of the press release described in (1).

''(g) NO DELEGATION.—The authority conferred by this section to order a recall or vacate

a recall order shall not be delegated to any officer or employee other than the Commissioner.

''(h) EFFECT.—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall.''.

(b) SEARCH ENGINE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall modify the Internet Web site of the Food and Drug Administration to include a search engine that—

(1) is consumer-friendly, as determined by the Secretary; and

(2) provides a means by which an individual may locate relevant information regarding each article of food subject to a recall under section 420 of the Federal Food, Drug, and Cosmetic Act and the status of such recall (such as whether a recall is ongoing or has been completed).

(c) CIVIL PENALTY.—Section 303(f)(2)(A) (21 U.S.C. 333(f)(2)(A)) is amended by inserting ''or any person who does not comply with a recall order under section 423'' after ''section 402(a)(2)(B)''.

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 106, is amended by adding at the end the following:

''(xx) The refusal or failure to follow an order under section 423.''.

SEC. 208. ADMINISTRATIVE DETENTION OF FOOD.

(a) IN GENERAL.—Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by—

(1) striking ''credible evidence or information indicating'' and inserting ''reason to believe''; and

(2) striking ''presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''is adulterated or misbranded''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart K of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 209. DECONTAMINATION AND DISPOSAL STANDARDS AND PLANS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, and Secretary of Agriculture, shall provide support for, and technical assistance to, State, local, and tribal governments in preparing for, assessing, decontaminating, and recovering from an agriculture or food emergency.

(b) DEVELOPMENT OF STANDARDS.—In carrying out subsection (a), the Administrator, in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, Secretary of Agriculture, and State, local, and tribal governments, shall develop and disseminate specific standards and protocols to undertake clean-up, clearance, and recovery activities following the decontamination and disposal of specific threat agents and foreign animal diseases.

(c) DEVELOPMENT OF MODEL PLANS.—In carrying out subsection (a), the Administrator, the Secretary of Health and Human Services, and the Secretary of Agriculture shall jointly develop and disseminate model plans for—

(1) the decontamination of individuals, equipment, and facilities following an intentional contamination of agriculture or food; and

(2) the disposal of large quantities of animals, plants, or food products that have been infected or contaminated by specific threat agents and foreign animal diseases.

(d) EXERCISES.—In carrying out subsection (a), the Administrator, in coordination with the entities described under subsection (b), shall conduct exercises at least annually to evaluate and identify weaknesses in the decontamination and disposal model plans described in subsection (c). Such exercises shall be carried out, to the maximum extent practicable, as part of the national exercise program under section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)).

(e) MODIFICATIONS.—Based on the exercises described in subsection (d), the Administrator, in coordination with the entities described in subsection (b), shall review and modify as necessary the plans described in subsection (c) not less frequently than biennially.

(f) PRIORITIZATION.—The Administrator, in coordination with the entities described in subsection (b), shall develop standards and plans under subsections (b) and (c) in an identified order of priority that takes into account—

(1) highest-risk biological, chemical, and radiological threat agents;

(2) agents that could cause the greatest economic devastation to the agriculture and food system; and

(3) agents that are most difficult to clean or remediate.

SEC. 210. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

Chapter X (21 U.S.C.391 et seq.) is amended by adding at the end the following:

"SEC. 1011. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

''(a) TRAINING.—The Secretary shall set standards and administer training and education programs for the employees of State, local, territorial, and tribal food safety officials relating to the regulatory responsibilities and policies established by this Act, including programs for—

''(1) scientific training;

''(2) training to improve the skill of officers and employees authorized to conduct inspections under sections 702 and 704;

''(3) training to achieve advanced product or process specialization in such inspections;

''(4) training that addresses best practices;

''(5) training in administrative process and procedure and integrity issues;

''(6) training in appropriate sampling and laboratory analysis methodology; and

''(7) training in building enforcement actions following inspections, examinations, testing, and investigations.

''(b) PARTNERSHIPS WITH STATE AND LOCAL OFFICIALS.—

''(1) IN GENERAL.—The Secretary, pursuant to a contract or memorandum of understanding between the Secretary and the head of a State, local, territorial, or tribal department or agency, is authorized and encouraged to conduct examinations, testing, and investigations for the purposes of determining compliance with the food safety provisions of this Act through the officers and employees of such State, local, territorial, or tribal department or agency.

''(2) CONTENT.—A contract or memorandum described under paragraph (1) shall include provisions to ensure adequate training of such officers and employees to conduct such examinations, testing, and investigations. The contract or memorandum shall contain provisions regarding reimbursement. Such provisions may, at the sole discretion of the head of the other department or agency, require reimbursement, in whole or in part, from the Secretary for the examinations, testing, or investigations performed pursuant to this section by the officers or employees of the State, territorial, or tribal department or agency.

''(3) EFFECT.—Nothing in this subsection shall be construed to limit the authority of the Secretary under section 702.

''(c) EXTENSION SERVICE.—The Secretary shall ensure coordination with the extension activities of the National Institute of Food and Agriculture of the Department of Agriculture in advising producers and small processors transitioning into new practices required as a result of the enactment of the FDA Food Safety Modernization Act and assisting regulated industry with compliance with such Act.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2011 through 2015.''.

SEC. 211. GRANTS TO ENHANCE FOOD SAFETY.

Section 1009 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399) is amended to read as follows:

"SEC. 1009. GRANTS TO ENHANCE FOOD SAFETY.

''(a) IN GENERAL.—The Secretary is authorized to make grants to States, localities, territories, and Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) to—

''(1) undertake examinations, inspections, and investigations, and related food safety activities under section 702;

''(2) train to the standards of the Secretary for the examination, inspection, and investigation of food manufacturing, processing, packing, holding, distribution, and importation, including as such examination, inspection, and investigation relate to retail food establishments;

''(3) build the capacity of the laboratories of such State, locality, territory, or Indian tribe for food safety;

''(4) build the infrastructure and capacity of the food safety programs of such State, locality, territory, or Indian tribe to meet the standards as outlined in the grant application; and

''(5) take appropriate action to protect the public health in response to—

''(A) a notification under section 1008, including planning and otherwise preparing to take such action; or

''(B) a recall of food under this Act.

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, a State, locality, territory, or Indian tribe shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) an assurance that the State, locality, territory, or Indian tribe has developed plans to engage in the types of activities described in subsection (a);

''(B) a description of the types of activities to be funded by the grant;

''(C) an itemization of how grant funds received under this section will be expended;

''(D) a description of how grant activities will be monitored; and

''(E) an agreement by the State, locality, territory, or Indian tribe to report information required by the Secretary to conduct evaluations under this section.

''(c) LIMITATIONS.—The funds provided under subsection (a) shall be available to a State, locality, territory, or Indian tribe only to the extent such State, locality, territory, or Indian tribe funds its food safety programs independently of any grant under this section in each year of the grant at a level equal to the level of such funding in the previous year, increased by the Consumer Price Index.

''(d) ADDITIONAL AUTHORITY.—The Secretary may—

''(1) award a grant under this section in each subsequent fiscal year without reapplication for a period of not more than 3 years, provided the requirements of subsection (c) are met for the previous fiscal year; and

''(2) award a grant under this section in a fiscal year for which the requirement of subsection (c) has not been met only if such requirement was not met because such funding was diverted for response to 1 or more natural disasters or in other extenuating circumstances that the Secretary may determine appropriate.

''(e) DURATION OF AWARDS.—The Secretary may award grants to an individual grant recipient under this section for a period of not more

than 3 years. In the event the Secretary conducts a program evaluation, funding in the second year or third year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

''(f) PROGRESS AND EVALUATION.—A grant recipient shall at the end of each year provide the Secretary with information on how grant funds were spent and the status of the efforts by such recipient to enhance food safety.

''(g) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this section shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.''.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

SEC. 301. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

''SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.

''(a) IN GENERAL.—

''(1) VERIFICATION REQUIREMENT.—Each importer shall perform risk-based foreign supplier verification activities for the purpose of verifying that the food imported by the importer or its agent is—

''(A) produced in compliance with the requirements of section 418 or 419, as appropriate; and

''(B) is not adulterated under section 402 or misbranded under section 403(w).

''(2) IMPORTER DEFINED.—For purposes of this section, the term 'importer' means, with respect to an article of food—

''(A) the United States owner or consignee of the article of food at the time of entry of such article into the United States; or

''(B) in the case when there is no United States owner or consignee as described in subparagraph (A), the United States agent or representative of a foreign owner or consignee of the article of food at the time of entry of such article into the United States.

''(b) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall issue guidance to assist importers in developing foreign supplier verification programs.

''(c) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations to provide for the content of the foreign supplier verification program established under subsection (a). Such regulations shall, as appropriate, include a process for verification by an importer, with respect to each foreign supplier from which it obtains food, that the imported food is produced in compliance with the requirements of section 418 or 419, as appropriate, and is not adulterated under section 402 or misbranded under section 403(w).

''(2) VERIFICATION.—The regulations under paragraph (1) shall require that the foreign supplier verification program of each importer be adequate to provide assurances that each foreign supplier to the importer produces the imported food employing processes and procedures, including risk-based reasonably appropriate preventive controls, equivalent in preventing adulteration and reducing hazards to those required by section 418 or section 419, as appropriate.

''(3) ACTIVITIES.—Verification activities under a foreign supplier verification program under this section may include monitoring records for shipments, lot-by-lot certification of compliance, annual on-site inspections, checking the hazard analysis and risk-based preventive control plan of the foreign supplier, and periodically testing and sampling shipments.

''(d) RECORD MAINTENANCE AND ACCESS.—Records of an importer related to a foreign supplier verification program shall be maintained for a period of not less than 2 years and shall be made available promptly to a duly authorized representative of the Secretary upon request.

''(e) DEEMED COMPLIANCE OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—The owner, operator, or agent in charge of a facility required to comply with 1 of the following standards and regulations with respect to such facility shall be deemed to be in compliance with this section with respect to such facility:

''(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

''(f) PUBLICATION OF LIST OF PARTICIPANTS.—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list that includes the name of, location of, and other information deemed necessary by the Secretary about, importers participating under this section.''.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 207, is amended by adding at the end the following:

''(yy) The importation or offering for importation of a food if the importer (as defined in section 805) does not have in place a foreign supplier verification program in compliance with such section 805.''.

(c) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by adding ''or the importer (as defined in section 805) is in violation of such section 805'' after ''or in violation of section 505''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 301, is amended by adding at the end the following:

''SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

''(a) IN GENERAL.—Beginning not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(1) establish a program, in consultation with the Secretary of Homeland Security, to provide for the expedited review and importation of food offered for importation by importers who have voluntarily agreed to participate in such program; and

''(2) issue a guidance document related to participation and compliance with such program.

''(b) VOLUNTARY PARTICIPATION.—An importer may request the Secretary to provide for the expedited review and importation of designated foods in accordance with the program procedures established by the Secretary.

''(c) ELIGIBILITY.—Eligibility shall be limited to an importer offering food for importation from a facility that has a certification described in section 809(b). In reviewing the applications and making determinations on such requests, the Secretary shall consider the risk of the food to be imported based on factors, such as the following:

''(1) The nature of the food to be imported.

''(2) The compliance history of the foreign supplier.

''(3) The capability of the regulatory system of the country of export to ensure compliance with United States food safety standards.

''(4) The compliance of the importer with the requirements of section 805.

''(5) The recordkeeping, testing, inspections and audits of facilities, traceability of articles of food, temperature controls, and sourcing practices of the importer.

''(6) The potential risk for intentional adulteration of the food.

''(7) Any other factor that the Secretary determines appropriate.

''(d) REVIEW AND REVOCATION.—Any importer qualified by the Secretary in accordance with the eligibility criteria set forth in this section shall be reevaluated not less often than once every 3 years and the Secretary shall promptly revoke the qualified importer status of any importer found not to be in compliance with such criteria.

''(e) NOTICE OF INTENT TO PARTICIPATE.—An importer that intends to participate in the program under this section in a fiscal year shall submit a notice to the Secretary of such intent at time and in a manner established by the Secretary.

''(f) FALSE STATEMENTS.—Any statement or representation made by an importer to the Secretary shall be subject to section 1001 of title 18, United States Code.

''(g) DEFINITION.—For purposes of this section, the term 'importer' means the person that brings food, or causes food to be brought, from a foreign country into the customs territory of the United States.''.

SEC. 303. AUTHORITY TO REQUIRE IMPORT CERTIFICATIONS FOR FOOD.

(a) IN GENERAL.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting after the third sentence the following: ''With respect to an article of food, if importation of such food is subject to, but not compliant with, the requirement under subsection (q) that such food be accompanied by a certification or other assurance that the food meets some or all applicable requirements of this Act, then such article shall be refused admission.''.

(b) ADDITION OF CERTIFICATION REQUIREMENT.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following new subsection:

''(q) CERTIFICATIONS CONCERNING IMPORTED FOODS.—

''(1) IN GENERAL.—The Secretary, based on public health considerations, including risks associated with the food or its place of origin, may require as a condition of granting admission to an article of food imported or offered for import into the United States, that an entity specified in paragraph (2) provide a certification or such other assurances as the Secretary determines appropriate that the article of food complies with some or all applicable requirements of this Act, as specified by the Secretary. Such certification or assurances may be provided in the form of shipment-specific certificates, a listing of certified entities, or in such other form as the Secretary may specify. Such certification shall be used for designated food imported from countries with which the Food and Drug Administration has an agreement to establish a certification program.

''(2) CERTIFYING ENTITIES.—For purposes of paragraph (1), entities that shall provide the certification or assurances described in such paragraph are—

''(A) an agency or a representative of the government of the country from which the article of food at issue originated, as designated by such government or the Secretary; or

''(B) such other persons or entities accredited pursuant to section 809 to provide such certification or assurance.

''(3) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary may—

''(A) require that any certification or other assurance provided by an entity specified in paragraph (2) be renewed by such entity at such times as the Secretary determines appropriate; and

''(B) refuse to accept any certification or assurance if the Secretary determines that such certification or assurance is not valid or reliable.

''(4) ELECTRONIC SUBMISSION.—The Secretary shall provide for the electronic submission of certifications under this subsection.

''(5) FALSE STATEMENTS.—Any statement or representation made by an entity described in paragraph (2) to the Secretary shall be subject to section 1001 of title 18, United States Code.''.

(c) CONFORMING TECHNICAL AMENDMENT.—Section 801(b) (21 U.S.C. 381(b)) is amended in the second sentence by striking ''with respect to an article included within the provision of the fourth sentence of subsection (a)'' and inserting ''with respect to an article described in subsection (a) relating to the requirements of sections 760 or 761,''.

(d) NO LIMIT ON AUTHORITY.—Nothing in the amendments made by this section shall limit the authority of the Secretary to conduct inspections of imported food or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported food.

SEC. 304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.

(a) IN GENERAL.—Section 801(m)(1) (21 U.S.C. 381(m)(1)) is amended by inserting ''any country to which the article has been refused entry;'' after ''the country from which the article is shipped;''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart I of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 305. REVIEW OF A REGULATORY AUTHORITY OF A FOREIGN COUNTRY.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 302, is amended by adding at the end the following:

''SEC. 807. REVIEW OF A REGULATORY AUTHORITY OF A FOREIGN COUNTRY.

''The Secretary may review information from a country outlining the statutes, regulations, standards, and controls of such country, and conduct on-site audits in such country to verify the implementation of those statutes, regulations, standards, and controls. Based on such review, the Secretary shall determine whether such country can provide reasonable assurances that the food supply of the country meets or exceeds the safety of food manufactured, processed, packed, or held in the United States.''.

SEC. 306. BUILDING CAPACITY OF FOREIGN GOVERNMENTS WITH RESPECT TO FOOD.

(a) IN GENERAL.—The Secretary shall, not later than 2 years of the date of enactment of this Act, develop a comprehensive plan to expand the technical, scientific, and regulatory capacity of foreign governments, and their respective food industries, from which foods are exported to the United States.

(b) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Agriculture, Secretary of State, Secretary of the Treasury, the United States Trade Representative, and the Secretary of Commerce, representatives of the food industry, appropriate foreign government officials, nongovernmental organizations that represent the interests of consumers, and other stakeholders.

(c) PLAN.—The plan developed under subsection (a) shall include, as appropriate, the following:

(1) Recommendations for bilateral and multilateral arrangements and agreements, including provisions to provide for responsibility of exporting countries to ensure the safety of food.

(2) Provisions for secure electronic data sharing.

(3) Provisions for mutual recognition of inspection reports.

(4) Training of foreign governments and food producers on United States requirements for safe food.

(5) Recommendations on whether and how to harmonize requirements under the Codex Alimentarius.

(6) Provisions for the multilateral acceptance of laboratory methods and detection techniques.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the regulation of dietary supplements under the Dietary Supplement Health and Education Act of 1994 (Public Law 103–417).

SEC. 307. INSPECTION OF FOREIGN FOOD FACILITIES.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 305, is amended by inserting at the end the following:

''SEC. 808. INSPECTION OF FOREIGN FOOD FACILITIES.

''(a) INSPECTION.—The Secretary—

''(1) may enter into arrangements and agreements with foreign governments to facilitate the inspection of foreign facilities registered under section 415; and

''(2) shall direct resources to inspections of foreign facilities, suppliers, and food types, especially such facilities, suppliers, and food types that present a high risk (as identified by the Secretary), to help ensure the safety and security of the food supply of the United States.

''(b) EFFECT OF INABILITY TO INSPECT.—Notwithstanding any other provision of law, food shall be refused admission into the United States if it is from a foreign facility registered under section 415 of which the owner, operator, or agent in charge of the facility, or the government of the foreign country, refuses to permit entry of United States inspectors, upon request, to inspect such facility. For purposes of this subsection, such an owner, operator, or agent in charge shall be considered to have refused an inspection if such owner, operator, or agent in charge refuses such a request to inspect a facility more than 2 business days after such request is submitted.''.

SEC. 308. ACCREDITATION OF THIRD-PARTY AUDITORS AND AUDIT AGENTS.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 307, is amended by adding at the end the following:

''SEC. 809. ACCREDITATION OF THIRD-PARTY AUDITORS AND AUDIT AGENTS.

''(a) DEFINITIONS.—In this section:

''(1) ACCREDITED AUDIT AGENT.—The term 'accredited audit agent' means an audit agent accredited by an accreditation body under this section.

''(2) AUDIT AGENT.—The term 'audit agent' means an individual who is qualified to conduct food safety audits, and who may be an employee or an agent of a third-party auditor.

''(3) ACCREDITATION BODY.—The term 'accreditation body' means a recognized authority that performs accreditation of third-party auditors and audit agents.

''(4) ACCREDITED THIRD-PARTY AUDITOR.—The term 'accredited third-party auditor' means a third-party auditor accredited by an accreditation body under this section.

''(5) CONSULTATIVE AUDIT.—The term 'consultative audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act and with applicable industry standards and practices; and

''(B) the results of which are for internal facility purposes only.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means a foreign entity, including a foreign facility registered under section 415, in the food import supply chain that chooses to be audited by an accredited third-party auditor or audit agent.

''(7) REGULATORY AUDIT.—The term 'regulatory audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act; and

''(B) the results of which determine—

''(i) whether an entity is eligible to receive a certification under section 801(q); and

''(ii) whether the entity is eligible to participate in the voluntary qualified importer program under section 806.

''(8) THIRD-PARTY AUDITOR.—The term 'third-party auditor' means a foreign government, foreign cooperative, or any other qualified third party, as the Secretary determines appropriate, that conducts audits of eligible entities to certify that such eligible entities meet the applicable requirements of this section.

''(b) ACCREDITATION SYSTEM.—

''(1) ACCREDITATION BODIES.—

''(A) RECOGNITION OF ACCREDITATION BODIES.—

''(i) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors and audit agents to certify that eligible entities meet the applicable requirements of this Act.

''(ii) DIRECT ACCREDITATION.—If, by the date that is 1 year after the date of establishment of the system described in clause (i), the Secretary has not identified and recognized an accreditation body to meet the requirements of this section, the Secretary may directly accredit third-party auditors and audit agents.

''(B) NOTIFICATION.—Each accreditation body recognized by the Secretary shall submit to the Secretary a list of all accredited third-party auditors and audit agents accredited by such body.

''(C) REVOCATION OF RECOGNITION AS AN ACCREDITATION BODY.—The Secretary shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

''(2) MODEL ACCREDITATION STANDARDS.—The Secretary shall develop model standards, including audit report requirements, and each recognized accreditation body shall ensure that third-party auditors and audit agents meet such standards in order to qualify as an accredited third-party auditor or audit agent under this section. In developing the model standards, the Secretary shall look to standards in place on the date of the enactment of this section for guidance, to avoid unnecessary duplication of efforts and costs.

''(c) THIRD-PARTY AUDITORS AND AUDIT AGENCIES.—

''(1) REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR OR AUDIT AGENT.—

''(A) FOREIGN GOVERNMENTS.—Prior to accrediting a foreign government as an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of food safety programs, systems, and standards of the government as the Secretary deems necessary to determine that the foreign government is capable of adequately ensuring that eligible entities certified by such government meet the requirements of this Act with respect to food manufactured, processed, packed, or held for import into the United States.

''(B) FOREIGN COOPERATIVES AND OTHER THIRD PARTIES.—Prior to accrediting a foreign cooperative that aggregates the products of growers or processors, or any other third party that the Secretary determines appropriate to be an accredited third-party auditor or audit agent, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of the training and qualifications of auditors used by that cooperative or party and conduct such reviews of internal systems and such

other investigation of the cooperative or party as the Secretary deems necessary to determine that each eligible entity certified by the cooperative or party has systems and standards in use to ensure that such entity meets the requirements of this Act.

''(2) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) may not accredit a third-party auditor or audit agent unless such third-party auditor or audit agent agrees to issue a written and electronic certification to accompany each food shipment for import into the United States from an eligible entity certified by the third-party auditor or audit agent, subject to requirements set forth by the Secretary. Such written certification may be included with other documentation regarding such food shipment. The Secretary shall consider such certificates when targeting inspection resources under section 421.

''(B) PURPOSE OF CERTIFICATION.—The Secretary shall use evidence of certification provided by accredited third-party auditors and audit agents to—

''(i) determine the eligibility of an importer to receive a certification under section 801(q); and

''(ii) determine the eligibility of an importer to participate in the voluntary qualified importer program under section 806.

''(3) AUDIT REPORT REQUIREMENTS.—

''(A) REQUIREMENTS IN GENERAL.—As a condition of accreditation, an accredited third-party auditor or audit agent shall prepare the audit report for an audit, in a form and manner designated by the Secretary, which shall include—

''(i) the identity of the persons at the audited eligible entity responsible for compliance with food safety requirements;

''(ii) the dates of the audit;

''(iii) the scope of the audit; and

''(iv) any other information required by the Secretary that relate to or may influence an assessment of compliance with this Act.

''(B) SUBMISSION OF REPORTS TO THE SECRETARY.—

''(i) IN GENERAL.—Following any accreditation of a third-party auditor or audit agent, the Secretary may, at any time, require the accredited third-party auditor or audit agent to submit to the Secretary an onsite audit report and such other reports or documents required as part of the audit process, for any eligible entity certified by the third-party auditor or audit agent. Such report may include documentation that the eligible entity is in compliance with any applicable registration requirements.

''(ii) LIMITATION.—The requirement under clause (i) shall not include any report or other documents resulting from a consultative audit by the accredited third-party auditor or audit agent, except that the Secretary may access the results of a consultative audit in accordance with section 414.

''(4) REQUIREMENTS OF AUDIT AGENTS.—

''(A) RISKS TO PUBLIC HEALTH.—If, at any time during an audit, an accredited audit agent discovers a condition that could cause or contribute to a serious risk to the public health, the audit agent shall immediately notify the Secretary of—

''(i) the identification of the eligible entity subject to the audit; and

''(ii) such condition.

''(B) TYPES OF AUDITS.—An accredited audit agent may perform consultative and regulatory audits of eligible entities.

''(C) LIMITATIONS.—An accredited audit agent may not perform a regulatory audit of an eligible entity if such agent has performed a consultative audit or a regulatory audit of such eligible entity during the previous 24-month period.

''(5) CONFLICTS OF INTEREST.—

''(A) THIRD-PARTY AUDITORS.—An accredited third-party auditor shall—

''(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

''(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(B) AUDIT AGENTS.—An accredited audit agent shall—

''(i) not own or operate an eligible entity to be certified by such agent;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be certified by such agent; and

''(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(C) REGULATIONS.—The Secretary shall promulgate regulations not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act to ensure that there are protections against conflicts of interest between an accredited third-party auditor or audit agent and the eligible entity to be certified by such auditor or audit agent. Such regulations shall include—

''(i) requiring that audits performed under this section be unannounced;

''(ii) a structure to decrease the potential for conflicts of interest, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors or audit agents; and

''(iii) appropriate limits on financial affiliations between an accredited third-party auditor or audit agent and any person that owns or operates an eligible entity to be certified by such auditor or audit agent.

''(6) WITHDRAWAL OF ACCREDITATION.—The Secretary shall withdraw accreditation from an accredited third-party auditor or audit agent—

''(A) if food from an eligible entity certified by such third-party auditor or audit agent is linked to an outbreak of human or animal illness;

''(B) following a performance audit and finding by the Secretary that the third-party auditor or audit agent no longer meets the requirements for accreditation; or

''(C) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to ensure continued compliance with the requirements set forth in this section.

''(7) NEUTRALIZING COSTS.—The Secretary shall establish a method, similar to the method used by the Department of Agriculture, by which accredited third-party auditors and audit agents reimburse the Food and Drug Administration for the work performed to establish and administer the accreditation system under this section. The Secretary shall make operating this program revenue-neutral and shall not generate surplus revenue from such a reimbursement mechanism.

''(d) RECERTIFICATION OF ELIGIBLE ENTITIES.—An eligible entity shall apply for annual recertification by an accredited third-party auditor or audit agent if such entity—

''(1) intends to participate in voluntary qualified importer program under section 806; or

''(2) must provide to the Secretary a certification under section 801(q) for any food from such entity.

''(e) FALSE STATEMENTS.—Any statement or representation made—

''(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

''(2) by an accredited third-party auditor or an audit agent to the Secretary,

shall be subject to section 1001 of title 18, United States Code.

''(f) MONITORING.—To ensure compliance with the requirements of this section, the Secretary shall—

''(1) periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

''(2) periodically, or at least once every 4 years, audit the performance of each accredited third-party auditor and audit agent, through the review of audit reports by such auditors and audit agents, the compliance history as available of eligible entities certified by such auditors and audit agents, and any other measures deemed necessary by the Secretary;

''(3) at any time, conduct an onsite audit of any eligible entity certified by an accredited third-party auditor or audit agent, with or without the auditor or audit agent present; and

''(4) take any other measures deemed necessary by the Secretary.

''(g) PUBLICLY AVAILABLE REGISTRY.—The Secretary shall establish a publicly available registry of accreditation bodies and of accredited third-party auditors and audit agents, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies, auditors, and agents.

''(h) LIMITATIONS.—

''(1) NO EFFECT ON SECTION 704 INSPECTIONS.—The audits performed under this section shall not be considered inspections under section 704.

''(2) NO EFFECT ON INSPECTION AUTHORITY.—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.''.

SEC. 309. FOREIGN OFFICES OF THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall establish offices of the Food and Drug Administration in foreign countries selected by the Secretary, to provide assistance to the appropriate governmental entities of such countries with respect to measures to provide for the safety of articles of food and other products regulated by the Food and Drug Administration exported by such country to the United States, including by directly conducting risk-based inspections of such articles and supporting such inspections by such governmental entity.

(b) CONSULTATION.—In establishing the foreign offices described in subsection (a), the Secretary shall consult with the Secretary of State and the United States Trade Representative.

(c) REPORT.—Not later than October 1, 2011, the Secretary shall submit to Congress a report on the basis for the selection by the Secretary of the foreign countries in which the Secretary established offices, the progress which such offices have made with respect to assisting the governments of such countries in providing for the safety of articles of food and other products regulated by the Food and Drug Administration exported to the United States, and the plans of the Secretary for establishing additional foreign offices of the Food and Drug Administration, as appropriate.

SEC. 310. SMUGGLED FOOD.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary shall, in consultation with the Secretary of Homeland Security, the Commissioner of Customs and Border Patrol, and the Assistant Secretary for Immigration and Customs Enforcement, develop and implement a strategy to better identify smuggled food and prevent entry of such food into the United States.

(b) NOTIFICATION TO HOMELAND SECURITY.—Not later than 10 days after the Secretary identifies a smuggled food that the Secretary believes would cause serious adverse health consequences or death to humans or animals, the Secretary shall provide to the Secretary of Homeland Security a notification under section 417(k) of the Federal Food, Drug, and Cosmetic

Act (21 U.S.C. 350f(k)) describing the smuggled food and, if available, the names of the individuals or entities that attempted to import such food into the United States.

(c) PUBLIC NOTIFICATION.—If the Secretary—

(1) identifies a smuggled food;

(2) reasonably believes exposure to the food would cause serious adverse health consequences or death to humans or animals; and

(3) reasonably believes that the food has entered domestic commerce and is likely to be consumed,

the Secretary shall promptly issue a press release describing that food and shall use other emergency communication or recall networks, as appropriate, to warn consumers and vendors about the potential threat.

(d) DEFINITION.—In this subsection, the term ''smuggled food'' means any food that a person introduces into the United States through fraudulent means or with the intent to defraud or mislead.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FUNDING FOR FOOD SAFETY.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration—

(1) $825,000,000 for fiscal year 2010; and

(2) such sums as may be necessary for fiscal years 2011 through 2014.

(b) INCREASED NUMBER OF FIELD STAFF.—

(1) IN GENERAL.—To carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities of the Office of Regulatory Affairs of the Food and Drug Administration, the Secretary of Health and Human Services shall increase the field staff of such Centers and Office with a goal of not fewer than—

(A) 3,800 staff members in fiscal year 2010;

(B) 4,000 staff members in fiscal year 2011;

(C) 4,200 staff members in fiscal year 2012;

(D) 4,600 staff members in fiscal year 2013; and

(E) 5,000 staff members in fiscal year 2014.

(2) FIELD STAFF FOR FOOD DEFENSE.—The goal under paragraph (1) shall include an increase of 150 employees by fiscal year 2011 to—

(A) provide additional detection of and response to food defense threats; and

(B) detect, track, and remove smuggled food (as defined in section 310) from commerce.

SEC. 402. WHISTLEBLOWER PROTECTIONS.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.), as amended by section 210, is further amended by adding at the end the following:

"SEC. 1012. WHISTLEBLOWER PROTECTIONS.

''(a) IN GENERAL.—No entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this Act or any order, rule, regulation, standard, or ban under this Act, or any order, rule, regulation, standard, or ban under this Act;

''(2) testified or is about to testify in a proceeding concerning such violation;

''(3) assisted or participated or is about to assist or participate in such a proceeding; or

''(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act, or any order, rule, regulation, standard, or ban under this Act.

''(b) PROCESS.—

''(1) IN GENERAL.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor (referred to in this section as the 'Secretary') alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

''(B) REASONABLE CAUSE FOUND; PRELIMINARY ORDER.—If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(C) DISMISSAL OF COMPLAINT.—

''(i) STANDARD FOR COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) STANDARD FOR EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) VIOLATION STANDARD.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) RELIEF STANDARD.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) IN GENERAL.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

''(B) CONTENT OF ORDER.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

''(i) to take affirmative action to abate the violation;

''(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) to provide compensatory damages to the complainant.

''(C) PENALTY.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(D) BAD FAITH CLAIM.—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $1,000, to be paid by the complainant.

''(4) ACTION IN COURT.—

''(A) IN GENERAL.—If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(C).

''(B) RELIEF.—The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

''(i) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

''(ii) the amount of back pay, with interest; and

''(iii) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

''(5) REVIEW.—

''(A) IN GENERAL.—Unless the complainant brings an action under paragraph (4), any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) NO JUDICIAL REVIEW.—An order of the Secretary with respect to which review could

have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) FAILURE TO COMPLY WITH ORDER.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(7) CIVIL ACTION TO REQUIRE COMPLIANCE.—

''(A) IN GENERAL.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) AWARD.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

''(c) EFFECT OF SECTION.—

''(1) OTHER LAWS.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

''(2) RIGHTS OF EMPLOYEES.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

''(d) ENFORCEMENT.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(e) LIMITATION.—Subsection (a) shall not apply with respect to an employee of an entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food who, acting without direction from such entity (or such entity's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, rule, regulation, standard, or ban under this Act.''.

SEC. 403. JURISDICTION; AUTHORITIES.

Nothing in this Act, or an amendment made by this Act, shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes, regulations, or agreements regarding products eligible for voluntary inspection under the Agricultural Marketing Act (7 U.S.C. 1621 et seq.);

(2) alter the jurisdiction between the Administration of the Alcohol and Tobacco Tax and Trade Bureau and the Secretary of Health and Human Services, under applicable statutes and regulations;

(3) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(4) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency or foodborne illness outbreak involving products regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Egg Products Inspection Act, or agreements regarding voluntary inspection under the Agricultural Marketing Act (7 U.S.C. 1621 et seq.).

SEC. 404. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

SEC. 405. UPDATING GUIDANCE RELATING TO FISH AND FISHERIES PRODUCTS HAZARDS AND CONTROLS.

The Secretary shall, not later than 180 days after the date of enactment of this Act, update the Fish and Fisheries Products Hazards and Control Guidance to take into account advances in technology that have occurred since the previous publication of such Guidance by the Secretary.

SEC. 406. FOOD TRANSPORTATION STUDY.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall conduct a study of the transportation of food for consumption in the United States, including transportation by air, that includes an examination of the unique needs of rural and frontier areas with regard to the delivery of safe food.

Mr. REID. Mr. President, are we on the bill now?

The PRESIDING OFFICER. Yes, we are.

THE VETERANS', SENIORS', AND CHILDREN'S HEALTH TECHNICAL CORRECTIONS ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 465, H.R. 5712.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5712) to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment, which is at the desk, be considered and that it be agreed to; that the bill, as amended, be read three times and then passed and the motion to reconsider be laid upon the table; that the title amendment, which is also at the desk, be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4711) in the nature of a substitute, was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''The Physician Payment and Therapy Relief Act of 2010''.

SEC. 2. PHYSICIAN PAYMENT UPDATE.

Section 1848(d)(11) of the Social Security Act (42 U.S.C. 1395w–4(d)(11)) is amended—

(1) in the heading, by striking ''NOVEMBER'' and inserting ''DECEMBER'';

(2) in subparagraph (A), by striking ''November 30'' and inserting ''December 31''; and

(3) in subparagraph (B)—

(A) in the heading, by striking ''REMAINING PORTION OF 2010'' and inserting ''2011''; and

(B) by striking ''the period beginning on December 1, 2010, and ending on December 31, 2010, and for''.

SEC. 3. TREATMENT OF MULTIPLE SERVICE PAYMENT POLICIES FOR THERAPY SERVICES.

(a) SMALLER PAYMENT DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w–4(b)) is amended by adding at the end the following new paragraph:

''(7) ADJUSTMENT IN DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—In the case of therapy services furnished on or after January 1, 2011, and for which payment is made under fee schedules established under this section, instead of the 25 percent multiple procedure payment reduction specified in the final rule published by the Secretary in the Federal Register on November 29, 2010, the reduction percentage shall be 20 percent.''.

(b) EXEMPTION OF PAYMENT REDUCTION FROM BUDGET-NEUTRALITY.—Section 1848(c)(2)(B)(v) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(B)(v)) is amended by adding at the end the following new subclause:

''(VII) REDUCED EXPENDITURES FOR MULTIPLE THERAPY SERVICES.—Effective for fee schedules established beginning with 2011, reduced expenditures attributable to the multiple procedure payment reduction for therapy services (as described in subsection (b)(7)).''.

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The amendment (No. 4712) was agreed to, as follows:

Amend the file so as to read: An act entitled ''The Physician Payment and Therapy Relief Act of 2010.''

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5712) was read the third time and passed.

Mr. REID. Mr. President, I appreciate everyone's cooperation. This is the SGR extension for 30 days to allow us to spend more time on this and make sure the doctors are able to be compensated. These Medicare patients are extremely important, as are the doctors.

FDA FOOD SAFETY MODERNIZATION ACT—Continued

Mr. REID. Mr. President, I ask unanimous consent that there now be a time for debate only for a period of 20 minutes, with Senator BROWNBACK being recognized for a period of up to 10 minutes and that I be recognized when he completes his statement.

For the benefit of all Members, Senator MCCONNELL and I are trying to work through some procedural issues we have here to give more definition to what we are doing. We are trying to work something out on food safety and

on the Lew nomination. We don't have that done yet, but we have made progress. So we hope everyone will be patient and stay around so they will know what we are going to wind up doing. It is a delicate time here. Everyone has to be calm and cool. We have a lot to do in the next few weeks and we would like to be able to expedite some of this tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kansas.

FAREWELL TO THE SENATE

Mr. BROWNBACK. Mr. President, I thank the majority leader for setting up this period of time. This will be my last speech, probably, to the body. It is a speech I wish to give in talking about leaving the Senate of the United States.

I was just elected to be Governor of Kansas, and I am very excited about that post. I have served here a period of 14 years, which has been a wonderful chance to be able to serve the people of Kansas—the people of the United States. I love this body and I love this country.

A lot of folks, when they leave, talk about partisanship and the bickering. I like to think about the beauty of the country and the ability to come together because it does happen. The predecessor of the person sitting in the Presiding Officer's seat and I worked on one of the flagship pieces of legislation on human rights protection. It was on human trafficking, the initial bill. That was with Senator Paul Wellstone, who was from Minnesota. He was a delightful individual. It was a great chance for us to work together on something, and we couldn't have been further apart. I think he was ranked the second most liberal Member of the Senate. He aspired to be No. 1, but he was second. But he was a delightful man and he dealt from the heart and we got things done.

I say that because I think that is how we work in this place; that we fight on about 20 percent of the issues—and they are important, big issues—and then we cooperate and work together on a whole host of broad bipartisan issues, such as dealing with things like human trafficking. You do that primarily with people who deal from the heart—people such as Paul Wellstone, Ted Kennedy, and Jesse Helms. There are a lot of others, and many people get many things done in this body, but I think it is best when people deal from the heart. When they do that, then there is a chance for us to come together around key and heartfelt things. This has been a great body to serve in and I have delighted in being able to do that.

There is much to be done, much to be done for the country. We have to deal with the creation of jobs in America. We have to deal with our debt and our deficit. We have many issues to deal with. My hope for here, and my hope for our country, is that we go back to the virtues of the ''greatest generation'' and look to them for ways to move forward. It is looking back at the old path of what worked in tough times and moving it forward on the new path.

I came into this seat after Bob Dole served in this body. He served in this seat. Senator Dole from Kansas is the iconic figure of the World War II generation, of that ''greatest generation.'' He just got out of Walter Reed Hospital. He has been very sick and ill this year. He is coming back, recuperating. I think he is 87 years old this year.

Most everybody in America would agree about the ''greatest generation.'' They would say that World War II generation hit the mark of what it is to be an American, what it is to sacrifice, what it is to fight for a good cause. They did it with a set of virtues that are timeless, that are known, and I think we have to emulate this time for us to deal with the problems we have now. They were courageous; they were selfless; they were courteous; they were people who would fight for a cause. They were the ones who exhibited charity, thrift. That was certainly known in that generation. I think these are things we have to bring back—hard work, compassion.

It seems to me, when I think of that generation—and nobody is perfect and that generation is not perfect—those are ideals I saw in practice, whether it was them on the battlefield in World War II or if it was them raising their families at home or if it was their educating of their families, if it was saving for future generations; that is what they did.

I don't know, if you ask people of that generation, did you do this on purpose, they might say we did or didn't. Most of them would say this was the right thing to do and it is the thing we needed to do. I think it is what we need to do now. I think we need to emulate those virtues of the ''greatest generation'' and apply them to our problems.

Their problems were more foreign than ours. Ours I believe are more domestic, dealing with our own debt and deficit as a country and as a society and as individuals and individual households; us creating and saving for that next generation in the country and investing to do that, and being selfless and sacrificial in doing that. Building family structure and doing that which is for the good of our families is what we need to do, and that virtue and that old, ancient path they followed, that they said we did because it was a thing we needed to do, I think we have to do the same thing. I hope we will as a country.

There has been a debate that started in America that I do not agree with, and it is whether this is a special country and whether America is an exceptional land. I for one fully embrace the notion that this is a special place. I believe in American exceptionalism and I have been in many places over the world where you see this in action. I have been in many places in America where you see this in action, where somebody selflessly takes care of other individuals.

Last night I was at the Korean Embassy and we were talking about what is taking place in North Korea, and one of the people working there at the South Korean Embassy was amazed that people in the United States would care what happens to people in North Korea. I said one of the people with me was saying that is how we look at the world. If somebody else is in bondage, if somebody else is in difficulty, we feel that and we want to help to deal with it. That, to me, is part of what American exceptionalism is all about.

This is a special place and has a special calling. If it is not us doing it, in many cases around the world it does not get done. I have been in the Sudan and they are not calling on the Chinese to lead Sudan into a freer time period. I have been in other places—in Africa, on the North Korean border. If you are looking for somebody to solve the problem, it is the Americans who go in and do it.

Our task now is to not only do that around the world, but it is to do it domestically. I think we have to look more and more at ourselves and say we are a special place and I think we have to look at ourselves as the baby boomer generation that I am a part of and say you have to prove and earn your exceptionalism. I think we have to step up to the mark as the ''greatest generation'' did and be willing to serve in a tough way, in a sacrificial way, in the best interests of the future of our country. We have to do it and now is the time to do it.

I am appreciative that the President had a deficit task force he appointed and that they came up with some ideas, with some of which I agree, with some of which I disagree. But I am glad they started the discussion and the debate. If the figures I have seen are accurate, half the American households receive an entitlement check from the Federal Government—half of the American households. We have a deficit and debt that is structural. It is not based upon one-time war funding, although war funding has contributed to it, but it is structural in that we have more going out than we have coming in. It is time this is dealt with. I think that is part of the message from this last election cycle. The American people are ready to have an intelligent discussion, a difficult discussion of what we are going to do to be able to save ourselves fiscally. Now is the time to do it.

We actually have the structure set up to do it. With a Republican House, Democratic Senate, Democratic Presidency. This would be the time and the structure to talk about this sort of difficult issue. Our generation should step up and deal with it. I am not going to be here for that discussion and debate, but it is time we have it and it is time we bring back these timeless virtues to deal with our domestic problems the way we have dealt with international problems in the ''greatest generation.''

As I leave this body, one of the rites of passage is to sign your desk, and I just did that. I did it in pencil. I figure that all of us will fade with time and that signature will fade with time as well. But the things you remember are what you touched and that touched you and the souls that are touched. It is people who deal from the heart who are the ones who touch your life and the ones who touch your soul. I want to express my deep appreciation to my colleagues who have touched my heart. I hope I have been a positive statement to many of them.

The psalm that comes to mind is one that says: ''And his place knew him no more.''

The psalmist wrote: ''His place knew him no more.'' After a period of time you sign the desk, you move on, and then you look back and see the signatures in the desk and you don't recognize many of them. The place will know us no more. But the hearts that we touch, the hearts that touch ours, we will remember forever, and I certainly will.

I thank you and my colleagues in the Senate for letting me serve with you. It has been a great joy. It is a fabulous nation, the greatest Nation on the face of the Earth, and it was an honor to serve here.

God bless America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 1118, the nomination of Jack Lew to be Director of the Office of Management and Budget, and that the nomination be confirmed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.

Mr. REID. Mr. President, we have been working for several days—actually longer—trying to work things out on the situation involving the State of Louisiana. The State of Louisiana has struggled. They had the hurricane. The economic situation in Louisiana was going very well when the BP oilspill occurred. As a result, action taken by the administration, and other situations that developed, have hurt significantly the economic viability of the State of Louisiana.

The Senator from Louisiana has worked tirelessly to get the work going again in the shallow water off the coast of Louisiana. She will be able to speak on the record better than I can—and I have been in some of the negotiations—the progress she has made regarding that. Not only has the administration stepped forward but industries have stepped forward.

I ask unanimous consent that the Senator from Louisiana be recognized to make a statement on the matter regarding Jack Lew.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I thank the majority leader. His day has been much busier than mine, but both of our days have been filled with quite a few matters before us.

The vote that will take place in the Senate would not have taken place without my acquiescence. I thought it was important to speak briefly on my hold on Jack Lew.

Jack Lew is a terrific nominee, and he has the support of many people in this body for his new position, and we are grateful to him for wanting to be the budget director for a country that has serious economic challenges. We are very grateful.

As you know, we have extremely serious economic challenges right now in the Gulf of Mexico. It has been 5 years since Katrina. Three weeks later, we had Rita, and then Gustav and Ike—four of the toughest storms the gulf coast has faced. Then a few years later, we had an oilspill, with more than 5 million barrels of oil spilled in the gulf, which was bad enough. But then this administration placed a hold—or a moratorium, if you will—on an entire industry because of that accident. It was a horrible accident, but I think to place a moratorium on an entire industry because one company and its contractors made some serious and terrible mistakes is really unprecedented, it is unwise, and it is extremely harmful to the gulf coast.

I tried many things over the last several months to call attention to this matter. I called several hearings in Louisiana, several hearings here in Washington, and I sent several letters, set up several meetings, and nothing seemed to be getting through to this administration about the catastrophe they were causing along the gulf coast. So I put this hold on a nominee. It was, in many ways, unprecedented. I didn't know that when I did it. I was told later that it had never been done on a budget director. I figured it would get their attention, and I think it has.

I have had three meetings in the last 24 hours with the Secretary himself. We have talked through some of these issues in a way that I think we can make progress. In the last week, there have been two permits issued. I am told there will be additional permits issued in the next few days. The Secretary has also committed to me that he himself will be in the gulf coast—in Louisiana, actually—on Monday, expressing his commitment, and in no uncertain terms, to the future robustness of this industry.

Mr. President, this isn't just about Louisiana and the importance to Louisiana. I will submit this report for the RECORD, ''The Economic Impact of the Gulf of Mexico Offshore Oil and Natural Gas Industry and the Role of the Independents,'' released in July of 2010. I will read only one figure, but it is big enough that it should capture people's attention. People are looking for money in this Chamber to solve our budget issues and bring this budget into balance. One figure I will cite from this report is that the independents—not big oil—I am not talking about Chevron, Shell, or BP; I am talking about independent oil and gas operators that are sidelined because of this policy by the administration—independents will bring in more than $147 billion in Federal, State, and local revenue in the next 10 years. So the stakes are very high, which is why I took the action I did and why today I have released the hold, because notable progress has been made, permits have been issued, and the Secretary has committed, on Monday, to be in the State to give a path forward for this industry.

I am convinced that, at this moment, that was the right thing to do for the country and the gulf coast. But we have more progress that needs to be made. This industry is a valuable, critical, important industry to this Nation. It has been for over 100 years, and it will be for the next 100 years. We have to realize the importance of producing oil and gas here at home. Yes, it was a terrible accident. Yes, we need to have safety and rules and regulations that are in force. But there has to be a way to accomplish that without shutting down the entire industry and putting hundreds of thousands of jobs at risk. Again, this isn't about big oil specifically; it is about contractors and small businesses all along the gulf coast and throughout the United States.

I appreciate the Secretary's commitment, his renewed focus, and his understanding of the urgency of the situation. I thank my colleagues, many of whom were supportive of this action, as we have worked through these last 6 weeks. I appreciate the courtesy of the majority leader.

I ask unanimous consent to have printed in the RECORD ''How Big an Impact?'' from the study ''The Economic Impact of the Gulf of Mexico Offshore Oil and Natural Gas Industry and the Role of the Independents'' done by IHS Global Insight (USA), Inc., dated July 21, 2010.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOW BIG AN IMPACT?

In this study, we analyze the economic contribution of the independents and potential loss as a result of policies that effectively prevent them from participating in future development in the offshore Gulf of Mexico and, in particular, in the deepwater. Our analysis for the 2009–20 forecast period indicates that the exclusion of the independents from the offshore GOM would mean:

The following lost jobs in the four-state Gulf region (Alabama, Louisiana, Mississippi, and Texas)—direct, indirect, and induced: 2009—202,502; 2015—289,716; 2020—300,974.

Additionally, 40,777 construction-related jobs would be lost in the four-state Gulf region during 2009–20. This activity includes construction of rigs, platforms, pipelines, and production facilities.

The following lost taxes and royalties to the federal government: 2009—$7.34 billion; 2015—$10.13 billion; 2020—9.98 billion.

The following lost state and local tax revenues in the four-state Gulf region: 2009—$3.18 billion; 2015—$4.59 billion; 2020—$4.68 billion.

Altogether, more than $147 billion in federal, state, and local revenues would be lost in a 10-year period if independents are excluded from the Gulf of Mexico. These estimates only include revenues collected from the four-state Gulf region.

Within the deepwater, the exclusion of the independents would mean:

The following lost jobs in the four-state Gulf region—direct, indirect, and induced: 2009—121,298; 2015—230,241; 2020 — 265,113.

The following lost taxes and royalties to the federal government: 2009—$3.64 billion; 2015—$726 billion; 2020—$8.33 billion.

The following lost state and local tax revenues in the four-state Gulf region: 2009—$1.63 billion; 2015—$3.35 billion; 2020—$3.94 billion.

Altogether, more than $106 billion in federal, state, and local revenues would be lost in a 10-year period if independents are excluded from the deepwater.

Overall, the exclusion of the independents would significantly shrink offshore oil and gas activity, reduce the dynamism of the industry, and dilute U.S. technological and industry leadership.

The reason for all these effects is that independents represent a much larger share of total activity than is generally recognized. Independent producers are an integral part of shelf, as well as deepwater, drilling and discovery.

Independents are the largest shareholder in 66% of the 7,521 leases in the entire Gulf of Mexico and in 81% of the producing leases.

In the deepwater portion of the Gulf of Mexico, independents are the largest shareholder in 52% of all leases and in 46% of the producing leases. They operate over half of the developing and producing deepwater fields.

Independents have drilled 1,298 wells in the deepwater, and they currently account for over 900,000 barrels a day of oil equivalent (oil and natural gas together).

Independents are responsible for an average of 70% of the ''farm-ins'': the partnerships formed following the original lease agreement that enable prospects to be drilled and oil and gas produced.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table; that any statements relating to the nomination be printed in the RECORD as if read; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Minnesota, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Without objection, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 9:34 p.m., recessed subject to the call of the Chair and reassembled at 9:56 p.m. when called to order by the Presiding Officer (Mr. FRANKEN).

FDA FOOD SAFETY MODERNIZATION ACT—Continued

The PRESIDING OFFICER. The Senate will come to order.

The majority leader.

Mr. REID. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is considering S. 510.

Mr. REID. The food safety bill; is that right?

The PRESIDING OFFICER. That is correct.

COMMITTEE SUBSTITUTE WITHDRAWN

Mr. REID. I ask unanimous consent that the committee-reported substitute be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4715

(Purpose: In the nature of a substitute)

Mr. REID. I now call up the Harkin substitute amendment which is at the desk and ask for that amendment to be considered read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HARKIN, proposes an amendment numbered 4715.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTIONS

Mr. REID. Mr. President, I have two cloture motions at the desk.

The PRESIDING OFFICER. The clerk will report the cloture motions.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Harkin substitute amendment No. 4715 to Calendar No. 247, S. 510, the FDA Food Safety Modernization Act.

Harry Reid, Patrick J. Leahy, Claire McCaskill, Tom Harkin, Carl Levin, Daniel K. Inouye, Richard J. Durbin, Byron L. Dorgan, Jack Reed, Jeff Bingaman, Mark Begich, Blanche L. Lincoln, Robert Menendez, Daniel K. Akaka, Sherrod Brown, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Barbara Boxer.

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Mr. REID. I ask unanimous consent the cloture vote on the substitute amendment occur at 6 p.m. on Monday, November 29, and the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that if cloture is invoked on the substitute, then all postcloture time be yielded back except for the time specified in this agreement; and that the only amendments or motions in order be those specified in this agreement, with debate limitations as specified:

Johanns motion to suspend with respect to amendment No. 4702; Baucus motion to suspend with respect to amendment No. 4713, with a total of 60 minutes of debate with respect to these two motions with the time equally divided and controlled between Senators Baucus and Johanns; Coburn motion to suspend with respect to amendment No. 4696—substitute; Coburn motion to suspend with respect to amendment No. 4697 dealing with earmarks; that there be a total of 4 hours of debate with respect to the Coburn motions, equally divided and controlled between Senators COBURN and INOUYE or their designees; that upon the use or yielding back of all time specified here, the Senate proceed to vote with respect to the motions to suspend in the order listed: Johanns 1099; Baucus 1099; Coburn earmarks; Coburn substitute; that upon disposition of the motions, and if any motion is successful, then the Senate vote immediately on the amendment; that no further motions or amendments be in order; the substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read a third time; that after the reading of the pay-go statement with respect to the bill, the Senate proceed to vote on passage of the bill; and that the cloture motion with respect to the bill be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT AARON B. CRUTTENDEN

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SGT Aaron B. Cruttenden. Sergeant Cruttenden, assigned to the 27th Engineer Battalion, based in Fort Bragg, NC, died on November 7, 2010, of injuries sustained when his dismounted patrol encountered small arms fire. Sergeant Cruttenden was serving in support of Operation Enduring Freedom in Kunar Province, Afghanistan. He was 25 years old.

A native of Mesa, AZ, Sergeant Cruttenden earned his graduate equivalency diploma and worked for 2 years as an apprentice electrician. He then enlisted in the Army in March 2008. Sergeant Cruttenden hoped to defend his country, make a better life for his family, and pursue opportunities for higher education. He served a tour of duty in Afghanistan with decoration.

During his 2½ years of service, Sergeant Cruttenden distinguished himself through his courage, dedication to duty, and willingness to take on one of the most dangerous and skillful jobs in the Army—detecting and eliminating improvised explosive devices. Throughout Sergeant Cruttenden's time in the Army, family members recall that his foremost concern was protecting the men and women under his command.

Sergeant Cruttenden worked on the front lines of battle, serving in the most dangerous areas of Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son and loving father to his young daughter. Both in service and civilian life, Sergeant Cruttenden's warmth and caring for others were always on display.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Sergeant Cruttenden's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Cruttenden will forever be remembered as one of our country's bravest.

To Sergeant Cruttenden's entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Aaron's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

IRAN

Mr. BROWNBACK. Mr. President, I rise to speak in relation to the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010 and to congratulate my colleagues on its unanimous passage. This legislation is vital not only to sanction Iran for bad behavior but to signal to the Government of Iran our determination to keep them from developing or acquiring nuclear weapons and from supporting terrorism throughout the Middle East region and around the world.

It did not have to be this way. Iran has been given every opportunity to change its ways and has chosen not to do so. Iran represents one of the biggest threats to our security, and these sanctions should help restrict Iran's ability to operate.

Specifically, this legislation will expand sanctions on foreign companies that do business in Iran. It will ban U.S. banks from conducting financial transactions with foreign banks that are connected to the Iranian nuclear program or Iran's terrorist enterprises.

It imposes a variety of new financial sanctions on Iran, limiting the mullahs' access to the international banking system. And, among other provisions, provides a framework for U.S., state, and local governments to divest their portfolios of foreign companies that work in the Iranian energy sector.

In the past, the United States has not fully utilized its sanctions authority when it comes to Iran. Obviously, enforcement is crucial. Sanctions are only effective when they are actually applied. I urge the administration, in the strongest terms possible, to make full use of the sanctions Congress has authorized in this bill.

It is no secret that Iran is openly hostile to the United States and our important allies, and failing to act would be foolish and irresponsible. The Government of Iran has rejected every opportunity to develop good relations with the rest of the world and sanctions are a logical and necessary response.

We must send a strong, unified message to Tehran and to those who aid their tyrannical ambitions. Terrorism, oppression, and subjugation ought not have any place in society. This legislation imposes financial sanctions and travel restrictions on human rights abusers in Iran. Passage of this legislation helps demonstrate that we reject the repression of the rulers in Tehran and support the efforts of the Iranian people to change their government.

And, I hope that the people of Iran will understand that is our goal here. We support the people of Iran. We support their right to chose their own leaders and chart their own future. We stand with them against the tyranny of the mullahs.

Iranians have a long and proud history, and are some of the most passionate and courageous people I have met. They are just as opposed to the actions of the Iranian regime as we are.

In fact, a little over a year ago, the people of Iran went to the polls to vote for a leader and saw their hopes for a democratically elected leader brutally crushed by a regime unwilling to cede its power. People around the world stood breathlessly, hoping the brave men and women of the Green Revolution would see their efforts rewarded.

Instead of listening to the people of Iran, Ahmadinejad and his cronies killed, imprisoned, and tortured those who were brave enough to speak out in opposition to tyranny.

Unfortunately, this violent course of action is not a recently developed tactic. To this day, there are members of the Green Revolution sitting in prison. Christians are killed for worshiping the God of their choosing, the free press has been silenced, women are brutally oppressed. The human rights abuses of Iran are extensive.

These sanctions are necessary because of the terrible nature of the regime. The rulers in Tehran have demonstrated that they cannot be trusted. They have subverted the interests of the Iranian people. They have manipulated the political process.

We in the United States of America have a duty to stand with the thousands of men and women in Iran who long for the basic rights that we in America take for granted. Freedom of speech, freedom of assembly, freedom of religion, freedom of the press. These are the things the Iranian people long for, and these are the things I am confident they will one day enjoy.

Obviously, freedom for the Iranian people will require much more than legislation from the U.S. Congress, but we ought to do what we can, and this bill sends a strong signal at a key time for our efforts to halt Iran's nuclear program and for the people of Iran who seek a more representative government. I hope we take additional steps to support the Iranian people's free and unfettered access to the internet, boost their ability to receive unbiased news and information and provide the support and assistance they need to sustain the reform movement in the face of a hostile and repressive government.

Senator CORNYN and I have introduced the Iran Democratic Transition Act, which supports the transition to a freely elected democratic government in Iran by assisting eligible Iranian democratic opposition organizations with communications and distribution of information. It is an important bill to aid the courageous people of Iran, and it is my hope that in the coming weeks the Senate will be able to bring this bill to the floor for a vote.

Today is a great step forward. I look forward to working with my colleagues on other ways that we can strengthen

opposition to the regime, halt the development of nuclear weapons, and support the Iranian people's drive for freedom.

VOTE EXPLANATION

Mr. KERRY. Mr. President, I am necessarily absent for the vote today on the FDA Food Safety Modernization Act, S. 510. If I were able to attend, I would have supported the motion to proceed to the bill.

NEED FOR BIPARTISAN RESOLUTION OF TAX ISSUES

Mr. BROWN of Massachusetts. Mr. President, I rise today to discuss the need for Congress to resolve an issue of importance to millions of Americans: specifically, the need for a bipartisan agreement on taxes.

As the end of the year approaches, Americans face an extraordinary level of uncertainty regarding a number of tax issues: the 2001/2003 tax cuts, including the tax rates on dividends and capital gains, the alternative minimum tax, the estate tax, and last but not least, the extension of many expiring tax provisions affecting individuals, businesses, nonprofit organizations and even members of the U.S. Armed Forces. During this lameduck session, Congress and the White House have an opportunity to work together to develop a package that addresses all of these.

In my view, we should not be raising taxes on any business or individual during a fragile economic recovery. The private sector—this country's job creation engine—continues to struggle, lacking the required stability and confidence needed to expand and hire new workers. Individuals, in turn, have been significantly impacted, further inhibiting economic growth. Uncertainty is a major factor, and one way to reduce uncertainty is to lock down our tax policy for the next few years, giving taxpayers a clear sense of what to expect as we enter 2011.

On the tax extenders, I bring to the Senate's attention a letter just sent to Congress today from over 1,200 organizations located around the country. These are businesses, nonprofit organizations, and organizations representing our men and women in uniform. It points out the crucial nature of the expiring provisions, and asks Congress to extend them before the end of the year. This is a remarkable letter. We often hear from the business community about the importance of tax extenders for job creation, but here we have not only the business community speaking up, but also affordable housing organizations, community development organizations, and the National Education Association and the National Science Teachers Association. The letter is signed by the Alliance to Save Energy and numerous renewable energy organizations. It includes the Association of the United States Navy and the Reserve Officer Association. It includes agricultural organizations and technology councils.

In short, this is a statement from a breadth of organizations which do not often work together. I think we have to take this kind of letter very seriously and consider its message carefully. And its message is that these provisions are very important to millions of Americans, and that our failure to extend them could have a significant dampening effect on the economy. And I also want to be clear about something: this should be a ''clean'' extension of these policies—we shouldn't be raising taxes on other businesses at the same time and thereby blunting the impact of this important action for the economy.

One of the best known of the extenders is the R&D tax credit. It actually expired at the end of 2009, so America's innovative companies—many of them with operations in Massachusetts—have been wondering all year if Congress is going to reinstate the most visible public policy that encourages new ideas and technologies in this country. This is an area where our commitment should not be in doubt.

There are incentives for the production of domestic alternative energy sources and energy efficient products such as hybrid vehicles, energy efficient appliances, homes, and windows. Without these incentives, many producers will not be able to make these products. In fact, many have already discontinued operations in the absence of credits which expired at the end of 2009. The deductions for donations of funds, property, food, and equipment to charities is also hanging in the balance of this package.

There is the deduction for State and local sales taxes. Think about individuals losing the ability to deduct State and local taxes from their Federal taxes. There is the deduction for teacher classroom expenses. Teachers spending their own money for their classrooms is more common than we like to think about, and the least we can do is allow them to deduct those expenses from their tax bill. There is the credit for employers who continue to pay employees while on active duty in the U.S. Armed Forces. This is an important support mechanism for our men and women in uniform, and we should ensure that it remains in place. These are just a few of the tax provisions which have expired or will soon expire. I invite my colleagues to review the Joint Tax Committee's list of the expiring provisions. It is crucial for Congress to act this year to extend as many of them as possible.

Ultimately, I believe we need to reform our Tax Code to lower tax rates and broaden the base. I know Senators BAUCUS and GRASSLEY have already begun that process with a Finance Committee hearing on tax reform earlier this year, and I salute them for starting that conversation. We look forward to working on such a package of reforms on a bipartisan basis in the 112th Congress, but for now, extending the expiring provisions should be a top priority for the remainder of this Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD the November 16 letter from over 1,200 organizations from around the country to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 16, 2010.

TO THE MEMBERS OF THE U.S. CONGRESS: The undersigned represent millions of individuals, businesses, organizations and members of the U.S. Armed Forces. We urge Congress to pass legislation in the lame duck session to extend critical tax provisions that, while temporary in nature, are critical to our economy. It is of the utmost importance to all of us, and to the health of the U.S. economy, that this extension be enacted before the end of the year and apply seamlessly, at least through 2011.

Expiration of many of these provisions has already caused job losses, and the uncertainty around their extension will lead to further dislocations just as the fragile economic recovery is beginning. We all look forward to working with you on this issue in the coming weeks.

Sincerely,

(Signed by over 1,200 organizations)

NATIONAL SURVIVORS OF SUICIDE DAY

Mr. JOHNSON. Mr. President, each November we set aside a day of healing for those who have lost someone to suicide. I rise today to again recognize Saturday, November 20 as National Survivors of Suicide Day. In 1999, a Senate resolution created this annual event through the efforts of Senator HARRY REID who lost his father to suicide. This year, on November 20, over 270 conferences will take place in the U.S. and around the world to allow survivors of suicide the opportunity to connect with others who have experienced the tragedy of suicide loss and to allow for healing interactions.

The importance of this day is amplified by the shocking statistics on suicide—suicide is the 11th leading cause of death in the United States. Nationwide, approximately 90 lives are lost to suicide each day and over 34,000 die by suicide each year. Suicide is truly an epidemic that devastates thousands of families in the United States each year.

In my State of South Dakota, one suicide occurs every 3 to 4 days and 107 lives are lost each year. These statistics place South Dakota among a group of Western States that consistently has a higher rate of suicide than the rest of the country. Suicide is the fourth leading cause of death among all South Dakotans and is the second leading cause of death of South Dakotans between the ages of 15–34. Suicide among American Indians in South Dakota is of particular concern—the suicide rate for American Indians ages 15–34 is more than three times higher than the national average and the suicide rate for

the Rosebud Sioux Tribe is the highest in the world.

Last year, 16-year-old Dana Lee Jetty, a tribal member from the Spirit Lake Dakotah Nation in North Dakota, who lost her 14-year-old sister to suicide spoke before the Senate Committee on Indian Affairs:

> We need to make sure that our communities and our people know how to reach out for help if they need it and we need to make sure that the help is there when they ask.

We must take Ms. Jetty's words to heart and provide tribes with the resources they need to implement effective suicide prevention programs. It is critical to strengthen the social fabric to help improve mental health with effective and culturally sensitive prevention programs.

It is necessary to expand access to mental health services nationwide, including a focus on education, prevention and intervention. Furthermore, we need to acknowledge the obstacles that suicide survivors face during their grieving and encourage the involvement of survivors in healing activities and prevention programs. I believe with appropriate support and treatment, suicide survivors can lead effective advocacy efforts to reduce the incidence of suicide and find healing themselves.

The loss of so many lives to suicide is truly a crisis, and it is imperative to provide support for all those left behind. It is my hope that National Suicide Survivors Day will promote the broad based support that each survivor deserves and increase awareness of the need for greater efforts in addressing the root causes of suicide in Indian Country and throughout the Nation.

NEW START TREATY

Mr. BOND. Mr. President, I rise today to express my strong opposition to the administration's New START Treaty. I do so after great deliberation and after initial disposition to support the treaty because of the generic importance of these types of treaties for our Nation. But with what I have learned from classified intelligence information, I cannot in good conscience support this treaty. I have written a classified letter summarizing my views that is available to all members in Senate security; I urge them to read it, even as I try now with a few unclassified comments to explain my position.

When the administration announced this new treaty, we were told that its goal was to reduce strategic nuclear forces in a manner that would make America safer and enhance nuclear stability. That goal may be admirable, but unfortunately, the deal the administration has struck with Moscow falls well short. Consequently, I believe the administration's New START Treaty has been oversold and overhyped.

The first thing we must all understand about this treaty is that it forces the United States to reduce unilaterally our forces, such as missiles, bombers, and warheads, in order to meet treaty limits. On the other hand, the Russians will actually be allowed to increase their deployed forces because they currently fall below the treaty's limits. This raises a crucial question: exactly what does the United States gain from this treaty in exchange for a one-sided reduction in our deployed forces?

Defenders of this treaty have argued, first, that the treaty places no limits on America's plans for missile defense systems, and second, that our own military will have the flexibility to deploy our strategic forces, such as bombers, submarines, and missiles, in ways that best meet our security interests.

Unfortunately, these explanations simply do not stand up to scrutiny. The United States does not need a treaty with Russia, or any other country, to be free to pursue the missile defense system we need to keep America safe. The United States does not need a treaty to give us the flexibility to deploy our strategic forces as we wish.

Interestingly, the administration's justifications completely dismiss the unilateral statement Russia has made to this treaty that claims the right to withdraw if we expand our missile defenses. This Russian statement is pure and simple manipulation.

At some point down the road, our Nation will need to expand its missile defenses. Because of this unilateral statement, however, the reaction from some in the administration or in Congress will be to reject any expansion lest we upset the Russians and cause them to pull out of this new Treaty. The Russians surely are counting on this reaction. Yet in all the rhetoric in support of this treaty, I have not heard any reasonable explanation for why we would give Russia this lever to use against our legitimate and necessary right to defend ourselves against ballistic missile attack.

For several months, we have listened to the administration's claims that New START will make America more secure by strengthening nuclear stability. In the ''Show Me'' State, where I come from, and I suspect throughout the rest of the country, claims like this need to be backed up by facts. But if we cannot verify that the Russians are complying with each of the treaty's three central limits, then we have no way of knowing whether we are more secure or not.

The Select Committee on Intelligence has been looking at this issue closely over the past several months. As the vice chairman of this committee, I have reviewed the key intelligence on our ability to monitor this treaty and heard from our intelligence professionals. There is no doubt in my mind that the United States cannot reliably verify the treaty's 1,550 limit on deployed warheads.

As an initial hurdle, the ten annual warhead inspections allowed under the treaty permit us to sample only 2 to 3 percent of the total Russian force. Further, under New START, unlike its predecessor, any given missile can have any number of warheads loaded on it. So even if the Russians fully cooperated in every inspection, these inspections cannot provide conclusive evidence of whether the Russians are complying with the warhead limit.

Let's take an example: say that the United States found a missile that was loaded with more warheads than the Russians declared. While this would be a faulty and suspicious declaration by Russia, we could not necessarily infer from it that they had violated the 1,550 warhead limit—especially because the Russians could always make some excuse for a faulty declaration.

Compounding this verification gap is the current structure of the treaty's warhead limits which would allow Russia to prepare legally to add very large numbers of warheads to its forces in excess of the treaty's limit. For example, the Russians could deploy a missile with only one warhead, but legally flight-test it with six warheads to gain confidence in the increased capability—a practice they could not employ under the original START. The Russians could then store the five extra warheads for each such missile nearby, ready to mate them to the missile on a moment's notice. All of this would be legal.

Further, unlike START, this new treaty places no limit on the number of nondeployed missiles, so the Russians legally could store spare missiles to be mated with the spare warheads. This potential for Russia to ''break-out'' of the treaty in a short period of time—perhaps without adequate warning to the United States—may undermine the very nuclear stability this administration claims this treaty provides.

Arguably, it also means that, despite the opportunities to cheat, it may be even easier for Russia to circumvent legally the limits of this treaty. That does not sound to me like a great bargain for the United States.

Because the details on verification and breakout of this treaty are classified, I have prepared a full classified assessment that is available to any Senator for review. The key points, however, are not classified and I believe the Senate and the American public need to understand them fully.

Common sense suggests that the worse a treaty partner's arms control compliance record with existing and past treaties, the stronger verification must be for any new treaties. So, exactly what is Russia's record? According to the official State Department reports on arms control compliance, published by this administration and the previous administration, the Russians have previously violated, or are still violating, important provisions of most of the key arms control treaties to which they have been a party, including the original START, the Chemical Weapons Convention, the Biological Weapons Convention, the Conventional Forces in Europe Treaty, and

Open Skies. I recommend that my colleagues review the classified versions of these reports before any further Senate action is taken on this treaty.

Despite Russia's poor compliance record, the administration has decided that we will rely primarily on good Russian cooperation to verify New START's key 1,550 limit on deployed warheads. This brings to mind the famous adage: fool me once, shame on you; fool me twice, shame on me.

One of the persistent Russian arms control violations of the original START was its illegal obstruction of U.S. on-site inspections of warheads on certain types of missiles. The only reason these Russian violations did not prevent us from verifying START's warhead limits was because START limited the capability to deploy warheads through a ''counting rule'' that could be verified primarily with our own intelligence satellites. Unfortunately, New START has discarded this critical counting rule, designed to work hand-in-glove with our satellites, in favor of reliance on no more than ten sample inspections a year—again, just 2 to 3 percent of Russia's force.

The warhead limit in New START is calculated from the actual number of warheads loaded on a missile, and unlike START, this new treaty permits any missile to have any number of warheads loaded on it. But no satellite can tell us how many warheads are loaded on missiles. Therefore, if this treaty is ratified, we will have to rely primarily on on-site inspections to verify actual warhead loadings the very same kind of inspections that the Russians violated in START. If the Russians continue their poor compliance record and obstruct our warhead inspections under New START, the consequences will be much more serious and will substantially degrade verification.

The administration is surely aware of these verification and breakout problems as there is no shortage of verification gimmicks in this treaty. But not even all of them together permit us to verify reliably the treaty's warhead limit. So how have treaty enthusiasts responded to these problems?

First, they discard the military significance of possible Russian cheating. Our own State Department's verification assessment states that:

> any Russian cheating under the Treaty would have little if any effect on the assured second-strike capabilities of U.S. strategic forces. In particular, the survivability and response capabilities of [U.S.] strategic submarines and heavy bombers would be unaffected by even large-scale cheating.

This is not exactly a ringing endorsement. I think it is pretty clear that a large-scale breakout would have a seismic impact from a geopolitical perspective. It would escalate tensions between the superpowers and lead to extreme strategic instability. Even more fundamentally, the State Department statement raises a pivotal question: If no level of Russian cheating under New START is deemed militarily significant, then what is the value of this treaty in the first place?

Second, treaty proponents attempt to draw a parallel to the ''Moscow'' arms control treaty, signed by President Bush and approved 95–0 by the Senate. They argue that this treaty has the same kind of warhead verification difficulties as New START, therefore critics of New START are applying a double-standard. This argument fails on two counts: the first being that the Moscow arms control treaty was placed on top of the verification measures already in effect for START; and second, that the United States had decided unilaterally to move to the limits imposed in the Moscow treaty, whether or not Russia reduced to them. This is simply not the case for New START. Clearly, the two treaties are not comparable from a verification standpoint.

The administration also argues that our ability to monitor Russian forces will be greater with the new treaty than without it. As a general proposition, this is true. In actuality, however, the extent of the treaty's monitoring benefits could be insignificant or only modest in some important respects. This disparity between generalization and reality is explained more in my classified paper.

The bottom line is this: if the chief benefit of this treaty is that we will know more about what Russia is doing with its nuclear forces, then the same benefit could have been achieved with a much more modest confidence-building protocol, one which would not require unilateral U.S. force reductions, give Russia a vote on our missile defenses, or present impossible verification problems.

The administration claims that New START is indispensible to reap the ''Reset'' benefits with Russia. If a fatally flawed arms control agreement is the price of admission to the Reset game, our Nation is better off if we this one out.

Similarly, any suggestion by treaty advocates that rejecting the treaty weakens the ''good'' Russian leader, Medvedev, and strengthens the ''bad'' Russian leader, Putin, should be met with healthy skepticism. Now is not the time to fall for a ''good cop—bad cop'' act from Moscow.

In many cases, concerns about particular treaties can be solved during the ratification process. I respect my colleagues who are attempting to do so with this treaty. Unfortunately, New START suffers from fundamental flaws that no amount of tinkering around the edges can fix. I believe the better course for our nation, and for global stability, is to put this treaty aside and replace it with a better one.

The United States needs, and we in the Senate should demand, a treaty that can be reliably verified by our own intelligence assets without relying on Russia's good graces, not one that requires unilateral reductions or gives Russia a vote on our strategic defenses. I urge my colleagues to reject anything less and to take a strong stand for America's defense and America's future.

RESTORE ONLINE SHOPPERS' CONFIDENCE ACT

• Mrs. HUTCHISON. Mr. President, I wish to engage my colleague Senator ROCKEFELLER in a colloquy. There have been some questions raised about how S. 3386, the Restore Online Shoppers' Confidence Act, affects a company that sells its business entirely or enters into a deal with another company to ''step into the first company's shoes'' and provide the products or services to consumers that were previously provided by the first company. I would ask the chairman to explain the intent of the legislation.

Mr. ROCKEFELLER. This legislation is not intended to limit a company's ability to provide its customers with a seamless transition when a company sells its assets or arranges to have a new entity provide the products and services it previously provided to its customers.

Mrs. HUTCHISON. I thank the Senator. Questions have also been raised about how this bill would affect an online company that bills its customers monthly for an ongoing service and decides to enter into a deal with another company to provide the backend billing and other services to those same customers. What is the intent of the legislation?

Mr. ROCKEFELLER. The bill would not consider the company providing backend billing and other services for the initial merchant to be a posttransaction third party seller. Therefore, the provisions of the bill governing post-transaction third party sellers would not apply.

This legislation is intended to prevent the kind of fraudulent transactions the Commerce Committee exposed in its recent investigation—where a consumer intentionally purchases products or services from one company and ends up unknowingly purchasing products or services from a different, unrelated company. As we have discussed, this bill is not intended to prevent a company from making a business deal that would provide continuity of service to its customers by entering into a business arrangement that gives another company the right to deliver products and services intentionally purchased by consumers and to bill for those products and services.

Mrs. HUTCHISON. I thank the Senator for those clarifications.•

THEOLOGICAL SCHOOL OF HALKI

Mr. CARDIN. Mr. President, a year ago this month I was privileged to again meet with the Ecumenical Patriarch, Bartholomew I. His impassioned call for support for the reopening of the Theological School of Halki promoted

me to introduce S. Res. 356, a bipartisan measure calling upon the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay. As we approach the 40th anniversary of the forced closure on that unique institution by the Turkish authorities, I renew my call for the Government of Turkey to allow the seminary to reopen.

Founded in 1844, the Theological School of Halki, located outside modern-day Istanbul, served as the principal seminary of the Ecumenical Patriarchate until its forcible closure by the Turkish authorities in 1971. Counted among alumni of this preeminent educational institution are numerous prominent Orthodox scholars, theologians, priests, and bishops as well as patriarchs, including Bartholomew I. Many of these scholars and theologians have served as faculty at other institutions serving Orthodox communities around the world.

Past indications by the Turkish authorities of pending action to reopen the seminary have, regrettably, failed to materialize. Turkey's Prime Minister Recep Tayyip Erdoğan met with the Ecumenical Patriarch in August 2009. In an address to a wider gathering of minority religious leaders that day, Erdoğan concluded by stating, ''We should not be of those who gather, talk and disperse. A result should come out of this.'' I could not agree more with the sentiment. But resolution of this longstanding matter requires resolve, not rhetoric.

In a positive development this August, the authorities in Ankara, for the first time since 1922, permitted a liturgical celebration to take place at the historic Sumela Monastery. The Ecumenical Patriarch presided at the service, attended by pilgrims and religious leaders from several countries, including Greece and Russia. Earlier this month, a Turkish court ordered the Buyukada orphanage to be returned to Ecumenical Patriarchate. If the transfer of the property occurs, this would be another welcome development, potentially paving the way for the return of scores of other church properties seized by the government. In 2005, the Helsinki Commission, which I chair, convened a briefing, ''The Greek Orthodox Church in Turkey: A Victim of Systematic Expropriation.'' The Commission has consistently raised the issue of the Theological School for well over a decade and will continue to closely monitor related developments.

Yesterday's release of the 2010 Report on International Religious Freedom is a reminder of the challenges faced by Orthodox and other minority religious communities in Turkey. I urge the Turkish Prime Minister to ensure respect for the rights of individuals from these groups to freely profess and practice their religion or beliefs, in keeping with Turkey's obligations as an OSCE participating state.

The 1989 OSCE Vienna Concluding Document affirmed the right of religious communities to provide ''training of religious personnel in appropriate institutions.'' The Theological School of Halki served that function for over a century until its forced closure nearly four decades ago. The time has come to allow the reopening of this unique institution without further delay.

TRIBUTE TO KEN FLANZ

Mr. CRAPO. Mr. President, I rise today to recognize a longtime member of my staff who recently became a Senior Stennis Congressional Fellow.

Ken Flanz has been a central member of my staff since 1997, currently serving as my legislative director. In addition to advancing my legislative agenda and guiding my staff, Ken's responsibilities include foreign affairs, intelligence, Native Americans, appropriations, congressional and campaign reform, and human rights issues. Throughout his years of dedicated service, Ken has been a valued resource to many in the Senate and has contributed helpful insight. His thoughtful approach, patience, and knowledge have been instrumental to the Senate community.

Ken's achievements through the Stennis Congressional Fellows Program will serve him well and be beneficial to my office and the Senate. The Stennis Program seeks to enhance senior congressional staff members' leadership skills and communications abilities for those committed to public service. Senior fellows advance congressional staff development and serve as significant resources for Members of Congress, fellow staff, and the public. The program's emphasis on nonpartisanship and the long-term effectiveness of Congress provides for an essential discourse.

I have great appreciation for Ken's experience and circumspection. He has served as a trusted adviser and has been a great asset to me and my staff. I commend Ken for this distinguished achievement.

ADDITIONAL STATEMENTS

HAWAII'S 2010 LITTLE LEAGUE U.S. CHAMPIONS

• Mr. AKAKA. Mr. President, I honor and congratulate the Little League team from Waipio, HI, our 2010 Little League U.S. Champions.

On Saturday, August 28, Waipio defeated the team from Pearland, TX, to win the U.S. Championship title game. It was a resounding victory for Hawaii, who won in five innings via mercy-rule with a final score of 10–0, advancing to the final game of the World Series Championship against Japan.

Our U.S. Champions performed with the highest level of athleticism as they played the International Champions from the Edogawa Minami Little League of Tokyo. Waipio rose to the occasion and played their hearts out. Despite their hard-fought 4–1 loss to Japan, our young men proved that they are genuine winners, exiting the World Series with their heads held high and leaving an undeniable impression of inspiration and sportsmanship.

With great pride, superior confidence, motivation and spirit, our team showed the Nation and the world what it takes to be a champion. They are: Kahoea Akau, Shiloh Baniaga, Kaimana Bartolome, Matthew Campos, Ty DeSa, Ezra Heleski, Dane Kaneshiro, Tyler Kushima, Cody Maltezo, Justice Nakagawa, Keolu Ramos, Noah Shackles, Brysen Yoshii, Manager Brian Yoshii, and Coaches Kina Akau and Jason Heleski.

Although I am proud of their achievement, I am most proud of the sportsmanlike conduct and warm aloha that these players brought to both the national and international stage. I commend the coaches, parents and families of these players, as well as their friends for the sacrifices made in support of these individuals. I thank them for their dedication to the dreams of these young players, and applaud their hard work. I wish the players all the best in their future endeavors and thank them again for being exceptional representatives of the State of Hawaii and our Nation.•

TRIBUTE TO DR. PING-TUNG CHANG

• Mr. BEGICH. Mr. President, today I congratulate Dr. Ping-Tung Chang, the recipient of the U.S. Outstanding Community Colleges Professor of the Year Award. This award is recognized as one of the most prestigious honors bestowed upon a professor, and this is the second time Professor Chang has won a Professor of the Year award.

To be nominated for this award requires dedication to the art of education and excellence in every aspect of the profession. Professor Chang should be proud of this accomplishment as he has been personally vested in each student and has helped shape the leaders of tomorrow.

In his 24 years at Matanuska-Susitna College, Professor Chang has taught mathematics to nearly 6,000 students and has successfully established a scholarship fund for students. Professor Chang has used innovative methods to get students excited about mathematics and problem solving. I commend him for his leadership and passion for educating.

Professor Chang, I wish you the very best in all your endeavors. Congratulations and best regards.•

REMEMBERING ANNA ELLA CARROLL

• Ms. MIKULSKI. Mr. President, as dean of the Senate Women, I rise on this day to bring attention to the life and work of fellow Marylander Anna

Ella Carroll, 1815–1893. Our recognition of her achievements is long overdue.

Anna Ellen Carroll was born in Somerset County, the daughter of Maryland Governor Thomas King Carroll. She was one of President Abraham Lincoln's closest advisers and a senior strategist during the Civil War. And though she is nearly absent from history books, Anna was one of the most influential American women of the 19th century.

Anna believed in justice and fairness. She was a free thinker and an abolitionist. In 1853, she freed the slaves she inherited from her father's estate and persuaded her abolitionist friends to accompany the newly freed men and women to Canada, ensuring they would remain free.

Anna's belief in freedom and humanity led her to campaign passionately on behalf of the abolitionist movement. In fact, many believe that Anna's hard work and strong voice helped motivate President Lincoln to end slavery in America.

Anna formally joined the ranks of President Lincoln's top advisers in 1861, after writing a political pamphlet that impressed the President so much that he requested an interview with its author.

After the meeting, President Lincoln sent Anna on a reconnaissance mission to the secessionist South. When she arrived, Anna immediately knew the proposed Union strategy of sending troops down the Mississippi would fail. She recommended an alternative—send troops to divide the South by using the Tennessee and Cumberland rivers. The President listened, and ultimately, Anna's strategy helped the Union win the war.

Anna served as a consultant to Lincoln's War Department and, after his assassination in 1865, as an advisor to President Ulysses S. Grant. She also was a recognized political essayist, an avid writer, and an influential member of the Maryland and Washington political circles before and after her role in wartime politics.

During her life, Anna was recognized by her contemporaries as a top adviser to President Lincoln. In the 1864 painting of Lincoln and his Cabinet by Francis B. Carpenter, a chair sits empty. It is surrounded by maps and notes similar to those carried by Anna during her time advising Lincoln, implying her place at the table. Still, despite multiple petitions, she was never formally acknowledged for her contributions.

Anna Ella Carroll was a woman who had a profound impact on the trajectory of our country's reunification, helping make decisions at a crossroads that were critical to America's survival. I am proud to count her among the ranks of Maryland's most influential women. It is time we give her a proper place in our history books.●

TRIBUTE TO RON HAYES

● Mr. SESSIONS. Mr. President, I am honored to bring to the attention of the Senate the work of a remarkable American and constituent of mine, Mr. Ron Hayes, of Fairhope, AL.

As blessed as we are to be living in America, we would do well to remember that our society continues to be enhanced through the noble efforts of those who tirelessly and passionately pursue a better quality of life for us all. These often unsung heroes seek only the reward of knowing they have transformed our laws and our land for the better.

Today I wish to honor one such individual who has spent nearly two decades advocating for strengthened workplace safety regulations and timely communication between the government and accident victims and their families. His efforts have made a difference.

Ron Hayes began his journey to improve workplace safety in 1993 when he lost his beloved 19-year-old son, Patrick, to a grain silo accident in Florida. Facing tremendous emotional pain, Ron and his wife Dot sought details of their son's death as well as survivor's benefits from local, State and Federal agencies, only to be met with delays and few answers. After 2 years of navigating the bureaucracy, they resolved to learn everything they could about workplace safety standards and sought ways to improve both job safety rules and enforcement.

Ron Hayes' dedication resulted in the revision of the Occupational Safety and Health Administration's, OSHA, grain handling standards. But this was only the beginning. Ron and his wife founded the Families In Grief Hold Together ''FIGHT'' Project, a nonprofit group devoted to assisting families and workers cope with the consequences of workplace accidents and deaths.

Some 10,000 people lose their lives while working each year. Ron Hayes worked with OSHA to create a policy which the agency often uses in communicating with family members after a workplace accident.

Since its founding, the FIGHT Project has reached out to nearly 800 families, providing valuable help in the grieving process, negotiating the red tape and ultimately in healing.

Ron Hayes could have stopped there, but his dedication to improving worker safety has motivated him to speak to almost 50,000 workers and taken him to some of the largest companies in the world. He has testified before Congress on numerous occasions and has served as a special adviser to the Senate Health, Education, Labor, and Pensions Committee.

In the process, Ron Hayes has received many awards for humanitarian efforts.

I commend Ron Hayes' selfless dedication to worker safety while providing comfort and valuable counsel to families.

In our society it is possible for one person, or in this case a husband and wife, to make a difference that will positively impact the lives of millions. Ron Hayes has shown us that a lone voice for good cannot only be heard but it can change society for the better.●

RECOGNIZING TILSON TECHONOLOGY MANAGEMENT

● Ms. SNOWE. Mr. President, it is essential that today's small businesses be flexible and responsive when it comes to changing demands and conditions if they wish to be successful and truly distinguish themselves. My home State of Maine boasts a number of these highly innovative companies, which are poised to lead our economic recovery in the coming years. I rise today to recognize one of these firms, Tilson Technology Management, a small independent information technology project management company based in Portland, which is helping businesses grow through the creative and comprehensive training it offers its customers.

Mike Dow founded Tilson Technology Management in 1996 with the goal of improving the day-to-day operations of construction companies through the unique technology consulting training it offers to its clients. Tilson quickly met this goal and, adjusting to the needs of a variety of other industries, set its sights on providing technology solutions to businesses on a broader, global scale. As such, Tilson expanded its expertise, offering its critical technology services to a wider range of markets, including the biotechnology, banking, and manufacturing industries. All the while, Tilson has maintained its reputation as a leading example of solid and principled business management.

At its core, Tilson is a company of solutions, helping businesses meet their customers' needs while also helping to improve Maine's high-tech infrastructure. As a result of the company's hard work and determined success, Tilson was recognized this year with the Governor's Award for Technology Company of the Year. This honor is bestowed annually on a business that takes great pains to ensure that Maine is a cutting-edge technology State.

The company's work to find solutions to everyday technology problems is never-ending. In Maine, this includes constructing 1,100 miles of fiber optic cable that will expand the reach of broadband and the countless opportunities that will come as a result. I look forward to the completion of this project and the doors it will open for the citizens of Maine and local industries seeking a wider, global reach. At the same time, Tilson is helping to improve the lives of Americans abroad. The company is taking on the crucial task of developing ways to furnish U.S. troops with the food and supplies they need while serving our country in Iraq and Afghanistan.

A member of such organizations as the Portland Regional Chamber of

Commerce, the Maine International Trade Center, and Maine's Software and Information Technology Industry Association, Tilson has been a driving force in the vitality of Maine's business community. On a daily basis, this impressive company makes the lives of the people of my home State easier by helping businesses better serve their customers. There are no bounds to what the future holds for Tilson and its remarkable innovations that are helping Maine become a more competitive and global State. I thank Mike Dow and everyone at Tilson Technology Management for making their company an outstanding example of a successful business, and I offer them best wishes for continued growth.●

TRIBUTE TO MICHAEL AND EMILY BECK

● Mr. THUNE. Mr. President, today I recognize Michael and Emily Beck of Keystone, SD, as my nominees for the 2010 Angels in Adoption Award. Since 1999, the Angels in Adoption program through the Congressional Coalition on Adoption Institute has honored more than 1,600 individuals, couples, and organizations nationwide for their work in providing children with loving, stable homes.

Michael and Emily Beck were high school sweethearts, and decided early in their relationship that they would eventually start a family through adoption. The Becks have done exactly that through the adoption of four children. Tehya, 6, was adopted when she was just a baby, and this year the Beck family grew by three more. In July, Michael and Emily finalized the adoption of their foster children, John, 7, and his sisters, Emily, 5, and Shyanne, 4. Michael and Emily worked diligently to reunite John, Emily, and Shyanne who had been separated in the foster system.

I admire the Beck's desire to promote foster care and advocate adoption as a way of life. A significant driving force behind their philosophy on adoption is their belief in the call God has placed upon His family to care for those who have no family to care for them. The Beck's goal is to provide permanency—a stable home and loving family—for children who can often spend their entire childhood in the foster care system.

The Becks also exemplify selfless service to our Nation. Michael and Emily both serve our country through the Army National Guard, and Michael has orders to deploy to the Middle East in 2011.

As a father myself, I can speak to the sacrifices that parents willingly make for the well-being of their children. It is apparent through their stories that Michael and Emily make significant sacrifices to provide for their children and find joy in the small accomplishments of parenting. Michael and Emily are committed to providing a promising and loving future for their family.

National Adoption Day this year is November 20, 2010, and I can think of no better family to serve as a role model for others who seek to adopt than Michael and Emily Beck, my nominees for the 2010 Angels in Adoption Award.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:36 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6397. An act to amend section 101(a)(35) of the Immigration and Nationality Act to provide for a marriage for which the parties are not physically in the presence of each other due to service abroad in the Armed Forces of the United States.

The message also announced that the House has passed the following bill, without amendment:

S. 1376. An act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96–517 (commonly referred to as the ''Bayh-Dole Act'') on the occasion of the 30th anniversary of its enactment.

The message also announced that the House has passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 3689. An act to clarify, improve, and correct the laws relating to copyrights.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that pursuant to Section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111–259), and the other of the House of January 6, 2009, the Speaker appointed the following member on the part of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Mr. Maurice Sonnenberg of New York, NY.

At 12:28 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5367. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the service, and for other purposes.

H.R. 5655. An act to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the ''Jesse J. McCrary, Jr. Post Office''.

H.R. 5702. An act to amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in local offices in the District of Columbia.

H.R. 6237. An act to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the ''Tom Kongsgaard Post Office Building''.

H.R. 6278. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

H.R. 6387. An act to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the ''Sam Sacco Post Office Building''.

H.R. 6399. An act to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes.

The message further announced that the House has passed the following bill and joint resolution, without amendment:

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffry L. Wiener Post Office Building''.

S.J. Res. 40. Joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

At 6:57 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 332. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House having proceeded to reconsider the bill (H.R. 3808) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5758. An act to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the ''Sergeant Robert Barrett Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 259. Concurrent resolution recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio; to the Committee on the Judiciary.

H. Con. Res. 329. Concurrent resolution recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3975. A bill to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent alternative minimum tax relief, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7907. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Competitive and Noncompetitive Nonformula Federal Assistance Programs—Administrative Provisions for the Sun Grant Program'' (RIN0524–AA64) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7908. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Isoxaben; Pesticide Tolerances'' (FRL No. 8845–6) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7909. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Rear Admiral Robert B. Murrett, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–7910. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to competitive procedures and the authorization of awarding a contract for short-term dry-docking depot level repair and maintenance availabilities of FFG/DDG ships homeported in the Puget Sound area of Washington from FY 2011 through FY 2015 to Todd Pacific Shipyard; to the Committee on Armed Services.

EC–7911. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to Iran that was originally declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–7912. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7913. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Switzerland; to the Committee on Banking, Housing, and Urban Affairs.

EC–7914. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–7915. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Mortgage Loan Transfer Disclosures'' (Docket No. R–1378) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7916. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Electronic Fund Transfers; Interim Rule'' (Docket No. R–1377) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7917. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Z (Truth in Lending) Interim Rule; Request for Public Comment'' (Docket No. R–1366) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7918. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 226 Regulation Z—Truth in Lending'' (Docket No. R–1384) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7919. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Socioeconomic Programs'' (RIN1991–AB87) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Energy and Natural Resources.

EC–7920. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Agency Supplementary Regulations'' (RIN1991–AB91) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Energy and Natural Resources.

EC–7921. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Status for the Southern District Population Segment of the Spotted Seal'' (RIN0648–XR74) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Environment and Public Works.

EC–7922. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New York, New Jersey, and Connecticut; Determination of Attainment of the 1997 Fine Particle Standard'' (FRL No. 9225–6) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC–7923. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Excess Emissions During Startup, Shutdown, Maintenance, and Malfunction Activities'' (FRL No. 9223–2) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC–7924. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Emissions Banking and Trading of Allowances Program'' (FRL No. 9226–3) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC–7925. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse

Gases: Petroleum and Natural Gas Systems'' (FRL No. 9226–1) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC–7926. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Capitalization v. Repairs Audit Techniques Guide'' (LBandI4–0910–023) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Finance.

EC–7927. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice No. 2010–76) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Finance.

EC–7928. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''VERITAS Software Corp. v. Commissioner, 133 T.C. No. 14'' (AOD 2010–49) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC–7929. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Withdrawal of Determination of Average Manufacturer Price, Multiple Source Drug Definition, and Upper Limits for Multiple Source Drugs (CMS–2238–F2)'' (RIN0938–AP67) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Finance.

EC–7930. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010 and the Inspector General's Compendium of Unimplemented Recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC–7931. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7932. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, a report entitled ''Federal Election Commission 2010 Performance and Accountability Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–7933. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Public-Private Development Project Compliance with Certified Business Enterprise Goals through the 2nd Quarter of Fiscal Year 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7934. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Audit of the Office of the People's Counsel Agency Fund for Fiscal Year 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–7935. A communication from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled ''Employee Responsibilities and Conduct; Enforcement of Nondiscrimination in Programs or Activities; Filing Procedures'' (5 CFR Parts 2415, 2416, 2424, and 2429) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7936. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2010 Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC–7937. A communication from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled ''Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Federal Labor Relations Authority; Correction'' (5 CFR Part 2416) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7938. A communication from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled ''Unfair Labor Practice Proceedings'' (5 CFR Part 2423) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7939. A communication from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled ''Review of Arbitration Awards; Miscellaneous and General Requirements'' (5 CFR Parts 2425 and 2429) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7940. A communication from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled ''Availability of Official Information'' (5 CFR Part 2411) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7941. A communication from the Senior Procurement Executive, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Travel Regulation (FTR); Terms and Definitions for 'Dependent', 'Domestic Partner', 'Domestic Partnership', and 'Immediate Family' '' (RIN3090–AJ06) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7942. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7943. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Mississippi River, Mile 212.0 to 214.5'' ((RIN1625–AA00)(Docket No. USCG–2010–0576)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7944. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD'' ((RIN1625–AA00) (Docket No. USCG–2010–0776)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7945. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Mississippi River, Mile 427.3 to 427.5'' ((RIN1625–AA00)(Docket No. USCG–2010–0703)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7946. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Red Bull Flugtag, Delaware River, Camden, NJ'' ((RIN1625–AA00)(Docket No. USCG–2010–0728)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7947. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA'' ((RIN1625–AA00)(Docket No. USCG–2010–0799)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7948. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Potomac River, St. Mary's River, St. Inigoes, MD'' ((RIN1625–AA00)(Docket No. USCG–2010–0719)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7949. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Diego Harbor Shark Fest Swim; San Diego Bay, San Diego, CA'' ((RIN1625–AA00)(Docket No. USCG–2010–0462)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7950. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ocean City Beachfront Air Show, Ocean City, NJ'' ((RIN1625–AA00)(Docket No. USCG–2010–0817)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7951. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River, Wheeling, WV, Wheeling Heritage Port Sternwheel Foundation Fireworks Display'' ((RIN1625–AA00)(Docket No. USCG–2010–0723)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7952. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; VERMILION 380A at Block 380 Outer Continental Shelf Fixed Platform in the Gulf of Mexico'' ((RIN1625–AA00)(Docket No. USCG–2010–0857)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7953. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Illinois River, Mile 000.5 to 001.5'' ((RIN1625–AA00)(Docket No. USCG–2010–0786)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7954. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Raccoon Creek, Bridgeport, NJ'' ((RIN1625–AA00)(Docket No. USCG–2010–0743)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7955. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; NASSCO Launching of USNS Washington Chambers, San Diego Bay, San Diego, CA'' ((RIN1625-AA00)(Docket No. USCG-2010-0782)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7956. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Revolution 3 Triathlon, Lake Erie and Sandusky Bay, Cedar Point, OH'' ((RIN1625-AA00)(Docket No. USCG-2010-0791)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7957. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico'' ((RIN1625-AA00)(Docket No. USCG-2010-0448)) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7958. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Thunder on the Bay, Chesapeake Bay, Buckroe Beach Park, Hampton, VA'' ((RIN1625-AA00)(Docket No. USCG-2010-0755)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7959. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Swim Events within the Sector New York Captain of the Port Zone'' ((RIN1625-AA00)(Docket No. USCG-2010-0502)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7960. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Taunton River, Fall River and Somerset, MA'' ((RIN1625-AA09)(Docket No. USCG-2010-0234)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7961. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Pequonnock River, Bridgeport, CT'' ((RIN1625-AA09)(Docket No. USCG-2009-0787)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7962. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Passaic River, Clifton, NJ'' ((RIN1625-AA09)(Docket No. USCG-2010-0200)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7963. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Columbia River; Correction'' ((RIN1625-AA00)(Docket No. USCG-2010-0351)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7964. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Events; Roanoke River, Plymouth, NC'' ((RIN1625-AA08)(Docket No. USCG-2010-0756)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7965. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone, Mackinac Bridge, Straits of Mackinac, Michigan'' (Docket No. USCG-2010-0790) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7966. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; U.S. Coast Guard BSU Seattle, Pier 36, Seattle, WA'' ((RIN1625-AA87)(Docket No. USCG-2010-0021)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7967. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations, Sabine River; Orange, TX'' ((RIN1625-AA08)(Docket No. USCG-2010-0518)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7968. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason; Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction'' (RIN0648-XZ99) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7969. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648-XZ67) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7970. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (RIN0648–XZ84) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7971. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XY88) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7972. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Non-Sandbar Large Coastal Shark Research Fishery'' (RIN0648–XZ43) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7973. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Coast Groundfish Final Rule; Inseason Action; October 1, 2010 Changes to Commercial Trip Limits'' (RIN0648–BA28) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7974. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2011'' (RIN0648–XZ16) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7975. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XZ38) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7976. A communication from the Deputy Assistant Administrator for Regulatory

Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendments 95 and 96 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 87 to the Fishery Management Plan for Groundfish of the Gulf of Alaska'' (RIN0648–AY48) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7977. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment 94 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area for Modified Nonpelagic Trawl Gear'' (RIN0648–AY34) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7978. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Fishing Capacity Reduction Framework'' (RIN0648–AY79) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7979. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Amendment to the Fishery Management Plan for the Reef Fish Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands Modifying the Bajo de Sico Seasonal Closure'' (RIN0648–AY05) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7980. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Correcting Amendment to the Regulations for Framework 21 to the Atlantic Sea Scallop Fishery Management Plan'' (RIN0648–BA08) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7981. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Adjustment to Fishing Year 2010 Georges Bank Yellowtail Flounder Total Allowable Catch'' (RIN0648–AY29) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7982. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (61); Amdt. No. 3394'' (RIN2120–AA65) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7983. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (27); Amdt. No. 3395'' (RIN2120–AA65) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7984. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Amdt. No. 3396'' (RIN2120–AA65) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7985. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (40); Amdt. No. 3397'' (RIN2120–AA65) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7986. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (73); Docket No. 30745'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7987. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (27); Docket No. 30746'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7988. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (156); Docket No. 30742'' (RIN2120–AA63) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7989. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Crewmember Requirements When Passengers Are Onboard'' ((RIN2120–AJ30)(Docket No. FAA–2009–0022)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7990. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Flightcrew Alerting'' ((RIN2120–AJ35)(Docket No. FAA–2008–1292)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7991. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Inclusion of Reference to Manual Requirements'' ((RIN2120–AJ44)(Docket No. FAA-2006–25877)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7992. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Re-registration and Renewal of Aircraft Registration; OMB Approval of Information Collection; Correction'' ((RIN2120–AI89)(Docket No. FAA–2008–0188)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7993. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airports/Locations; Special Operating Restrictions'' ((RIN2120–AA66)(Docket No. FAA–2010–0995)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7994. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class C Airspace, Establishment of Class D Airspace, and Modification of Class E Airspace; Columbus, GA'' ((RIN2120–AA66)(Docket No. FAA–2010–0386)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7995. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace, Franklin, TX'' ((RIN2120–AA66)(Docket No. FAA–2010–0603)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7996. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation and Establishment of Class E Airspace; Northeast Alaska, AK'' ((RIN2120–AA66)(Docket No. FAA–2010–0445)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7997. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Tanana, AK'' ((RIN2120–AA66)(Docket No. FAA–2010–0588)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7998. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Unalakleet, AK'' ((RIN2120–AA66)(Docket No. FAA–2010–0119)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7999. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Kalaupapa, HI'' ((RIN2120–AA66)(Docket No. FAA–2010–0650)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8000. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Port Clarence, AK'' ((RIN2120–AA66) (Docket No. FAA–2010–0354)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8001. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Smithfield, NC'' ((RIN2120–AA66) (Docket No. FAA–2010–0911)) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8002. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Charleston, SC'' ((RIN2120–AA66) (Docket No. FAA–2010–0817)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8003. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Klamath Falls, OR'' ((RIN2120–AA66) (Docket No. FAA–2010–0651)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8004. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Bamberg, SC'' ((RIN2120–AA66) (Docket No. FAA–2010–0685)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8005. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Razorback Range Airspace Complex, AR'' ((RIN2120–AA66) (Docket No. FAA–2009–1050)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8006. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Williston, ND'' ((RIN2120–AA66) (Docket No. FAA–2010–0407)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8007. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Chilicothe, MO'' ((RIN2120–AA66) (Docket No. FAA–2010–0268)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8008. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Youngstown, OH'' ((RIN2120–AA66) (Docket No. FAA–2010–267)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8009. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Boonville, MO'' ((RIN2120–AA66) (Docket No. FAA–2010–0607)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8010. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Kaiser/Lake Ozark, MO'' ((RIN2120–AA66) (Docket No. FAA–2010–0604)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8011. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Corpus Christi, TX'' ((RIN2120–AA66) (Docket No. FAA–2010–0404)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8012. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Searcy, AR'' ((RIN2120–AA66) (Docket No. FAA–2009–1182)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8013. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; Establishment of Class E Airspace; Patuxent River, MD'' ((RIN2120–AA66) (Docket No. FAA–2010–0428)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8014. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Homestead, FL'' ((RIN2120–AA66) (Docket No. FAA–2010–0429)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8015. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Brewton, AL'' ((RIN2120–AA66) (Docket No. FAA–2010–0777)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8016. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Miami Opa Locka Airport, FL, and Hollywood, FL'' ((RIN2120–AA66) (Docket No. FAA–2010–0816)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8017. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Toledo, WA'' ((RIN2120–AA66) (Docket No. FAA–2009–1189)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8018. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Fillmore, UT'' ((RIN2120–AA66) (Docket No. FAA–2009–1248)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8019. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Wilcox, AZ'' ((RIN2120–AA66) (Docket No. FAA–2010–0325)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8020. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace and Amendment to Class D Airspace; Troutdale, OR'' ((RIN2120–AA66) (Docket No. FAA–2010–0393)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8021. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class B Airspace; Chicago, IL'' ((RIN2120–AA66) (Docket No. FAA–2010–0347)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8022. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment and Modification of Class E Airspace; Deer Park, WA'' ((RIN2120–AA66) (Docket No. FAA–2009–1136)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8023. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Kwajalein Island, Marshall Islands, RMI'' ((RIN2120–AA66) (Docket No. FAA–2010–0808)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8024. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled ''Modification of Class E Airspace; Pendleton, OR'' ((RIN2120–AA66) (Docket No. FAA–2010–0616)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8025. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; San Clemente, CA'' ((RIN2120–AA66) (Docket No. FAA–2010–0619)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8026. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Arco, ID'' ((RIN2120–AA66) (Docket No. FAA–2010–0615)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8027. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0482)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8028. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200F, 747–300, 747–400, 747–400D, 747SP, and 747SR Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0950)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8029. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT8D–9, –9A, –11, –15, –17, and –17R Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0514)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES DURING ADJOURNMENT ON NOVEMBER 17, 2010

Under the authority of the order of the Senate of November 15, 2010, the following reports of committees were submitted on November 16, 2010.

By Mrs. McCASKILL, from the Committee on Impeachment Trial Committee (Porteous), under the authority of the order of the Senate of 11/15/2010.

Special Report entitled ''Report of the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr.'' (Rept. No. 111–347).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2991. A bill to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes (Rept. No. 111–350).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 3167. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes (Rept. No. 111–351).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 1183. A bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes (Rept. No. 111–352).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3650. A bill to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3804. A bill to combat online infringement, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Ripley Rand, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Charles M. Oberly III, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

William Conner Eldridge, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

Frank Leon-Guerrero, of Guam, to be United States Marshal for the District of Guam and concurrently United States Marshall for the District of the Northern Mariana Islands for the term of four years.

Charles Thomas Weeks II, of Oklahoma, to be United States Marshal for the Western District of Oklahoma for the term of four years.

Kenneth F. Bohac, of Illinois, to be United States Marshal for the Central District of Illinois for term of four years.

Wilfredo Martinez, of Florida, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2013.

Chase Theodora Rogers, of Connecticut, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

Isabel Framer, of Ohio, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 3964. A bill to provide for an expedited response to emergencies related to oil or gas production or storage; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. 3965. A bill to amend title XVIII of the Social Security Act to ensure continued access to Medicare for seniors and people with disabilities and to TRICARE for America's military families; to the Committee on Finance.

By Mrs. SHAHEEN (for herself and Ms. COLLINS):

S. 3966. A bill to amend title III of the Public Health Service Act to provide for increased gestational diabetes research and to lower the rate of gestational diabetes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Mr. CARDIN):

S. 3967. A bill to encourage investment in and innovation by small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DODD (for himself and Mr. CASEY):

S. 3968. A bill to establish a National Council on Children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions .

By Mr. BEGICH (for himself, Ms. MURKOWSKI, Mrs. MURRAY, and Mr. WYDEN):

S. 3969. A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically-engineered fish; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 3970. A bill to establish a program under which the Administrator of the Environmental Protection Agency shall provide grants to eligible State consortia to establish and carry out municipal sustainability certification programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BEGICH (for himself, Ms. MURKOWSKI, and Mrs. MURRAY):

S. 3971. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the approval of genetically-engineered fish; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Mr. GRAHAM, and Mr. LEAHY):

S. 3972. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. CARPER, Mr. INHOFE, Mrs. BOXER, Ms. COLLINS, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. LUGAR, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. TESTER, Mrs. FEINSTEIN, Mr. KERRY, Mr. BAUCUS, Mr. HARKIN, Mr. MERKLEY, Mr. LIEBERMAN, Mr. BROWN of Ohio, Mr. WHITEHOUSE, Mr. WYDEN, Ms. LANDRIEU, Mrs. HAGAN, Mr. WARNER, Mr. LAUTENBERG, Mr. CARDIN, Mr.

FRANKEN, Mr. BURRIS, Mr. SCHUMER, Mr. DURBIN, and Mr. REED):

S. 3973. A bill to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program; to the Committee on Environment and Public Works.

By Mr. BROWNBACK (for himself, Mr. CORNYN, and Mr. BURR):

S. 3974. A bill to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEMINT:

S. 3975. A bill to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent alternative minimum tax relief, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEMIEUX:

S. Res. 682. A resolution commending the Children's Home Society of America; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. LUGAR, and Mrs. HAGAN):

S. Res. 683. A resolution recognizing the recent accomplishments of the people and Government of Moldova and expressing support for free and transparent parliamentary elections on November 28, 2010; considered and agreed to.

By Mr. HARKIN (for himself, Mr. ENZI, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CARDIN, Mr. COCHRAN, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. ISAKSON, Mr. JOHANNS, Mr. LAUTENBERG, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WHITEHOUSE, Mr. BARRASSO, and Ms. MURKOWSKI):

S. Res. 684. A resolution recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; considered and agreed to.

By Mr. CARDIN (for himself and Mr. COCHRAN):

S. Res. 685. A resolution commemorating the 100th anniversary of the discovery of sickle cell disease by Dr. James B. Herrick; considered and agreed to.

By Mr. KERRY:

S. Con. Res. 75. A concurrent resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy; considered and agreed to.

By Mrs. BOXER (for herself, Mr. BURR, Mrs. MURRAY, Mr. KERRY, Mr. BENNET, Mr. PRYOR, Mr. DURBIN, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. JOHANNS, Mr. LAUTENBERG, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. SANDERS, Mr. BEGICH, Mr. BROWN of Massachusetts, and Mr. BAUCUS):

S. Con. Res. 76. A concurrent resolution to recognize and honor the commitment and sacrifices of military families of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 132, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 231

At the request of Mr. LIEBERMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 231, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1334

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN), the Senator from Delaware (Mr. COONS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1334, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

S. 1580

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1580, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 2984

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2984, a bill to direct the Secretary of Health and Human Services to revise regulations implementing the statutory reporting and auditing requirements for the Medicaid disproportionate share hospital (''DSH'') payment program to be consistent with the scope of the statutory provisions and avoid substantive changes to preexisting DSH policy.

S. 3058

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3211

At the request of Mrs. SHAHEEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3211, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Prorgram.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 3221

At the request of Mr. KOHL, the names of the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 3221, a bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

S. 3315

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3315, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 3447

At the request of Mr. AKAKA, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3517

At the request of Mr. AKAKA, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3517, a bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes.

S. 3578

At the request of Mr. JOHANNS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. 3703

At the request of Mr. BENNETT, his name was added as a cosponsor of S. 3703, a bill to expand the research, prevention, and awareness activities of

the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3790

At the request of Mr. COBURN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3790, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 3804

At the request of Mr. LEAHY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3804, a bill to combat online infringement, and for other purposes.

S. 3805

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3805, a bill to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes.

S. 3860

At the request of Mrs. MCCASKILL, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. CARDIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 3860, a bill to require reports on the management of Arlington National Cemetery.

S. 3874

At the request of Mrs. BOXER, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3874, a bill to amend the Safe Drinking Act to reduce lead in drinking water.

S. 3906

At the request of Mr. ALEXANDER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3906, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Delaware (Mr. COONS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3946

At the request of Mr. BAUCUS, the names of the Senator from Ohio (Mr. BROWN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 3946, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. CON. RES. 63

At the request of Mr. JOHNSON, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 680

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 680, a resolution supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia.

AMENDMENT NO. 4705

At the request of Mr. NELSON of Nebraska, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 4705 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mr. GRAHAM, and Mr. LEAHY):

S. 3972. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I rise today to introduce the National Blue Alert Act of 2010.

Having just concluded Crime Prevention month it is important to remember our law enforcement officers that put their lives on the line every day. There are more than 900,000 police officers in the United States dedicated to stopping crime and making our communities safer. Every day they go out onto the streets, and unfortunately become targets for criminals who have no regard for law and order.

According to the National Law Enforcement Officers Memorial Fund, officer deaths have surged by 43 percent in the first half of 2010. Eighty-seven officers died in the line of duty between January 1 and June 30 of this year. If this rate continues, 2010 could become one of the deadliest years for U.S. law enforcement in two decades. We need to make sure our officers have all the tools they need to protect themselves and each other.

This is why I, along with Senator GRAHAM and Senator LEAHY, am introducing the National Blue Alert Act in an effort to provide law enforcement with an additional tool in fighting crime. The Blue Alert system is intended to provide rapid dissemination of information about such offenders to help facilitate capture of violent offenders and reduce the risk those offenders cause to our communities and law enforcement officers. The National Blue Alert will encourage, enhance and integrate blue alert plans throughout the United States in order to effectively disseminate information notifying law enforcement, media and the public that a suspect is wanted.

Currently there is no national alert system that provides immediate information to other law enforcement agencies, the media or the public at large. Many states have created a state blue alert system in an effort to better inform their local communities. For example, after the unfortunate murder of Maryland State Trooper Wesley Brown, Maryland Governor O'Malley immediately signed an executive order establishing the Maryland blue alert system. But Maryland is not alone. Florida was the first state to implement the alert system in 2008. They were followed by Texas, Oklahoma, Alabama, Georgia, and Delaware.

My bill creates a national blue alert program within the Department of Justice. Currently, under the COPS technology program, Congress authorizes funds for the continued development of technologies and automated systems that help tribal, state and local law enforcement agencies prevent, respond to, and investigate crime. My bill authorizes $10 million out of this program to be appropriated for the creation of blue alert plans throughout the United States. This new technology will provide police officers and other emergency units with the ability to react quickly to apprehend violent offenders.

Based on the success of the AMBER Alert and the SILVER Alert, I believe this BLUE Alert will be equally successful in helping to apprehend criminal suspects who have injured or killed our law enforcement officers. This legislation has received the support of the Fraternal Order of Police and the Concerns of Police Survivors National Office. The Blue Alert will provide a valuable tool to our law enforcement officials. I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 682—COMMENDING THE CHILDREN'S HOME SOCIETY OF AMERICA

Mr. LEMIEUX submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 682

Whereas, since 1885, the Children's Home Society of America (referred to in this preamble as ''CHSA'') has made extraordinary contributions to the well being of children and families in the United States;

Whereas more than 400,000 children have been placed in loving, permanent families by CHSA members across the United States;

Whereas CHSA members have aided in the creation of many successful and sustainable programs that help children to be safe, healthy, and prepared for life;

Whereas the CHSA provides services to more than 570,000 children and families each year;

Whereas the CHSA engages more than 12,500 volunteers to support the efforts of the CHSA in finding permanent homes for children in foster care, building community schools, improving the health and mental health of children and families in the United States, providing temporary housing, and assisting foster youth to become successful adults; and

Whereas CHSA members receive more than $90,000,000 annually in cash resources from individuals and corporations to support the efforts of the CHSA: Now, therefore, be it

Resolved, That the Senate—

(1) commends the more than 6,700 staff and 12,500 volunteers of the Children's Home Society of America for the dedication and commitment of the Children's Home Society of America to the children and families of the United States;

(2) recognizes the Children's Home Society of America for leveraging human, financial, and material resources to carry out the mission of the Children's Home Society of America of helping children and families to remain safe, healthy, and prepared for life; and

(3) encourages the continued efforts of the staff and volunteers of the Children's Homes Society of America on behalf of the children and families of the United States.

SENATE RESOLUTION 683—RECOGNIZING THE RECENT ACCOMPLISHMENTS OF THE PEOPLE AND GOVERNMENT OF MOLDOVA AND EXPRESSING SUPPORT FOR FREE AND TRANSPARENT PARLIAMENTARY ELECTIONS ON NOVEMBER 28, 2010

Mr. KERRY (for himself, Mr. LUGAR, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 683

Whereas, since independence 19 years ago, the people of Moldova have made extraordinary progress in transitioning from authoritarian government and a closed market to a democratic government and market economy;

Whereas, for 19 years, the constitution of Moldova has guaranteed its citizens freedom to emigrate confirmed by years of successive Presidential waivers concerning the Jackson-Vanik amendment;

Whereas, on January 12, 2010, the Government of Moldova initiated negotiations with the European Union on an Association Agreement between the European Union and the Republic of Moldova, an important step towards European Union accession;

Whereas, in order to comply with the criteria of the Millennium Challenge Corporation (MCC), the Government of Moldova implemented far-reaching legal reforms to curb corruption, introduce budgetary transparency, and strengthen the capacity of civil society and the media, resulting in the successful conclusion of negotiations and the signing of an MCC Compact on January 22, 2010;

Whereas the Government of Moldova initiated a visa dialogue between the Republic of Moldova and the European Union aiming at visa liberalization on June 15, 2010;

Whereas, on August 26, 2010, Secretary of State Hillary Clinton praised progress in Moldova in ''advancing transparent governance, human rights, and economic reform'';

Whereas, on October 20, 2010, Reporters Without Borders reported an improvement in the freedom of press in Moldova, with Moldova rising from the 114th position in 2009 to the 75th position in 2010;

Whereas, in November 2010, the Government of Moldova concluded a treaty with Romania important to the assertion of its sovereignty and its future development;

Whereas Assistant Secretary of State for European and Eurasian Affairs Philip H. Gordon noted in testimony before the Subcommittee on Europe of the Committee on Foreign Affairs of the House of Representatives on June 16, 2009, ''We will continue to work for a negotiated settlement of the separatist conflict in the Transnistria region that provides for a whole and democratic Moldova and the withdrawal of Russian forces.''; and

Whereas the Republic of Moldova has made commitments to the Organization for Security and Cooperation in Europe (OSCE) to conduct elections according to international standards: Now, therefore, be it

Resolved, That the Senate—

(1) supports the development of an enduring democratic political system and free market economy in Moldova and a parliamentary election process on November 28, 2010, that comports with international standards of fairness and transparency;

(2) recognizes that the commitment of the Government of Moldova to economic and political reforms since 2009 has resulted in tangible progress towards integration into European institutions;

(3) acknowledges that continued reform and commitment to a free and fair election process will remain necessary for Moldova's full integration into the Western community of nations;

(4) notes that continued reforms in Moldova could provide for an additional basis for the repeal of the Jackson-Vanik trade restrictions;

(5) encourages ongoing negotiations between the European Union and the Republic of Moldova concerning visa liberalization and an Association Agreement;

(6) urges fulfillment by the Government of Moldova of commitments it has made to the OSCE with respect to the free and fair conduct of its upcoming parliamentary elections; and

(7) expresses the belief that the free and fair conduct of parliamentary elections in Moldova will contribute to a strong and stable government that is responsive to the vital needs of its people.

SENATE RESOLUTION 684—RECOGNIZING THE 35TH ANNIVERSARY OF THE ENACTMENT OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

Mr. HARKIN (for himself, Mr. ENZI, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CARDIN, Mr. COCHRAN, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. ISAKSON, Mr. JOHANNS, Mr. LAUTENBERG, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WHITEHOUSE, Mr. BARRASSO, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 684

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94–142) was signed into law 35 years ago on November 29;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal policy of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act (Public Law 91–230), as amended by the Education for All Handicapped Children Act of 1975, was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) to create a preschool grant program for children with disabilities 3 to 5 years of age and an early intervention program for infants and toddlers with disabilities from birth through age 2;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101–476) renamed the Education of the Handicapped Act as the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.);

Whereas IDEA was amended by the Individuals with Disabilities Education Act Amendments of 1997 (Public Law 105–17) to ensure that children with disabilities have equal access to, and make progress in, the general education curriculum and are included in all general State and district-wide assessment programs;

Whereas IDEA was amended by the Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108–446) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their individual needs and prepare them for further education, employment, and independent living;

Whereas IDEA currently serves an estimated 342,000 infants and toddlers, 709,000 preschoolers, and 5,890,000 children 6 to 21 years of age;

Whereas IDEA has opened neighborhood schools to students with disabilities and increased the number of children living in their communities instead of institutions;

Whereas the academic achievement of students with disabilities has significantly increased since the enactment of IDEA;

Whereas the number of children with disabilities who complete high school with a standard diploma has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in institutions of higher

education has more than tripled since the enactment of IDEA;

Whereas IDEA requires partnership among parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities;

Whereas the achievement of students with disabilities is integrally linked with the successful alignment of special and general education systems;

Whereas IDEA has increased the quality of research in effective teaching practices for students with disabilities; and

Whereas IDEA continues to serve as the framework to marshal the resources of this Nation to implement the promise of full participation in society of children with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142);

(2) acknowledges the many and varied contributions of children with disabilities and their parents, teachers, related services personnel, and administrators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education in the least restrictive environment and the opportunity to benefit from the general education curriculum and be prepared for further education, employment, and independent living.

SENATE RESOLUTION 685—COMMEMORATING THE 100TH ANNIVERSARY OF THE DISCOVERY OF SICKLE CELL DISEASE BY DR. JAMES B. HERRICK

Mr. CARDIN (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 685

Whereas sickle cell disease is an inherited disorder that affects red blood cells leading to significant morbidity and mortality in nearly 80,000 people in the United States;

Whereas sickle cell disease causes blockage of small blood vessels which can lead to tissue damage resulting in severe pain, infection, or stroke;

Whereas scientific breakthroughs over the past century have improved the lives of millions of people suffering from sickle cell disease;

Whereas scientific advances in treatment for sickle cell disease began with Dr. James B. Herrick, an attending physician at Presbyterian Hospital and professor of medicine at Rush Medical College in Chicago, Illinois, who discovered sickle cell disease and published the first recorded case in Western medical literature in November of 1910 in the journal Annals of Internal Medicine;

Whereas the hemoglobin mutation responsible for sickle cell disease was discovered by Linus Pauling in 1950;

Whereas penicillin was proven to be effective as a preventative strategy against pneumococcal infection in 1986, sparing patients with sickle cell disease from contracting this particularly dangerous infection;

Whereas in 1995, the National Heart, Lung, and Blood Institute reported the first effective drug treatment for adults with severe sickle cell disease;

Whereas the anticancer drug hydroxyurea was found to reduce the frequency of painful crises of sickle cell disease and patients taking the drug needed fewer blood transfusions;

Whereas in 1996, bone marrow transplantation was discovered to improve the course of sickle cell disease for select patients;

Whereas in 1997, blood transfusions were found to help prevent stroke in patients with sickle cell disease;

Whereas the introduction of pneumococcal vaccine in 2000 revolutionized the prevention of lethal infections in children and adults with sickle cell disease;

Whereas the first mouse model demonstrating the usefulness of genetic therapy for sickle cell disease was developed in 2001;

Whereas in 2007, scientists from the University of Alabama at Birmingham and the Massachusetts Institute of Technology developed an animal model for curing sickle cell disease;

Whereas improvements in treatments have substantially improved quality of life for patients with sickle cell disease and led to an increase in overall life expectancy from 14 years in 1973 to the mid to late 40s in 2010; and

Whereas the National Institutes of Health sponsored a symposium on November 16 and 17, 2010, to commemorate the 100th anniversary of Dr. James Herrick's initial description of sickle cell disease: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions of the biomedical research community to the improvement in diagnosis and treatment of sickle cell disease; and

(2) commemorates the 100th anniversary of the discovery of sickle cell disease in November 1910.

SENATE CONCURRENT RESOLUTION 75—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT MARKING THE 50TH ANNIVERSARY OF THE INAUGURAL ADDRESS OF PRESIDENT JOHN F. KENNEDY

Mr. KERRY submitted the following resolution; which was considered and agreed to:

S. CON. RES. 75

Whereas John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;

Whereas on November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and

Whereas on January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51 pm, a speech that served as a clarion call to service for the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT HONORING PRESIDENT KENNEDY.

The rotunda of the United States Capitol is authorized to be used on January 20, 2011, for a ceremony in honor of the 50th anniversary of the inaugural address of President John F. Kennedy. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

SENATE CONCURRENT RESOLUTION 76—TO RECOGNIZE AND HONOR THE COMMITMENT AND SACRIFICES OF MILITARY FAMILIES OF THE UNITED STATES

Mrs. BOXER (for herself, Mr. BURR, Mrs. MURRAY, Mr. KERRY, Mr. BENNET, Mr. PRYOR, Mr. DURBIN, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. JOHANNS, Mr. LAUTENBERG, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. SANDERS, Mr. BEGICH, Mr. BROWN of Massachusetts, and Mr. BAUCUS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 76

Whereas the month of November marks Military Family Month;

Whereas the freedom and security the citizens of the United States enjoy today are a result of the continued dedication and vigilance of the Armed Forces throughout the history of the United States;

Whereas the security of the United States depends on the readiness and retention of the men and women of the Armed Forces, a force comprised of active, National Guard, and Reserve personnel;

Whereas military families are an integral source of strength for the Soldiers, Sailors, Marines, Airmen, and Coastguardsmen of the United States, and have continually proven their dedication, service, and willingness to make great sacrifices in support of service members of the United States;

Whereas military families often endure unique circumstances that are central to military life, including long separations from their loved ones, the uncertainty and demands of multiple deployments, school and job transfers, and frequent moves from communities where they have established roots and relationships;

Whereas military family members have become the central support system for each other as they reinforce units through family readiness efforts and initiatives, support service members within the units, and reach out to the families whose loved ones have been deployed; and

Whereas it is important to recognize the sacrifices, support, and dedication of the families of the men and women who serve in the Armed Forces; Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the commitment and ever-increasing sacrifices military families make every day during the current era of protracted conflict;

(2) honors the families of the Armed Forces and thanks the families for their dedication and service to the United States; and

(3) encourages the citizens of the United States to recognize, commemorate, and honor the role and contribution of the military family, including selfless service that ensures freedom and preserves the quality of life in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4708. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table.

SA 4709. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 510, supra; which was ordered to lie on the table.

SA 4710. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4711. Mr. REID (for Mr. BAUCUS (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 5712, entitled ''The Physician Payment and Therapy Relief Act of 2010''.

SA 4712. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5712, supra.

SA 4713. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table.

SA 4714. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table .

SA 4715. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill S. 510, supra.

TEXT OF AMENDMENTS

SA 4708. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 405. NANOTECHNOLOGY PROGRAM.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

''SEC. 1012. NANOTECHNOLOGY PROGRAM.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary of Health and Human Services, in consultation with the Secretary of Agriculture, shall establish within the Food and Drug Administration a program for the scientific investigation of nanoscale materials included or intended for inclusion in FDA-regulated products, to address the potential toxicology of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

''(b) PROGRAM PURPOSES.—The purposes of the program established under subsection (a) shall be to—

''(1) assess scientific literature and data on general nanoscale material interactions with biological systems and on specific nanoscale materials of concern to Food and Drug Administration;

''(2) develop and organize information using databases and models that will enable the formulation of generalized principles for the behavior of classes of nanoscale materials with biological systems;

''(3) promote intramural Administration programs and participate in collaborative efforts, to further the understanding of the science of novel properties at the nanoscale that might contribute to toxicity;

''(4) promote and participate in collaborative efforts to further the understanding of measurement and detection methods for nanoscale materials;

''(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanoscale materials with biological systems;

''(6) build scientific expertise on nanoscale materials within such Administration;

''(7) ensure ongoing training, as well as dissemination of new information within the centers of such Administration, and more broadly across such Administration, to ensure timely, informed consideration of the most current science;

''(8) encourage such Administration to participate in international and national consensus standards activities; and

''(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

''(c) PROGRAM ADMINISTRATION.—

''(1) PROGRAM MANAGER.—In carrying out the program under this section, the Secretary shall designate a program manager who shall supervise the planning, management, and coordination of the program.

''(2) DUTIES.—The program manager shall—

''(A) develop a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

''(B) coordinate and integrate the strategic plan with investments by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

''(C) develop intramural Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

''(d) REPORTS.—The Secretary shall submit to the National Science and Technology Council information on the program under this section, including the information required to be provided by the National Research Council in the annual report described in section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.''.

SA 4709. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 310. RESTRICTION ON PARTICIPATION IN VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Section 806 of the Federal Food, Drug, and Cosmetic Act (as added by section 302), is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively; and

(2) by inserting after subsection (d) the following:

''(e) RESTRICTION ON PARTICIPATION.—Notwithstanding section 307 of the Tariff Act of 1930, the Secretary shall deny entry into the United States under the program described in this section of any food exported from a country listed by the Bureau of International Labor Affairs of the Department of Labor in the 'List of Goods Produced by Child Labor or Forced Labor' for the most recent reporting period as a country that produces food with the use of child or forced labor.''.

SEC. 311. IMPORTED SEAFOOD.

(a) PENALTIES FOR THE IMPORT OF SEAFOOD CONTAINING BANNED SUBSTANCES.—Section 303 (21 U.S.C. 333) is amended by adding at the end the following:

''(h) If the Secretary finds that seafood imported or offered for import into the United States contains a substance that has been banned by the Food and Drug Administration for use in food in the United States, the following shall apply to the importer of such seafood, notwithstanding section 801:

''(1) In the case of a first such violation by an importer, the Secretary shall impose a fine upon the importer, in an amount determined by the Secretary.

''(2) In the case of a second such violation by an importer, the Secretary shall ban such importer from importing or offering for import into the United States seafood until the importer provides substantiating evidence that seafood imported or offered for import by such importer does not contain any substance banned by the Food and Drug Administration for use in food.

''(3) In the case of a third such violation, the Secretary shall permanently ban the importer from importing or offering for import into the United States seafood.''.

(b) INSPECTION OF IMPORTED SEAFOOD.—

(1) IN GENERAL.—Section 801 (21 U.S.C. 381), as amended by section 303, is further amended by adding at the end the following:

''(r) The Secretary shall inspect not less than 20 percent of all seafood imported or offered for import into the United States.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2015.

SEC. 312. REGISTRATION FOR COMMERCIAL IMPORTERS OF FOOD.

(a) PROHIBITIONS.—Section 301 (21 U.S.C. 331), as amended by section 301(b) of this Act, is further amended by adding at the end the following:

''(aaa) the failure to register in accordance with section 801(s).''.

(b) MISBRANDING.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

''(z) If it is imported or offered for import by an importer not duly registered under section 801(s).''.

(c) REGISTRATION.—Section 801 (21 U.S.C. 381), as amended by section 310 of this Act, is further amended by adding at the end the following:

''(s) REGISTRATION OF IMPORTERS.—

''(1) IN GENERAL.—The Secretary shall require an importer of food to be registered with the Secretary in a form and manner specified by the Secretary.

''(2) CONDITIONS OF REGISTRATION.—As a condition of registration under paragraph (1), an importer shall demonstrate to the Secretary that:

''(A) the importer has fully disclosed to the Secretary all ownership interests in the importer;

''(B) the importer has sufficiently complied with U.S. food safety and trade laws;

''(C) the importer has submitted appropriate unique facility identifiers required under section 1012;

''(D) there is no reason to believe that the importer is not likely to engage in good importer practices described in paragraph (3); and

''(E) the importer has sufficiently demonstrated or provided information regarding any other requirement deemed necessary for registration by the Secretary.''

''(3) GOOD IMPORTER PRACTICES.—The initial grant and subsequent maintenance of registration under this subsection is conditioned on compliance with good importer practices in accordance with the following:

''(A) The Secretary, in consultation with Customs and Border Protection, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported food is in compliance with the requirements of this Act.

''(B) The measures under subparagraph (A) shall ensure that the importer of a food—

''(i) has adequate information about the food, hazards of the food, and the requirements of this Act applicable to such food;

''(ii) has adequate information or procedures in place to verify that both the food and each person that produced, manufactured, processed, packed, transported, or held the food, including components of the food, are in compliance with the requirements of this Act; and

''(iii) has adequate procedures in place to take corrective action, such as the ability to appropriately trace, withhold, and recall articles of food, if a food imported by the importer is not in compliance with the requirements of this Act.

''(4) SUSPENSION OF REGISTRATION.—Registration under this subsection is subject to suspension upon a finding by the Secretary, after notice and an opportunity for an informal hearing, of—

''(A) a violation of this Act; or

''(B) the knowing or repeated making of an inaccurate or incomplete statement or submission of information relating to the importation of food.''

''(5) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary shall cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the importer of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the importer is updated or corrected not later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(6) EXEMPTIONS.—The Secretary, by notice published in the Federal Register—

''(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

''(B) may establish other exemptions from the requirements of this subsection.''

(d) UNIQUE IDENTIFICATION NUMBER FOR IMPORTERS.—

(1) IN GENERAL.—Chapter X (21 U.S.C. 391 et seq) is amended by adding at the end the following:

''SEC. 1012. UNIQUE FACILITY IDENTIFIER.

''(a) REGISTRATION OF IMPORTERS.—A person required to register pursuant to section 801(s) shall submit, at the time of registration, a unique facility identifier for the principal place of business for which such person is required to register under section 801(s).

''(b) GUIDANCE.—The Secretary may, by guidance, and in consultation with the Commissioner responsible for Customs and Border Protection, specify the unique numerical identifier system to be used to meet the requirements of subsection (a) and the form, manner, and timing of a submission under such subsection. Development of such guidelines shall take into account the utilization of existing unique identification schemes and compatibility with customs automated systems, such as integration with the Automated Commercial Environment and the International Trade Data System, and any successor systems.

''(c) IMPORTATION.—An article of food imported or offered for import shall be refused admission unless the appropriate unique facility identifiers, as specified by the Secretary, are provided for such article.''.

(e) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Customs and Border Protection, shall promulgate the regulations required to carry out sections 801(s) and 1012 of the Federal Food, Drug, and Cosmetic Act, as added by subsections (c) and (d).

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 4710. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 405. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET NEW SPENDING.

(a) IN GENERAL.—Notwithstanding any other provision of law, there are hereby rescinded from all available unobligated funds, such appropriated discretionary funds as may be necessary to offset amounts expended to carry out this Act (including any amendments made by this Act).

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SA 4711. Mr. REID (for Mr. BAUCUS (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 5712, entitled ''The Physician Payment and Therapy Relief Act of 2010'', as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''The Physician Payment and Therapy Relief Act of 2010''.

SEC. 2. PHYSICIAN PAYMENT UPDATE.

Section 1848(d)(11) of the Social Security Act (42 U.S.C. 1395w–4(d)(11)) is amended—

(1) in the heading, by striking ''NOVEMBER'' and inserting ''DECEMBER'';

(2) in subparagraph (A), by striking ''November 30'' and inserting ''December 31''; and

(3) in subparagraph (B)—

(A) in the heading, by striking ''REMAINING PORTION OF 2010'' and inserting ''2011''; and

(B) by striking ''the period beginning on December 1, 2010, and ending on December 31, 2010, and for''.

SEC. 3. TREATMENT OF MULTIPLE SERVICE PAYMENT POLICIES FOR THERAPY SERVICES.

(a) SMALLER PAYMENT DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w–4(b)) is amended by adding at the end the following new paragraph:

''(7) ADJUSTMENT IN DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—In the case of therapy services furnished on or after January 1, 2011, and for which payment is made under fee schedules established under this section, instead of the 25 percent multiple procedure payment reduction specified in the final rule published by the Secretary in the Federal Register on November 29, 2010, the reduction percentage shall be 20 percent.''.

(b) EXEMPTION OF PAYMENT REDUCTION FROM BUDGET-NEUTRALITY.—Section 1848(c)(2)(B)(v) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(B)(v)) is amended by adding at the end the following new subclause:

''(VII) REDUCED EXPENDITURES FOR MULTIPLE THERAPY SERVICES.—Effective for fee schedules established beginning with 2011, reduced expenditures attributable to the multiple procedure payment reduction for therapy services (as described in subsection (b)(7)).''.

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4712. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5712, entitled ''The Physician Payment and Therapy Relief Act of 2010''; as follows:

Amend the title so as to read:

An act entitled ''The Physician Payment and Therapy Relief Act of 2010''.

SA 4713. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Paperwork Relief Act''.

SEC. 2. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) REPEAL OF PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (b) of section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection, and amendments, had never been enacted.

(b) REPEAL OF APPLICATION TO CORPORATIONS; APPLICATION OF REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006(a) of the Patient Protection and Affordable Care Act and section 2101 of the Small Business Jobs Act of 2010, is amended by striking subsections (i) and (j) and inserting the following new subsection:

''(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made after December 31, 2010.

SA 4714. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __ FISCAL YEARS 2011 THROUGH 2013 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee or a bill or joint resolution reported by any committee with a report that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term ''limited tax benefit'' means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term ''limited tariff benefit'' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEARS 2011 THROUGH 2013.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal years 2011 through 2013.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality, or congressional district.

(i) This rule shall not apply to any bill, conference report or joint resolution in which the total funding provided for earmarks do not exceed the amount provided for such purposes in 2009.''

SA 4715. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FDA Food Safety Modernization Act''.

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

Sec. 101. Inspections of records.
Sec. 102. Registration of food facilities.
Sec. 103. Hazard analysis and risk-based preventive controls.
Sec. 104. Performance standards.
Sec. 105. Standards for produce safety.
Sec. 106. Protection against intentional adulteration.
Sec. 107. Authority to collect fees.
Sec. 108. National agriculture and food defense strategy.
Sec. 109. Food and Agriculture Coordinating Councils.
Sec. 110. Building domestic capacity.
Sec. 111. Sanitary transportation of food.
Sec. 112. Food allergy and anaphylaxis management.
Sec. 113. New dietary ingredients.
Sec. 114. Requirement for guidance relating to post harvest processing of raw oysters.
Sec. 115. Port shopping.
Sec. 116. Alcohol-related facilities.

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

Sec. 201. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.
Sec. 202. Laboratory accreditation for analyses of foods.
Sec. 203. Integrated consortium of laboratory networks.
Sec. 204. Enhancing tracking and tracing of food and recordkeeping.
Sec. 205. Surveillance.
Sec. 206. Mandatory recall authority.
Sec. 207. Administrative detention of food.
Sec. 208. Decontamination and disposal standards and plans.
Sec. 209. Improving the training of State, local, territorial, and tribal food safety officials.
Sec. 210. Enhancing food safety.
Sec. 211. Improving the reportable food registry.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

Sec. 301. Foreign supplier verification program.
Sec. 302. Voluntary qualified importer program.
Sec. 303. Authority to require import certifications for food.
Sec. 304. Prior notice of imported food shipments.
Sec. 305. Building capacity of foreign governments with respect to food safety.
Sec. 306. Inspection of foreign food facilities.
Sec. 307. Accreditation of third-party auditors.
Sec. 308. Foreign offices of the Food and Drug Administration.
Sec. 309. Smuggled food.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Funding for food safety.
Sec. 402. Employee protections.
Sec. 403. Jurisdiction; authorities.
Sec. 404. Compliance with international agreements.
Sec. 405. Determination of budgetary effects.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

SEC. 101. INSPECTIONS OF RECORDS.

(a) IN GENERAL.—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the heading and all that follows through ''of food is'' and inserting the following: ''RECORDS INSPECTION.—

''(1) ADULTERATED FOOD.—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is'';

(2) by inserting '', and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,'' after ''relating to such article'';

(3) by striking the last sentence; and

(4) by inserting at the end the following:

''(2) USE OF OR EXPOSURE TO FOOD OF CONCERN.—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

''(3) APPLICATION.—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.''.

(b) CONFORMING AMENDMENT.—Section 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by striking ''section 414 when'' and all that follows through ''subject to'' and inserting ''section 414, when the standard for records inspection under paragraph (1) or (2) of section 414(a) applies, subject to''.

SEC. 102. REGISTRATION OF FOOD FACILITIES.

(a) UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking ''conducts business and'' and inserting ''conducts business, the e-mail address for the contact person of the facility

or, in the case of a foreign facility, the United States agent for the facility, and''; and

(B) inserting '', or any other food categories as determined appropriate by the Secretary, including by guidance'' after ''Code of Federal Regulations'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) BIENNIAL REGISTRATION RENEWAL.—During the period beginning on October 1 and ending on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.''.

(b) SUSPENSION OF REGISTRATION.—

(1) IN GENERAL.—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: ''The registration shall contain an assurance that the Secretary will be permitted to inspect such facility at the times and in the manner permitted by this Act.'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) SUSPENSION OF REGISTRATION.—

''(1) IN GENERAL.—If the Secretary determines that food manufactured, processed, packed, received, or held by a facility registered under this section has a reasonable probability of causing serious adverse health consequences or death to humans or animals, the Secretary may by order suspend the registration of a facility—

''(A) that created, caused, or was otherwise responsible for such reasonable probability; or

''(B)(i) that knew of, or had reason to know of, such reasonable probability; and

''(ii) packed, received, or held such food.

''(2) HEARING ON SUSPENSION.—The Secretary shall provide the registrant subject to an order under paragraph (1) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 business days after the issuance of the order or such other time period, as agreed upon by the Secretary and the registrant, on the actions required for reinstatement of registration and why the registration that is subject to suspension should be reinstated. The Secretary shall reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

''(3) POST-HEARING CORRECTIVE ACTION PLAN; VACATING OF ORDER.—

''(A) CORRECTIVE ACTION PLAN.—If, after providing opportunity for an informal hearing under paragraph (2), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan not later than 14 days after the submission of the corrective action plan or such other time period as determined by the Secretary.

''(B) VACATING OF ORDER.—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions required by the order, or that such actions should be modified, the Secretary shall promptly vacate the order and reinstate the registration of the facility subject to the order or modify the order, as appropriate.

''(4) EFFECT OF SUSPENSION.—If the registration of a facility is suspended under this subsection, no person shall import or export food into the United States from such facility, offer to import or export food into the United States from such facility, or otherwise introduce food from such facility into interstate or intrastate commerce in the United States.

''(5) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall promulgate regulations to implement this subsection. The Secretary may promulgate such regulations on an interim final basis.

''(B) REGISTRATION REQUIREMENT.—The Secretary may require that registration under this section be submitted in an electronic format. Such requirement may not take effect before the date that is 5 years after the date of enactment of the FDA Food Safety Modernization Act.

''(6) APPLICATION DATE.—Facilities shall be subject to the requirements of this subsection beginning on the earlier of—

''(A) the date on which the Secretary issues regulations under paragraph (5); or

''(B) 180 days after the date of enactment of the FDA Food Safety Modernization Act.

''(7) NO DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.''.

(2) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of the regulations promulgated under section 415(b)(5) of the Federal Food, Drug, and Cosmetic Act (as added by this section), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such regulations to assist small entities in complying with registration requirements and other activities required under such section.

(3) IMPORTED FOOD.—Section 801(l) (21 U.S.C. 381(l)) is amended by inserting ''(or for which a registration has been suspended under such section)'' after ''section 415''.

(c) CLARIFICATION OF INTENT.—

(1) RETAIL FOOD ESTABLISHMENT.—The Secretary shall amend the definition of the term ''retail food establishment'' in section 1.227(b)(11) of title 21, Code of Federal Regulations to clarify that, in determining the primary function of an establishment or a retail food establishment under such section, the sale of food products directly to consumers by such establishment and the sale of food directly to consumers by such retail food establishment include—

(A) the sale of such food products or food directly to consumers by such establishment at a roadside stand or farmers' market where such stand or market is located other than where the food was manufactured or processed;

(B) the sale and distribution of such food through a community supported agriculture program; and

(C) the sale and distribution of such food at any other such direct sales platform as determined by the Secretary.

(2) DEFINITIONS.—For purposes of paragraph (1)—

(A) the term ''community supported agriculture program'' has the same meaning given the term ''community supported agriculture (CSA) program'' in section 249.2 of title 7, Code of Federal Regulations (or any successor regulation); and

(B) the term ''consumer'' does not include a business.

(d) CONFORMING AMENDMENTS.—

(1) Section 301(d) (21 U.S.C. 331(d)) is amended by inserting ''415,'' after ''404,''.

(2) Section 415(d), as redesignated by subsection (b), is amended by adding at the end before the period ''for a facility to be registered, except with respect to the reinstatement of a registration that is suspended under subsection (b)''.

SEC. 103. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

''(a) IN GENERAL.—The owner, operator, or agent in charge of a facility shall, in accordance with this section, evaluate the hazards that could affect food manufactured, processed, packed, or held by such facility, identify and implement preventive controls to significantly minimize or prevent the occurrence of such hazards and provide assurances that such food is not adulterated under section 402 or misbranded under section 403(w), monitor the performance of those controls, and maintain records of this monitoring as a matter of routine practice.

''(b) HAZARD ANALYSIS.—The owner, operator, or agent in charge of a facility shall—

''(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—

''(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and color additives; and

''(B) hazards that occur naturally, or may be unintentionally introduced; and

''(2) identify and evaluate hazards that may be intentionally introduced, including by acts of terrorism; and

''(3) develop a written analysis of the hazards.

''(c) PREVENTIVE CONTROLS.—The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances that—

''(1) hazards identified in the hazard analysis conducted under subsection (b)(1) will be significantly minimized or prevented;

''(2) any hazards identified in the hazard analysis conducted under subsection (b)(2) will be significantly minimized or prevented and addressed, consistent with section 420, as applicable; and

''(3) the food manufactured, processed, packed, or held by such facility will not be adulterated under section 402 or misbranded under section 403(w).

''(d) MONITORING OF EFFECTIVENESS.—The owner, operator, or agent in charge of a facility shall monitor the effectiveness of the preventive controls implemented under subsection (c) to provide assurances that the outcomes described in subsection (c) shall be achieved.

''(e) CORRECTIVE ACTIONS.—The owner, operator, or agent in charge of a facility shall establish procedures to ensure that, if the preventive controls implemented under subsection (c) are not properly implemented or are found to be ineffective—

''(1) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure;

''(2) all affected food is evaluated for safety; and

''(3) all affected food is prevented from entering into commerce if the owner, operator or agent in charge of such facility cannot ensure that the affected food is not adulterated under section 402 or misbranded under section 403(w).

''(f) VERIFICATION.—The owner, operator, or agent in charge of a facility shall verify that—

''(1) the preventive controls implemented under subsection (c) are adequate to control the hazards identified under subsection (b);

''(2) the owner, operator, or agent is conducting monitoring in accordance with subsection (d);

''(3) the owner, operator, or agent is making appropriate decisions about corrective actions taken under subsection (e);

''(4) the preventive controls implemented under subsection (c) are effectively and significantly minimizing or preventing the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means; and

''(5) there is documented, periodic reanalysis of the plan under subsection (i) to ensure that the plan is still relevant to the raw materials, conditions and processes in the facility, and new and emerging threats.

''(g) RECORDKEEPING.—The owner, operator, or agent in charge of a facility shall maintain, for not less than 2 years, records documenting the monitoring of the preventive controls implemented under subsection (c), instances of nonconformance material to food safety, the results of testing and other appropriate means of verification under subsection (f)(4), instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.

''(h) WRITTEN PLAN AND DOCUMENTATION.—The owner, operator, or agent in charge of a facility shall prepare a written plan that documents and describes the procedures used by the facility to comply with the requirements of this section, including analyzing the hazards under subsection (b) and identifying the preventive controls adopted under subsection (c) to address those hazards. Such written plan, together with the documentation described in subsection (g), shall be made promptly available to a duly authorized representative of the Secretary upon oral or written request.

''(i) REQUIREMENT TO REANALYZE.—The owner, operator, or agent in charge of a facility shall conduct a reanalysis under subsection (b) whenever a significant change is made in the activities conducted at a facility operated by such owner, operator, or agent if the change creates a reasonable potential for a new hazard or a significant increase in a previously identified hazard or not less frequently than once every 3 years, whichever is earlier. Such reanalysis shall be completed and additional preventive controls needed to address the hazard identified, if any, shall be implemented before the change in activities at the facility is operative. Such owner, operator, or agent shall revise the written plan required under subsection (h) if such a significant change is made or document the basis for the conclusion that no additional or revised preventive controls are needed. The Secretary may require a reanalysis under this section to respond to new hazards and developments in scientific understanding, including, as appropriate, results from the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessment.

''(j) EXEMPTION FOR SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES SUBJECT TO HACCP.—

''(1) IN GENERAL.—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

''(A) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(B) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(C) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

''(2) APPLICABILITY.—The exemption under paragraph (1)(C) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

''(k) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 419.—This section shall not apply to activities of a facility that are subject to section 419.

''(l) MODIFIED REQUIREMENTS FOR QUALIFIED FACILITIES.—

''(1) QUALIFIED FACILITIES.—

''(A) IN GENERAL.—A facility is a qualified facility for purposes of this subsection if the facility meets the conditions under subparagraph (B) or (C).

''(B) VERY SMALL BUSINESS.—A facility is a qualified facility under this subparagraph—

''(i) if the facility, including any subsidiary or affiliate of the facility, is, collectively, a very small business (as defined in the regulations promulgated under subsection (n)); and

''(ii) in the case where the facility is a subsidiary or affiliate of an entity, if such subsidiaries or affiliates, are, collectively, a very small business (as so defined).

''(C) LIMITED ANNUAL MONETARY VALUE OF SALES.—

''(i) IN GENERAL.—A facility is a qualified facility under this subparagraph if clause (ii) applies—

''(I) to the facility, including any subsidiary or affiliate of the facility, collectively; and

''(II) to the subsidiaries or affiliates, collectively, of any entity of which the facility is a subsidiary or affiliate.

''(ii) AVERAGE ANNUAL MONETARY VALUE.—This clause applies if—

''(I) during the 3-year period preceding the applicable calendar year, the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as described in clause (i)) that is sold directly to qualified end-users during such period exceeded the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as so described) sold by such facility (or collectively by any such subsidiary or affiliate) to all other purchasers during such period; and

''(II) the average annual monetary value of all food sold by such facility (or the collective average annual monetary value of such food sold by any subsidiary or affiliate, as described in clause (i)) during such period was less than $500,000, adjusted for inflation.

''(2) EXEMPTION.—A qualified facility—

''(A) shall not be subject to the requirements under subsections (a) through (i) and subsection (n) in an applicable calendar year; and

''(B) shall submit to the Secretary—

''(i)(I) documentation that demonstrates that the owner, operator, or agent in charge of the facility has identified potential hazards associated with the food being produced, is implementing preventive controls to address the hazards, and is monitoring the preventive controls to ensure that such controls are effective; or

''(II) documentation (which may include licenses, inspection reports, certificates, permits, credentials, certification by an appropriate agency (such as a State department of agriculture), or other evidence of oversight), as specified by the Secretary, that the facility is in compliance with State, local, county, or other applicable non-Federal food safety law; and

''(ii) documentation, as specified by the Secretary in a guidance document issued not later than 1 year after the date of enactment of this section, that the facility is a qualified facility under paragraph (1)(B) or (1)(C).

''(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a qualified facility subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with a qualified facility that are material to the safety of the food manufactured, processed, packed, or held at such facility, the Secretary may withdraw the exemption provided to such facility under this subsection.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

''(4) DEFINITIONS.—In this subsection:

''(A) AFFILIATE.—The term 'affiliate' means any facility that controls, is controlled by, or is under common control with another facility.

''(B) QUALIFIED END-USER.—The term 'qualified end-user', with respect to a food, means—

''(i) the consumer of the food; or

''(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that—

''(I) is located—

''(aa) in the same State as the qualified facility that sold the food to such restaurant or establishment; or

''(bb) not more than 275 miles from such facility; and

''(II) is purchasing the food for sale directly to consumers at such restaurant or retail food establishment.

''(C) CONSUMER.—For purposes of subparagraph (B), the term 'consumer' does not include a business.

''(D) SUBSIDIARY.—The term 'subsidiary' means any company which is owned or controlled directly or indirectly by another company.

''(5) STUDY.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a study of the food processing sector regulated by the Secretary to determine—

''(i) the distribution of food production by type and size of operation, including monetary value of food sold;

''(ii) the proportion of food produced by each type and size of operation;

''(iii) the number and types of food facilities co-located on farms, including the number and proportion by commodity and by manufacturing or processing activity;

''(iv) the incidence of foodborne illness originating from each size and type of operation and the type of food facilities for which no reported or known hazard exists; and

''(v) the effect on foodborne illness risk associated with commingling, processing, transporting, and storing food and raw agricultural commodities, including differences in risk based on the scale and duration of such activities.

''(B) SIZE.—The results of the study conducted under subparagraph (A) shall include the information necessary to enable the Secretary to define the terms 'small business' and 'very small business', for purposes of

promulgating the regulation under subsection (n). In defining such terms, the Secretary shall include consideration of harvestable acres, income, the number of employees, and the volume of food harvested.

''(C) SUBMISSION OF REPORT.—Not later than 18 months after the date of enactment the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subparagraph (A).

''(6) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production of food. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

''(7) NOTIFICATION TO CONSUMERS.—

''(A) IN GENERAL.—A qualified facility that is exempt from the requirements under subsections (a) through (i) and subsection (n) and does not prepare documentation under paragraph (2)(B)(i)(I) shall—

''(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the facility where the food was manufactured or processed; or

''(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provisions of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the facility where the food was manufactured or processed, on a label, poster, sign, placard, or documents delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

''(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

''(m) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section with respect to facilities that are solely engaged in the production of food for animals other than man, the storage of raw agricultural commodities (other than fruits and vegetables) intended for further distribution or processing, or the storage of packaged foods that are not exposed to the environment.

''(n) REGULATIONS.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations—

''(A) to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls under this section; and

''(B) to define, for purposes of this section, the terms 'small business' and 'very small business', taking into consideration the study described in subsection (l)(5).

''(2) COORDINATION.—In promulgating the regulations under paragraph (1)(A), with regard to hazards that may be intentionally introduced, including by acts of terrorism, the Secretary shall coordinate with the Secretary of Homeland Security, as appropriate.

''(3) CONTENT.—The regulations promulgated under paragraph (1)(A) shall—

''(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm;

''(B) comply with chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the facility, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

''(C) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

''(D) not require a facility to hire a consultant or other third party to identify, implement, certify, or audit preventative controls, except in the case of negotiated enforcement resolutions that may require such a consultant or third party.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide the Secretary with the authority to prescribe specific technologies, practices, or critical controls for an individual facility.

''(5) REVIEW.—In promulgating the regulations under paragraph (1)(A), the Secretary shall review regulatory hazard analysis and preventive control programs in existence on the date of enactment of the FDA Food Safety Modernization Act, including the Grade 'A' Pasteurized Milk Ordinance to ensure that such regulations are consistent, to the extent practicable, with applicable domestic and internationally-recognized standards in existence on such date.

''(o) DEFINITIONS.—For purposes of this section:

''(1) CRITICAL CONTROL POINT.—The term 'critical control point' means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce such hazard to an acceptable level.

''(2) FACILITY.—The term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.

''(3) PREVENTIVE CONTROLS.—The term 'preventive controls' means those risk-based, reasonably appropriate procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, or holding of food would employ to significantly minimize or prevent the hazards identified under the hazard analysis conducted under subsection (b) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, or holding at the time of the analysis. Those procedures, practices, and processes may include the following:

''(A) Sanitation procedures for food contact surfaces and utensils and food-contact surfaces of equipment.

''(B) Supervisor, manager, and employee hygiene training.

''(C) An environmental monitoring program to verify the effectiveness of pathogen controls in processes where a food is exposed to a potential contaminant in the environment.

''(D) A food allergen control program.

''(E) A recall plan.

''(F) Current Good Manufacturing Practices (cGMPs) under part 110 of title 21, Code of Federal Regulations (or any successor regulations).

''(G) Supplier verification activities that relate to the safety of food.''.

(b) GUIDANCE DOCUMENT.—The Secretary shall issue a guidance document related to the regulations promulgated under subsection (b)(1) with respect to the hazard analysis and preventive controls under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(c) RULEMAKING.—

(1) PROPOSED RULEMAKING.—

(A) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall publish a notice of proposed rulemaking in the Federal Register to promulgate regulations with respect to—

(i) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act; and

(ii) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415.

(B) CLARIFICATION.—The rulemaking described under subparagraph (A) shall enhance the implementation of such section 415 and clarify the activities that are included as part of the definition of the term ''facility'' under such section 415. Nothing in this Act authorizes the Secretary to modify the definition of the term ''facility'' under such section.

(C) SCIENCE-BASED RISK ANALYSIS.—In promulgating regulations under subparagraph (A), the Secretary shall conduct a science-based risk analysis of—

(i) specific types of on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership, as such packing and holding relates to specific foods; and

(ii) specific on-farm manufacturing and processing activities as such activities relate to specific foods that are not consumed on that farm or on another farm under common ownership.

(D) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—

(i) IN GENERAL.—In promulgating the regulations under subparagraph (A), the Secretary shall consider the results of the science-based risk analysis conducted under subparagraph (C), and shall exempt certain facilities from the requirements in section 418 of the Federal Food, Drug, and Cosmetic Act (as added by this section), including hazard analysis and preventive controls, and the mandatory inspection frequency in section 421 of such Act (as added by section 201), or modify the requirements in such sections 418 or 421, as the Secretary determines appropriate, if such facilities are engaged only in specific types of on-farm manufacturing, processing, packing, or holding activities that the Secretary determines to be low risk involving specific foods the Secretary determines to be low risk.

(ii) LIMITATION.—The exemptions or modifications under clause (i) shall not include an exemption from the requirement to register under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, if applicable, and shall apply only to small businesses and very small businesses, as defined in the regulation promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added under subsection (a)).

(2) FINAL REGULATIONS.—Not later than 9 months after the close of the comment period for the proposed rulemaking under paragraph (1), the Secretary shall adopt final rules with respect to—

(A) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act;

(B) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415; and

(C) the requirements under sections 418 and 421 of the Federal Food, Drug, and Cosmetic Act, as added by this Act, from which the Secretary may issue exemptions or modifications of the requirements for certain types of facilities.

(d) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of the regulations promulgated under subsection (n) of section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 418 and this section to assist small entities in complying with the hazard analysis and other activities required under such section 418 and this section.

(e) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(uu) The operation of a facility that manufactures, processes, packs, or holds food for sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 418.''.

(f) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce Hazard Analysis Critical Control programs and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(g) DIETARY SUPPLEMENTS.—Nothing in the amendments made by this section shall apply to any facility with regard to the manufacturing, processing, packing, or holding of a dietary supplement that is in compliance with the requirements of sections 402(g)(2) and 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(g)(2), 379aa-1).

(h) UPDATING GUIDANCE RELATING TO FISH AND FISHERIES PRODUCTS HAZARDS AND CONTROLS.—The Secretary shall, not later than 180 days after the date of enactment of this Act, update the Fish and Fisheries Products Hazards and Control Guidance to take into account advances in technology that have occurred since the previous publication of such Guidance by the Secretary.

(i) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

(2) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding paragraph (1)—

(A) the amendments made by this section shall apply to a small business (as defined in the regulations promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added by this section)) beginning on the date that is 6 months after the effective date of such regulations; and

(B) the amendments made by this section shall apply to a very small business (as defined in such regulations) beginning on the date that is 18 months after the effective date of such regulations.

SEC. 104. PERFORMANCE STANDARDS.

(a) IN GENERAL.—The Secretary shall, in coordination with the Secretary of Agriculture, not less frequently than every 2 years, review and evaluate relevant health data and other relevant information, including from toxicological and epidemiological studies and analyses, current Good Manufacturing Practices issued by the Secretary relating to food, and relevant recommendations of relevant advisory committees, including the Food Advisory Committee, to determine the most significant foodborne contaminants.

(b) GUIDANCE DOCUMENTS AND REGULATIONS.—Based on the review and evaluation conducted under subsection (a), and when appropriate to reduce the risk of serious illness or death to humans or animals or to prevent adulteration of the food under section 402 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 342) or to prevent the spread by food of communicable disease under section 361 of the Public Health Service Act (42 U.S.C. 264), the Secretary shall issue contaminant-specific and science-based guidance documents, including guidance documents regarding action levels, or regulations. Such guidance, including guidance regarding action levels, or regulations—

(1) shall apply to products or product classes;

(2) shall, where appropriate, differentiate between food for human consumption and food intended for consumption by animals other than humans; and

(3) shall not be written to be facility-specific.

(c) NO DUPLICATION OF EFFORTS.—The Secretary shall coordinate with the Secretary of Agriculture to avoid issuing duplicative guidance on the same contaminants.

(d) REVIEW.—The Secretary shall periodically review and revise, as appropriate, the guidance documents, including guidance documents regarding action levels, or regulations promulgated under this section.

SEC. 105. STANDARDS FOR PRODUCE SAFETY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 103, is amended by adding at the end the following:

''SEC. 419. STANDARDS FOR PRODUCE SAFETY.

''(a) PROPOSED RULEMAKING.—

''(1) IN GENERAL.—

''(A) RULEMAKING.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Agriculture and representatives of State departments of agriculture (including with regard to the national organic program established under the Organic Foods Production Act of 1990), and in consultation with the Secretary of Homeland Security, shall publish a notice of proposed rulemaking to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

''(B) DETERMINATION BY SECRETARY.—With respect to small businesses and very small businesses (as such terms are defined in the regulation promulgated under subparagraph (A)) that produce and harvest those types of fruits and vegetables that are raw agricultural commodities that the Secretary has determined are low risk and do not present a risk of serious adverse health consequences or death, the Secretary may determine not to include production and harvesting of such fruits and vegetables in such rulemaking, or may modify the applicable requirements of regulations promulgated pursuant to this section.

''(2) PUBLIC INPUT.—During the comment period on the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

''(3) CONTENT.—The proposed rulemaking under paragraph (1) shall—

''(A) provide sufficient flexibility to be applicable to various types of entities engaged in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including small businesses and entities that sell directly to consumers, and be appropriate to the scale and diversity of the production and harvesting of such commodities;

''(B) include, with respect to growing, harvesting, sorting, packing, and storage operations, science-based minimum standards related to soil amendments, hygiene, packaging, temperature controls, animals in the growing area, and water;

''(C) consider hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism;

''(D) take into consideration, consistent with ensuring enforceable public health protection, conservation and environmental practice standards and policies established by Federal natural resource conservation, wildlife conservation, and environmental agencies;

''(E) in the case of production that is certified organic, not include any requirements that conflict with or duplicate the requirements of the national organic program established under the Organic Foods Production Act of 1990, while providing the same level of public health protection as the requirements under guidance documents, including guidance documents regarding action levels, and regulations under the FDA Food Safety Modernization Act; and

''(F) define, for purposes of this section, the terms 'small business' and 'very small business'

''(4) PRIORITIZATION.—The Secretary shall prioritize the implementation of the regulations under this section for specific fruits and vegetables that are raw agricultural commodities based on known risks which may include a history and severity of foodborne illness outbreaks.

''(b) FINAL REGULATION.—

''(1) IN GENERAL.—Not later than 1 year after the close of the comment period for the proposed rulemaking under subsection (a), the Secretary shall adopt a final regulation to provide for minimum science-based standards for those types of fruits and vegetables, including specific mixes or categories of fruits or vegetables, that are raw agricultural commodities, based on known safety risks, which may include a history of foodborne illness outbreaks.

''(2) FINAL REGULATION.—The final regulation shall—

''(A) provide for coordination of education and enforcement activities by State and local officials, as designated by the Governors of the respective States or the appropriate elected State official as recognized by State statute; and

''(B) include a description of the variance process under subsection (c) and the types of permissible variances the Secretary may grant.

''(3) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding paragraph (1)—

''(A) the regulations promulgated under this section shall apply to a small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 1 year after the effective date of the final regulation under paragraph (1); and

''(B) the regulations promulgated under this section shall apply to a very small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 2 years after the effective date of the final regulation under paragraph (1).

''(c) CRITERIA.—

''(1) IN GENERAL.—The regulations adopted under subsection (b) shall—

''(A) set forth those procedures, processes, and practices that the Secretary determines to minimize the risk of serious adverse health consequences or death, including procedures, processes, and practices that the

Secretary determines to be reasonably necessary to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities and to provide reasonable assurances that the produce is not adulterated under section 402;

''(B) provide sufficient flexibility to be practicable for all sizes and types of businesses, including small businesses such as a small food processing facility co-located on a farm;

''(C) comply with chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the business, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

''(D) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

''(E) not require a business to hire a consultant or other third party to identify, implement, certify, compliance with these procedures, processes, and practices, except in the case of negotiated enforcement resolutions that may require such a consultant or third party; and

''(F) permit States and foreign countries from which food is imported into the United States to request from the Secretary variances from the requirements of the regulations, subject to paragraph (2), where the State or foreign country determines that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under section 402 and to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

''(2) VARIANCES.—

''(A) REQUESTS FOR VARIANCES.—A State or foreign country from which food is imported into the United States may in writing request a variance from the Secretary. Such request shall describe the variance requested and present information demonstrating that the variance does not increase the likelihood that the food for which the variance is requested will be adulterated under section 402, and that the variance provides the same level of public health protection as the requirements of the regulations adopted under subsection (b). The Secretary shall review such requests in a reasonable timeframe.

''(B) APPROVAL OF VARIANCES.—The Secretary may approve a variance in whole or in part, as appropriate, and may specify the scope of applicability of a variance to other similarly situated persons.

''(C) DENIAL OF VARIANCES.—The Secretary may deny a variance request if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulation adopted under subsection (b). The Secretary shall notify the person requesting such variance of the reasons for the denial.

''(D) MODIFICATION OR REVOCATION OF A VARIANCE.—The Secretary, after notice and an opportunity for a hearing, may modify or revoke a variance if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

''(d) ENFORCEMENT.—The Secretary may coordinate with the Secretary of Agriculture and, as appropriate, shall contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.

''(e) GUIDANCE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish, after consultation with the Secretary of Agriculture, representatives of State departments of agriculture, farmer representatives, and various types of entities engaged in the production and harvesting or importing of fruits and vegetables that are raw agricultural commodities, including small businesses, updated good agricultural practices and guidance for the safe production and harvesting of specific types of fresh produce under this section.

''(2) PUBLIC MEETINGS.—The Secretary shall conduct not fewer than 3 public meetings in diverse geographical areas of the United States as part of an effort to conduct education and outreach regarding the guidance described in paragraph (1) for persons in different regions who are involved in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including persons that sell directly to consumers and farmer representatives, and for importers of fruits and vegetables that are raw agricultural commodities.

''(3) PAPERWORK REDUCTION.—The Secretary shall ensure that any updated guidance under this section will—

''(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm; and

''(B) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods.

''(f) EXEMPTION FOR DIRECT FARM MARKETING.—

''(1) IN GENERAL.—A farm shall be exempt from the requirements under this section in a calendar year if—

''(A) during the previous 3-year period, the average annual monetary value of the food sold by such farm directly to qualified end-users during such period exceeded the average annual monetary value of the food sold by such farm to all other buyers during such period; and

''(B) the average annual monetary value of all food sold during such period was less than $500,000, adjusted for inflation.

''(2) NOTIFICATION TO CONSUMERS.—

''(A) IN GENERAL.—A farm that is exempt from the requirements under this section shall—

''(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the farm where the produce was grown; or

''(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provision of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the farm where the produce was grown, on a label, poster, sign, placard, or documents delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

''(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

''(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a farm subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with a farm that are material to the safety of the food produced or harvested at such farm, the Secretary may withdraw the exemption provided to such farm under this subsection.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

''(4) DEFINITIONS.—

''(A) QUALIFIED END-USER.—In this subsection, the term 'qualified end-user', with respect to a food means—

''(i) the consumer of the food; or

''(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that is located—

''(I) in the same State as the farm that produced the food; or

''(II) not more than 275 miles from such farm.

''(B) CONSUMER.—For purposes of subparagraph (A), the term 'consumer' does not include a business.

''(5) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production, harvesting, holding, transportation, and sale of fresh fruits and vegetables. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

''(6) LIMITATION OF EFFECT.—Nothing in this subsection shall prevent the Secretary from exercising any authority granted in the other sections of this Act.

''(g) CLARIFICATION.—This section shall not apply to produce that is produced by an individual for personal consumption.

''(h) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 418.—This section shall not apply to activities of a facility that are subject to section 418.''.

(b) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of regulations under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary of Health and Human Services shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 419 and to assist small entities in complying with standards for safe production and harvesting and other activities required under such section.

(c) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 103, is amended by adding at the end the following:

''(vv) The failure to comply with the requirements under section 419.''.

(d) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

SEC. 106. PROTECTION AGAINST INTENTIONAL ADULTERATION.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 105, is amended by adding at the end the following:

"SEC. 420. PROTECTION AGAINST INTENTIONAL ADULTERATION.

''(a) DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) conduct a vulnerability assessment of the food system, including by consideration of the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessments;

''(B) consider the best available understanding of uncertainties, risks, costs, and benefits associated with guarding against intentional adulteration of food at vulnerable points; and

''(C) determine the types of science-based mitigation strategies or measures that are necessary to protect against the intentional adulteration of food.

''(2) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which determinations made under paragraph (1) are made publicly available.

''(b) REGULATIONS.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the Secretary of Agriculture, shall promulgate regulations to protect against the intentional adulteration of food subject to this Act. Such regulations shall—

''(1) specify how a person shall assess whether the person is required to implement mitigation strategies or measures intended to protect against the intentional adulteration of food; and

''(2) specify appropriate science-based mitigation strategies or measures to prepare and protect the food supply chain at specific vulnerable points, as appropriate.

''(c) APPLICABILITY.—Regulations promulgated under subsection (b) shall apply only to food for which there is a high risk of intentional contamination, as determined by the Secretary, in consultation with the Secretary of Homeland Security, under subsection (a), that could cause serious adverse health consequences or death to humans or animals and shall include those foods—

''(1) for which the Secretary has identified clear vulnerabilities (including short shelf-life or susceptibility to intentional contamination at critical control points); and

''(2) in bulk or batch form, prior to being packaged for the final consumer.

''(d) EXCEPTION.—This section shall not apply to farms, except for those that produce milk.

''(e) DEFINITION.—For purposes of this section, the term 'farm' has the meaning given that term in section 1.227 of title 21, Code of Federal Regulations (or any successor regulation).''.

(b) GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall issue guidance documents related to protection against the intentional adulteration of food, including mitigation strategies or measures to guard against such adulteration as required under section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) CONTENT.—The guidance documents issued under paragraph (1) shall—

(A) include a model assessment for a person to use under subsection (b)(1) of section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a);

(B) include examples of mitigation strategies or measures described in subsection (b)(2) of such section; and

(C) specify situations in which the examples of mitigation strategies or measures described in subsection (b)(2) of such section are appropriate.

(3) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which the guidance documents issued under paragraph (1) are made public, including by releasing such documents to targeted audiences.

(c) PERIODIC REVIEW.—The Secretary of Health and Human Services shall periodically review and, as appropriate, update the regulations under section 420(b) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), and the guidance documents under subsection (b).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 105, is amended by adding at the end the following:

''(ww) The failure to comply with section 420.''.

SEC. 107. AUTHORITY TO COLLECT FEES.

(a) FEES FOR REINSPECTION, RECALL, AND IMPORTATION ACTIVITIES.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

"PART 6—FEES RELATED TO FOOD

"SEC. 743. AUTHORITY TO COLLECT AND USE FEES.

''(a) IN GENERAL.—

''(1) PURPOSE AND AUTHORITY.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, in accordance with this section, assess and collect fees from—

''(A) the responsible party for each domestic facility (as defined in section 415(b)) and the United States agent for each foreign facility subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year;

''(B) the responsible party for a domestic facility (as defined in section 415(b)) and an importer who does not comply with a recall order under section 423 or under section 412(f) in such fiscal year, to cover food recall activities associated with such order performed by the Secretary, including technical assistance, follow-up effectiveness checks, and public notifications, for such year;

''(C) each importer participating in the voluntary qualified importer program under section 806 in such year, to cover the administrative costs of such program for such year; and

''(D) each importer subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year.

''(2) DEFINITIONS.—For purposes of this section—

''(A) the term 'reinspection' means—

''(i) with respect to domestic facilities (as defined in section 415(b)), 1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction; and

''(ii) with respect to importers, 1 or more examinations conducted under section 801 subsequent to an examination conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction;

''(B) the term 'reinspection-related costs' means all expenses, including administrative expenses, incurred in connection with—

''(i) arranging, conducting, and evaluating the results of reinspections; and

''(ii) assessing and collecting reinspection fees under this section; and

''(C) the term 'responsible party' has the meaning given such term in section 417(a)(1).

''(b) ESTABLISHMENT OF FEES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d), the Secretary shall establish the fees to be collected under this section for each fiscal year specified in subsection (a)(1), based on the methodology described under paragraph (2), and shall publish such fees in a Federal Register notice not later than 60 days before the start of each such year.

''(2) FEE METHODOLOGY.—

''(A) FEES.—Fees amounts established for collection—

''(i) under subparagraph (A) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the reinspection-related activities (including by type or level of reinspection activity, as the Secretary determines applicable) described in such subparagraph (A) for such year;

''(ii) under subparagraph (B) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (B) for such year;

''(iii) under subparagraph (C) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (C) for such year; and

''(iv) under subparagraph (D) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (D) for such year.

''(B) OTHER CONSIDERATIONS.—

''(i) VOLUNTARY QUALIFIED IMPORTER PROGRAM.—

''(I) PARTICIPATION.—In establishing the fee amounts under subparagraph (A)(iii) for a fiscal year, the Secretary shall provide for the number of importers who have submitted to the Secretary a notice under section 806(c) informing the Secretary of the intent of such importer to participate in the program under section 806 in such fiscal year.

''(II) RECOUPMENT.—In establishing the fee amounts under subparagraph (A)(iii) for the first 5 fiscal years after the date of enactment of this section, the Secretary shall include in such fee a reasonable surcharge that provides a recoupment of the costs expended by the Secretary to establish and implement the first year of the program under section 806.

''(ii) CREDITING OF FEES.—In establishing the fee amounts under subparagraph (A) for a fiscal year, the Secretary shall provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of fees needed to carry out such activities, and consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

''(iii) PUBLISHED GUIDELINES.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish in the Federal Register a proposed set of guidelines in consideration of the burden of fee amounts on small business. Such consideration may include reduced fee amounts for small businesses. The Secretary shall provide for a period of public comment on such guidelines. The Secretary shall adjust the fee schedule for small businesses subject to such fees only through notice and comment rulemaking.

''(3) USE OF FEES.—The Secretary shall make all of the fees collected pursuant to clause (i), (ii), (iii), and (iv) of paragraph (2)(A) available solely to pay for the costs referred to in such clause (i), (ii), (iii), and (iv) of paragraph (2)(A), respectively.

''(c) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless the amount of the total appropriations for food safety activities at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) is equal to or greater than the amount of appropriations for food safety activities at the Food and Drug Administration for fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year), multiplied by the adjustment factor under paragraph (3).

''(2) AUTHORITY.—If—

''(A) the Secretary does not assess fees under subsection (a) for a portion of a fiscal year because paragraph (1) applies; and

''(B) at a later date in such fiscal year, such paragraph (1) ceases to apply,

the Secretary may assess and collect such fees under subsection (a), without any modification to the rate of such fees, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(3) ADJUSTMENT FACTOR.—

''(A) IN GENERAL.—The adjustment factor described in paragraph (1) shall be the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year, but in no case shall such adjustment factor be negative.

''(B) COMPOUNDED BASIS.—The adjustment under subparagraph (A) made each fiscal year shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2009.

''(4) LIMITATION ON AMOUNT OF CERTAIN FEES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section and subject to subparagraph (B), the Secretary may not collect fees in a fiscal year such that the amount collected—

''(i) under subparagraph (B) of subsection (a)(1) exceeds $20,000,000; and

''(ii) under subparagraphs (A) and (D) of subsection (a)(1) exceeds $25,000,000 combined.

''(B) EXCEPTION.—If a domestic facility (as defined in section 415(b)) or an importer becomes subject to a fee described in subparagraph (A), (B), or (D) of subsection (a)(1) after the maximum amount of fees has been collected by the Secretary under subparagraph (A), the Secretary may collect a fee from such facility or importer.

''(d) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the operating expenses of the Food and Drug Administration employees and contractors performing activities associated with these food safety fees.

''(e) COLLECTION OF FEES.—

''(1) IN GENERAL.—The Secretary shall specify in the Federal Register notice described in subsection (b)(1) the time and manner in which fees assessed under this section shall be collected.

''(2) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

''(f) ANNUAL REPORT TO CONGRESS.—Not later than 120 days after each fiscal year for which fees are assessed under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to include a description of fees assessed and collected for each such year and a summary description of the entities paying such fees and the types of business in which such entities engage.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010 and each fiscal year thereafter, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under the other provisions of this section.''.

(b) EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.—

(1) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''a drug'' and inserting ''a food, drug'';

(B) in clause (i) by striking ''exported drug'' and inserting ''exported food, drug''; and

(C) in clause (ii) by striking ''the drug'' each place it appears and inserting ''the food, drug''.

(2) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

''(C) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (including a publicly available listing) as the Secretary determines appropriate.''.

SEC. 108. NATIONAL AGRICULTURE AND FOOD DEFENSE STRATEGY.

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall prepare and transmit to the relevant committees of Congress, and make publicly available on the Internet Web sites of the Department of Health and Human Services and the Department of Agriculture, the National Agriculture and Food Defense Strategy.

(2) IMPLEMENTATION PLAN.—The strategy shall include an implementation plan for use by the Secretaries described under paragraph (1) in carrying out the strategy.

(3) RESEARCH.—The strategy shall include a coordinated research agenda for use by the Secretaries described under paragraph (1) in conducting research to support the goals and activities described in paragraphs (1) and (2) of subsection (b).

(4) REVISIONS.—Not later than 4 years after the date on which the strategy is submitted to the relevant committees of Congress under paragraph (1), and not less frequently than every 4 years thereafter, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall revise and submit to the relevant committees of Congress the strategy.

(5) CONSISTENCY WITH EXISTING PLANS.—The strategy described in paragraph (1) shall be consistent with—

(A) the National Incident Management System;

(B) the National Response Framework;

(C) the National Infrastructure Protection Plan;

(D) the National Preparedness Goals; and

(E) other relevant national strategies.

(b) COMPONENTS.—

(1) IN GENERAL.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security—

(A) to achieve each goal described in paragraph (2); and

(B) to evaluate the progress made by Federal, State, local, and tribal governments towards the achievement of each goal described in paragraph (2).

(2) GOALS.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security to achieve the following goals:

(A) PREPAREDNESS GOAL.—Enhance the preparedness of the agriculture and food system by—

(i) conducting vulnerability assessments of the agriculture and food system;

(ii) mitigating vulnerabilities of the system;

(iii) improving communication and training relating to the system;

(iv) developing and conducting exercises to test decontamination and disposal plans;

(v) developing modeling tools to improve event consequence assessment and decision support; and

(vi) preparing risk communication tools and enhancing public awareness through outreach.

(B) DETECTION GOAL.—Improve agriculture and food system detection capabilities by—

(i) identifying contamination in food products at the earliest possible time; and

(ii) conducting surveillance to prevent the spread of diseases.

(C) EMERGENCY RESPONSE GOAL.—Ensure an efficient response to agriculture and food emergencies by—

(i) immediately investigating animal disease outbreaks and suspected food contamination;

(ii) preventing additional human illnesses;

(iii) organizing, training, and equipping animal, plant, and food emergency response teams of—

(I) the Federal Government; and

(II) State, local, and tribal governments;

(iv) designing, developing, and evaluating training and exercises carried out under agriculture and food defense plans; and

(v) ensuring consistent and organized risk communication to the public by—

(I) the Federal Government;

(II) State, local, and tribal governments; and

(III) the private sector.

(D) RECOVERY GOAL.—Secure agriculture and food production after an agriculture or food emergency by—

(i) working with the private sector to develop business recovery plans to rapidly resume agriculture, food production, and international trade;

(ii) conducting exercises of the plans described in subparagraph (C) with the goal of long-term recovery results;

(iii) rapidly removing, and effectively disposing of—

(I) contaminated agriculture and food products; and

(II) infected plants and animals; and

(iv) decontaminating and restoring areas affected by an agriculture or food emergency.

(3) EVALUATION.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall—

(A) develop metrics to measure progress for the evaluation process described in paragraph (1)(B); and

(B) report on the progress measured in subparagraph (A) as part of the National Agriculture and Food Defense strategy described in subsection (a)(1).

(c) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, may determine the manner and format in which the National Agriculture and Food Defense strategy established under this section is made publicly available on the Internet Web sites of the Department of Health and Human Services, the Department of Homeland Security, and the Department of Agriculture, as described in subsection (a)(1).

SEC. 109. FOOD AND AGRICULTURE COORDINATING COUNCILS.

The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and the Secretary of Agriculture, shall within 180 days of enactment of this Act, and annually thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the activities of the Food and Agriculture Government Coordinating Council and the Food and Agriculture Sector Coordinating Council, including the progress of such Councils on—

(1) facilitating partnerships between public and private entities to help coordinate and enhance the protection of the agriculture and food system of the United States;

(2) providing for the regular and timely interchange of information between each council relating to the security of the agriculture and food system (including intelligence information);

(3) identifying best practices and methods for improving the coordination among Federal, State, local, and private sector preparedness and response plans for agriculture and food defense; and

(4) recommending methods by which to protect the economy and the public health of the United States from the effects of—

(A) animal or plant disease outbreaks;

(B) food contamination; and

(C) natural disasters affecting agriculture and food.

SEC. 110. BUILDING DOMESTIC CAPACITY.

(a) IN GENERAL.—

(1) INITIAL REPORT.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall, not later than 2 years after the date of enactment of this Act, submit to Congress a comprehensive report that identifies programs and practices that are intended to promote the safety and supply chain security of food and to prevent outbreaks of foodborne illness and other food-related hazards that can be addressed through preventive activities. Such report shall include a description of the following:

(A) Analysis of the need for further regulations or guidance to industry.

(B) Outreach to food industry sectors, including through the Food and Agriculture Coordinating Councils referred to in section 109, to identify potential sources of emerging threats to the safety and security of the food supply and preventive strategies to address those threats.

(C) Systems to ensure the prompt distribution to the food industry of information and technical assistance concerning preventive strategies.

(D) Communication systems to ensure that information about specific threats to the safety and security of the food supply are rapidly and effectively disseminated.

(E) Surveillance systems and laboratory networks to rapidly detect and respond to foodborne illness outbreaks and other food-related hazards, including how such systems and networks are integrated.

(F) Outreach, education, and training provided to States and local governments to build State and local food safety and food defense capabilities, including progress implementing strategies developed under sections 108 and 205.

(G) The estimated resources needed to effectively implement the programs and practices identified in the report developed in this section over a 5-year period.

(H) The impact of requirements under this Act (including amendments made by this Act) on certified organic farms and facilities (as defined in section 415 (21 U.S.C. 350d).

(I) Specific efforts taken pursuant to the agreements authorized under section 421(c) of the Federal Food, Drug, and Cosmetic Act (as added by section 201), together with, as necessary, a description of any additional authorities necessary to improve seafood safety.

(2) BIENNIAL REPORTS.—On a biennial basis following the submission of the report under paragraph (1), the Secretary shall submit to Congress a report that—

(A) reviews previous food safety programs and practices;

(B) outlines the success of those programs and practices;

(C) identifies future programs and practices; and

(D) includes information related to any matter described in subparagraphs (A) through (H) of paragraph (1), as necessary.

(b) RISK-BASED ACTIVITIES.—The report developed under subsection (a)(1) shall describe methods that seek to ensure that resources available to the Secretary for food safety-related activities are directed at those actions most likely to reduce risks from food, including the use of preventive strategies and allocation of inspection resources. The Secretary shall promptly undertake those risk-based actions that are identified during the development of the report as likely to contribute to the safety and security of the food supply.

(c) CAPABILITY FOR LABORATORY ANALYSES; RESEARCH.—The report developed under subsection (a)(1) shall provide a description of methods to increase capacity to undertake analyses of food samples promptly after collection, to identify new and rapid analytical techniques, including commercially-available techniques that can be employed at ports of entry and by Food Emergency Response Network laboratories, and to provide for well-equipped and staffed laboratory facilities and progress toward laboratory accreditation under section 422 of the Federal Food, Drug, and Cosmetic Act (as added by section 202).

(d) INFORMATION TECHNOLOGY.—The report developed under subsection (a)(1) shall include a description of such information technology systems as may be needed to identify risks and receive data from multiple sources, including foreign governments, State, local, and tribal governments, other Federal agencies, the food industry, laboratories, laboratory networks, and consumers. The information technology systems that the Secretary describes shall also provide for the integration of the facility registration system under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior notice system under section 801(m) of such Act (21 U.S.C. 381(m)) with other information technology systems that are used by the Federal Government for the processing of food offered for import into the United States.

(e) AUTOMATED RISK ASSESSMENT.—The report developed under subsection (a)(1) shall include a description of progress toward developing and improving an automated risk assessment system for food safety surveillance and allocation of resources.

(f) TRACEBACK AND SURVEILLANCE REPORT.—The Secretary shall include in the report developed under subsection (a)(1) an analysis of the Food and Drug Administration's performance in foodborne illness outbreaks during the 5-year period preceding the date of enactment of this Act involving fruits and vegetables that are raw agricultural commodities (as defined in section 201(r) (21 U.S.C. 321(r)) and recommendations for enhanced surveillance, outbreak response, and traceability. Such findings and recommendations shall address communication and coordination with the public, industry, and State and local governments, as such communication and coordination relates to outbreak identification and traceback.

(g) BIENNIAL FOOD SAFETY AND FOOD DEFENSE RESEARCH PLAN.—The Secretary, the Secretary of Agriculture, and the Secretary of Homeland Security shall, on a biennial basis, submit to Congress a joint food safety and food defense research plan which may include studying the long-term health effects of foodborne illness. Such biennial plan shall include a list and description of projects conducted during the previous 2-year period and the plan for projects to be conducted during the subsequent 2-year period.

(h) EFFECTIVENESS OF PROGRAMS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) IN GENERAL.—To determine whether existing Federal programs administered by the Department of Health and Human Services are effective in achieving the stated goals of such programs, the Secretary shall, beginning not later than 1 year after the date of enactment of this Act—

(A) conduct an annual evaluation of each program of such Department to determine the effectiveness of each such program in achieving legislated intent, purposes, and objectives; and

(B) submit to Congress a report concerning such evaluation.

(2) CONTENT.—The report described under paragraph (1)(B) shall—

(A) include conclusions concerning the reasons that such existing programs have proven successful or not successful and what factors contributed to such conclusions;

(B) include recommendations for consolidation and elimination to reduce duplication and inefficiencies in such programs at such Department as identified during the evaluation conduct under this subsection; and

(C) be made publicly available in a publication entitled ''Guide to the U.S. Department of Health and Human Services Programs''.

(i) UNIQUE IDENTIFICATION NUMBERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study regarding the need for, and challenges associated with, development and implementation of a program that requires a unique identification number for each food facility registered with the Secretary and, as appropriate, each broker that imports food into the United States. Such study shall include an evaluation of the costs associated with development and implementation of such a system, and make recommendations about what new authorities, if any, would be necessary to develop and implement such a system.

(2) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings of the study conducted under paragraph (1) and that includes

any recommendations determined appropriate by the Secretary.

SEC. 111. SANITARY TRANSPORTATION OF FOOD.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

(b) FOOD TRANSPORTATION STUDY.—The Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study of the transportation of food for consumption in the United States, including transportation by air, that includes an examination of the unique needs of rural and frontier areas with regard to the delivery of safe food.

SEC. 112. FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(B) a State licensed or regulated child care program or school; or

(C) a State prekindergarten program that serves children from birth through kindergarten.

(2) ESEA DEFINITIONS.—The terms ''local educational agency'', ''secondary school'', ''elementary school'', and ''parent'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) SCHOOL.—The term ''school'' includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall—

(i) develop guidelines to be used on a voluntary basis to develop plans for individuals to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and

(ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

(B) APPLICABILITY OF FERPA.—Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of section 444 of the General Education Provisions Act (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g).

(2) CONTENTS.—The voluntary guidelines developed by the Secretary under paragraph (1) shall address each of the following and may be updated as the Secretary determines necessary:

(A) Parental obligation to provide the school or early childhood education program, prior to the start of every school year, with—

(i) documentation from their child's physician or nurse—

(I) supporting a diagnosis of food allergy, and any risk of anaphylaxis, if applicable;

(II) identifying any food to which the child is allergic;

(III) describing, if appropriate, any prior history of anaphylaxis;

(IV) listing any medication prescribed for the child for the treatment of anaphylaxis;

(V) detailing emergency treatment procedures in the event of a reaction;

(VI) listing the signs and symptoms of a reaction; and

(VII) assessing the child's readiness for self-administration of prescription medication; and

(ii) a list of substitute meals that may be offered to the child by school or early childhood education program food service personnel.

(B) The creation and maintenance of an individual plan for food allergy management, in consultation with the parent, tailored to the needs of each child with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where—

(i) the children are capable of self-administering medication; and

(ii) such administration is not prohibited by State law.

(C) Communication strategies between individual schools or early childhood education programs and providers of emergency medical services, including appropriate instructions for emergency medical response.

(D) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school or early childhood education program areas such as cafeterias.

(E) The dissemination of general information on life-threatening food allergies to school or early childhood education program staff, parents, and children.

(F) Food allergy management training of school or early childhood education program personnel who regularly come into contact with children with life-threatening food allergies.

(G) The authorization and training of school or early childhood education program personnel to administer epinephrine when the nurse is not immediately available.

(H) The timely accessibility of epinephrine by school or early childhood education program personnel when the nurse is not immediately available.

(I) The creation of a plan contained in each individual plan for food allergy management that addresses the appropriate response to an incident of anaphylaxis of a child while such child is engaged in extracurricular programs of a school or early childhood education program, such as non-academic outings and field trips, before- and after-school programs or before- and after-early child education program programs, and school-sponsored or early childhood education program-sponsored programs held on weekends.

(J) Maintenance of information for each administration of epinephrine to a child at risk for anaphylaxis and prompt notification to parents.

(K) Other elements the Secretary determines necessary for the management of food allergies and anaphylaxis in schools and early childhood education programs.

(3) RELATION TO STATE LAW.—Nothing in this section or the guidelines developed by the Secretary under paragraph (1) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

(c) SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to local educational agencies to assist such agencies with implementing voluntary food allergy and anaphylaxis management guidelines described in subsection (b).

(2) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) an assurance that the local educational agency has developed plans in accordance with the food allergy and anaphylaxis management guidelines described in subsection (b);

(ii) a description of the activities to be funded by the grant in carrying out the food allergy and anaphylaxis management guidelines, including—

(I) how the guidelines will be carried out at individual schools served by the local educational agency;

(II) how the local educational agency will inform parents and students of the guidelines in place;

(III) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the guidelines in place; and

(IV) any other activities that the Secretary determines appropriate;

(iii) an itemization of how grant funds received under this subsection will be expended;

(iv) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(v) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this subsection.

(3) USE OF FUNDS.—Each local educational agency that receives a grant under this subsection may use the grant funds for the following:

(A) Purchase of materials and supplies, including limited medical supplies such as epinephrine and disposable wet wipes, to support carrying out the food allergy and anaphylaxis management guidelines described in subsection (b).

(B) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(C) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(D) Outreach to parents.

(E) Any other activities consistent with the guidelines described in subsection (b).

(4) DURATION OF AWARDS.—The Secretary may award grants under this subsection for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this subsection, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(5) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to a local educational agency under this subsection after such local educational agency has received 2 years of grant funding under this subsection.

(6) MAXIMUM AMOUNT OF ANNUAL AWARDS.—A grant awarded under this subsection may not be made in an amount that is more than $50,000 annually.

(7) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to local educational agencies with the highest percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(8) MATCHING FUNDS.—

(A) IN GENERAL.—The Secretary may not award a grant under this subsection unless the local educational agency agrees that, with respect to the costs to be incurred by

such local educational agency in carrying out the grant activities, the local educational agency shall make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal funds required under subparagraph (A) may be cash or in kind, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(9) ADMINISTRATIVE FUNDS.—A local educational agency that receives a grant under this subsection may use not more than 2 percent of the grant amount for administrative costs related to carrying out this subsection.

(10) PROGRESS AND EVALUATIONS.—At the completion of the grant period referred to in paragraph (4), a local educational agency shall provide the Secretary with information on how grant funds were spent and the status of implementation of the food allergy and anaphylaxis management guidelines described in subsection (b).

(11) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $30,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) VOLUNTARY NATURE OF GUIDELINES.—

(1) IN GENERAL.—The food allergy and anaphylaxis management guidelines developed by the Secretary under subsection (b) are voluntary. Nothing in this section or the guidelines developed by the Secretary under subsection (b) shall be construed to require a local educational agency to implement such guidelines.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may enforce an agreement by a local educational agency to implement food allergy and anaphylaxis management guidelines as a condition of the receipt of a grant under subsection (c).

SEC. 113. NEW DIETARY INGREDIENTS.

(a) IN GENERAL.—Section 413 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350b) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) NOTIFICATION.—

''(1) IN GENERAL.—If the Secretary determines that the information in a new dietary ingredient notification submitted under this section for an article purported to be a new dietary ingredient is inadequate to establish that a dietary supplement containing such article will reasonably be expected to be safe because the article may be, or may contain, an anabolic steroid or an analogue of an anabolic steroid, the Secretary shall notify the Drug Enforcement Administration of such determination. Such notification by the Secretary shall include, at a minimum, the name of the dietary supplement or article, the name of the person or persons who marketed the product or made the submission of information regarding the article to the Secretary under this section, and any contact information for such person or persons that the Secretary has.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'anabolic steroid' has the meaning given such term in section 102(41) of the Controlled Substances Act; and

''(B) the term 'analogue of an anabolic steroid' means a substance whose chemical structure is substantially similar to the chemical structure of an anabolic steroid.''.

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish guidance that clarifies when a dietary supplement ingredient is a new dietary ingredient, when the manufacturer or distributor of a dietary ingredient or dietary supplement should provide the Secretary with information as described in section 413(a)(2) of the Federal Food, Drug, and Cosmetic Act, the evidence needed to document the safety of new dietary ingredients, and appropriate methods for establishing the identify of a new dietary ingredient.

SEC. 114. REQUIREMENT FOR GUIDANCE RELATING TO POST HARVEST PROCESSING OF RAW OYSTERS.

(a) IN GENERAL.—Not later than 90 days prior to the issuance of any guidance, regulation, or suggested amendment by the Food and Drug Administration to the National Shellfish Sanitation Program's Model Ordinance, or the issuance of any guidance or regulation by the Food and Drug Administration relating to the Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration (parts 123 and 1240 of title 21, Code of Federal Regulations (or any successor regulations), where such guidance, regulation or suggested amendment relates to post harvest processing for raw oysters, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report which shall include—

(1) an assessment of how post harvest processing or other equivalent controls feasibly may be implemented in the fastest, safest, and most economical manner;

(2) the projected public health benefits of any proposed post harvest processing;

(3) the projected costs of compliance with such post harvest processing measures;

(4) the impact post harvest processing is expected to have on the sales, cost, and availability of raw oysters;

(5) criteria for ensuring post harvest processing standards will be applied equally to shellfish imported from all nations of origin;

(6) an evaluation of alternative measures to prevent, eliminate, or reduce to an acceptable level the occurrence of foodborne illness; and

(7) the extent to which the Food and Drug Administration has consulted with the States and other regulatory agencies, as appropriate, with regard to post harvest processing measures.

(b) LIMITATION.—Subsection (a) shall not apply to the guidance described in section 103(h).

(c) REVIEW AND EVALUATION.—Not later than 30 days after the Secretary issues a proposed regulation or guidance described in subsection (a), the Comptroller General of the United States shall—

(1) review and evaluate the report described in (a) and report to Congress on the findings of the estimates and analysis in the report;

(2) compare such proposed regulation or guidance to similar regulations or guidance with respect to other regulated foods, including a comparison of risks the Secretary may find associated with seafood and the instances of those risks in such other regulated foods; and

(3) evaluate the impact of post harvest processing on the competitiveness of the domestic oyster industry in the United States and in international markets.

(d) WAIVER.—The requirement of preparing a report under subsection (a) shall be waived if the Secretary issues a guidance that is adopted as a consensus agreement between Federal and State regulators and the oyster industry, acting through the Interstate Shellfish Sanitation Conference.

(e) PUBLIC ACCESS.—Any report prepared under this section shall be made available to the public.

SEC. 115. PORT SHOPPING.

Until the date on which the Secretary promulgates a final rule that implements the amendments made by section 308 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, (Public Law 107–188), the Secretary shall notify the Secretary of Homeland Security of all instances in which the Secretary refuses to admit a food into the United States under section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) so that the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may prevent food refused admittance into the United States by a United States port of entry from being admitted by another United States port of entry, through the notification of other such United States ports of entry.

SEC. 116. ALCOHOL-RELATED FACILITIES.

(a) IN GENERAL.—Except as provided by sections 102, 206, 207, 302, 304, 402, 403, and 404 of this Act, and the amendments made by such sections, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5001 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages, with respect to the activities of such facility that relate to the manufacturing, processing, packing, or holding of alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the receipt and distribution of any non-alcohol food, except that such paragraph shall apply to a facility described in such paragraph that receives and distributes non-alcohol food, provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—Except as provided in subsections (a) and (b), this section shall not be construed to exempt any food, other than alcoholic beverages, as defined in section 214 of the Federal Alcohol Administration Act (27 U.S.C. 214), from the requirements of this Act (including the amendments made by this Act).

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

SEC. 201. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

(a) TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY.—Chapter IV (21

U.S.C. 341 et seq.), as amended by section 106, is amended by adding at the end the following:

"SEC. 421. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

''(a) IDENTIFICATION AND INSPECTION OF FACILITIES.—

''(1) IDENTIFICATION.—The Secretary shall identify high-risk facilities and shall allocate resources to inspect facilities according to the known safety risks of the facilities, which shall be based on the following factors:

''(A) The known safety risks of the food manufactured, processed, packed, or held at the facility.

''(B) The compliance history of a facility, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

''(C) The rigor and effectiveness of the facility's hazard analysis and risk-based preventive controls.

''(D) Whether the food manufactured, processed, packed, or held at the facility meets the criteria for priority under section 801(h)(1).

''(E) Whether the food or the facility that manufactured, processed, packed, or held such food has received a certification as described in section 801(q) or 806, as appropriate.

''(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(2) INSPECTIONS.—

''(A) IN GENERAL.—Beginning on the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall increase the frequency of inspection of all facilities.

''(B) DOMESTIC HIGH-RISK FACILITIES.—The Secretary shall increase the frequency of inspection of domestic facilities identified under paragraph (1) as high-risk facilities such that each such facility is inspected—

''(i) not less often than once in the 5-year period following the date of enactment of the FDA Food Safety Modernization Act; and

''(ii) not less often than once every 3 years thereafter.

''(C) DOMESTIC NON-HIGH-RISK FACILITIES.—The Secretary shall ensure that each domestic facility that is not identified under paragraph (1) as a high-risk facility is inspected—

''(i) not less often than once in the 7-year period following the date of enactment of the FDA Food Safety Modernization Act; and

''(ii) not less often than once every 5 years thereafter.

''(D) FOREIGN FACILITIES.—

''(i) YEAR 1.—In the 1-year period following the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall inspect not fewer than 600 foreign facilities.

''(ii) SUBSEQUENT YEARS.—In each of the 5 years following the 1-year period described in clause (i), the Secretary shall inspect not fewer than twice the number of foreign facilities inspected by the Secretary during the previous year.

''(E) RELIANCE ON FEDERAL, STATE, OR LOCAL INSPECTIONS.—In meeting the inspection requirements under this subsection for domestic facilities, the Secretary may rely on inspections conducted by other Federal, State, or local agencies under interagency agreement, contract, memoranda of understanding, or other obligation.

''(b) IDENTIFICATION AND INSPECTION AT PORTS OF ENTRY.—The Secretary, in consultation with the Secretary of Homeland Security, shall allocate resources to inspect any article of food imported into the United States according to the known safety risks of the article of food, which shall be based on the following factors:

''(1) The known safety risks of the food imported.

''(2) The known safety risks of the countries or regions of origin and countries through which such article of food is transported.

''(3) The compliance history of the importer, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

''(4) The rigor and effectiveness of the activities conducted by the importer of such article of food to satisfy the requirements of the foreign supplier verification program under section 805.

''(5) Whether the food importer participates in the voluntary qualified importer program under section 806.

''(6) Whether the food meets the criteria for priority under section 801(h)(1).

''(7) Whether the food or the facility that manufactured, processed, packed, or held such food received a certification as described in section 801(q) or 806.

''(8) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(c) INTERAGENCY AGREEMENTS WITH RESPECT TO SEAFOOD.—

''(1) IN GENERAL.—The Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, the Chairman of the Federal Trade Commission, and the heads of other appropriate agencies may enter into such agreements as may be necessary or appropriate to improve seafood safety.

''(2) SCOPE OF AGREEMENTS.—The agreements under paragraph (1) may include—

''(A) cooperative arrangements for examining and testing seafood imports that leverage the resources, capabilities, and authorities of each party to the agreement;

''(B) coordination of inspections of foreign facilities to increase the percentage of imported seafood and seafood facilities inspected;

''(C) standardization of data on seafood names, inspection records, and laboratory testing to improve interagency coordination;

''(D) coordination to detect and investigate violations under applicable Federal law;

''(E) a process, including the use or modification of existing processes, by which officers and employees of the National Oceanic and Atmospheric Administration may be duly designated by the Secretary to carry out seafood examinations and investigations under section 801 of this Act or section 203 of the Food Allergen Labeling and Consumer Protection Act of 2004;

''(F) the sharing of information concerning observed non-compliance with United States food requirements domestically and in foreign nations and new regulatory decisions and policies that may affect the safety of food imported into the United States;

''(G) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities; and

''(H) outreach on Federal efforts to enhance seafood safety and compliance with Federal food safety requirements.

''(d) COORDINATION.—The Secretary shall improve coordination and cooperation with the Secretary of Agriculture and the Secretary of Homeland Security to target food inspection resources.

''(e) FACILITY.—For purposes of this section, the term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.''.

(b) ANNUAL REPORT.—Section 1003 (21 U.S.C. 393) is amended by adding at the end the following:

''(h) ANNUAL REPORT REGARDING FOOD.—Not later than February 1 of each year, the Secretary shall submit to Congress a report, including efforts to coordinate and cooperate with other Federal agencies with responsibilities for food inspections, regarding—

''(1) information about food facilities including—

''(A) the appropriations used to inspect facilities registered pursuant to section 415 in the previous fiscal year;

''(B) the average cost of both a non-high-risk food facility inspection and a high-risk food facility inspection, if such a difference exists, in the previous fiscal year;

''(C) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary inspected in the previous fiscal year;

''(D) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year;

''(E) the number of high-risk facilities identified pursuant to section 421 that the Secretary inspected in the previous fiscal year; and

''(F) the number of high-risk facilities identified pursuant to section 421 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year.

''(2) information about food imports including—

''(A) the number of lines of food imported into the United States that the Secretary physically inspected or sampled in the previous fiscal year;

''(B) the number of lines of food imported into the United States that the Secretary did not physically inspect or sample in the previous fiscal year; and

''(C) the average cost of physically inspecting or sampling a line of food subject to this Act that is imported or offered for import into the United States; and

''(3) information on the foreign offices of the Food and Drug Administration including—

''(A) the number of foreign offices established; and

''(B) the number of personnel permanently stationed in each foreign office.

''(i) PUBLIC AVAILABILITY OF ANNUAL FOOD REPORTS.—The Secretary shall make the reports required under subsection (h) available to the public on the Internet Web site of the Food and Drug Administration.''.

(c) ADVISORY COMMITTEE CONSULTATION.—In allocating inspection resources as described in section 421 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary may, as appropriate, consult with any relevant advisory committee within the Department of Health and Human Services.

SEC. 202. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 201, is amended by adding at the end the following:

"SEC. 422. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

''(a) RECOGNITION OF LABORATORY ACCREDITATION.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(A) establish a program for the testing of food by accredited laboratories;

''(B) establish a publicly available registry of accreditation bodies recognized by the Secretary and laboratories accredited by a recognized accreditation body, including the name of, contact information for, and other information deemed appropriate by the Secretary about such bodies and laboratories; and

''(C) require, as a condition of recognition or accreditation, as appropriate, that recognized accreditation bodies and accredited laboratories report to the Secretary any changes that would affect the recognition of such accreditation body or the accreditation of such laboratory.

''(2) PROGRAM REQUIREMENTS.—The program established under paragraph (1)(A) shall provide for the recognition of laboratory accreditation bodies that meet criteria established by the Secretary for accreditation of laboratories, including independent private laboratories and laboratories run and operated by a Federal agency (including the Department of Commerce), State, or locality with a demonstrated capability to conduct 1 or more sampling and analytical testing methodologies for food.

''(3) INCREASING THE NUMBER OF QUALIFIED LABORATORIES.—The Secretary shall work with the laboratory accreditation bodies recognized under paragraph (1), as appropriate, to increase the number of qualified laboratories that are eligible to perform testing under subparagraph (b) beyond the number so qualified on the date of enactment of the FDA Food Safety Modernization Act.

''(4) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in coordination with the Secretary of Homeland Security, may determine the time, manner, and form in which the registry established under paragraph (1)(B) is made publicly available.

''(5) FOREIGN LABORATORIES.—Accreditation bodies recognized by the Secretary under paragraph (1) may accredit laboratories that operate outside the United States, so long as such laboratories meet the accreditation standards applicable to domestic laboratories accredited under this section.

''(6) MODEL LABORATORY STANDARDS.—The Secretary shall develop model standards that a laboratory shall meet to be accredited by a recognized accreditation body for a specified sampling or analytical testing methodology and included in the registry provided for under paragraph (1). In developing the model standards, the Secretary shall consult existing standards for guidance. The model standards shall include—

''(A) methods to ensure that—

''(i) appropriate sampling, analytical procedures (including rapid analytical procedures), and commercially available techniques are followed and reports of analyses are certified as true and accurate;

''(ii) internal quality systems are established and maintained;

''(iii) procedures exist to evaluate and respond promptly to complaints regarding analyses and other activities for which the laboratory is accredited; and

''(iv) individuals who conduct the sampling and analyses are qualified by training and experience to do so; and

''(B) any other criteria determined appropriate by the Secretary.

''(7) REVIEW OF RECOGNITION.—To ensure compliance with the requirements of this section, the Secretary—

''(A) shall periodically, and in no case less than once every 5 years, reevaluate accreditation bodies recognized under paragraph (1) and may accompany auditors from an accreditation body to assess whether the accreditation body meets the criteria for recognition; and

''(B) shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section, specifying, as appropriate, any terms and conditions necessary for laboratories accredited by such body to continue to perform testing as described in this section.

''(b) TESTING PROCEDURES.—

''(1) IN GENERAL.—Not later than 30 months after the date of enactment of the FDA Food Safety Modernization Act, food testing shall be conducted by Federal laboratories or non-Federal laboratories that have been accredited for the appropriate sampling or analytical testing methodology or methodologies by a recognized accreditation body on the registry established by the Secretary under subsection (a)(1)(B) whenever such testing is conducted—

''(A) by or on behalf of an owner or consignee—

''(i) in response to a specific testing requirement under this Act or implementing regulations, when applied to address an identified or suspected food safety problem; and

''(ii) as required by the Secretary, as the Secretary deems appropriate, to address an identified or suspected food safety problem; or

''(B) on behalf of an owner or consignee—

''(i) in support of admission of an article of food under section 801(a); and

''(ii) under an Import Alert that requires successful consecutive tests.

''(2) RESULTS OF TESTING.—The results of any such testing shall be sent directly to the Food and Drug Administration, except the Secretary may by regulation exempt test results from such submission requirement if the Secretary determines that such results do not contribute to the protection of public health. Test results required to be submitted may be submitted to the Food and Drug Administration through electronic means.

''(3) EXCEPTION.—The Secretary may waive requirements under this subsection if—

''(A) a new methodology or methodologies have been developed and validated but a laboratory has not yet been accredited to perform such methodology or methodologies; and

''(B) the use of such methodology or methodologies are necessary to prevent, control, or mitigate a food emergency or foodborne illness outbreak.

''(c) REVIEW BY SECRETARY.—If food sampling and testing performed by a laboratory run and operated by a State or locality that is accredited by a recognized accreditation body on the registry established by the Secretary under subsection (a) result in a State recalling a food, the Secretary shall review the sampling and testing results for the purpose of determining the need for a national recall or other compliance and enforcement activities.

''(d) NO LIMIT ON SECRETARIAL AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Secretary to review and act upon information from food testing, including determining the sufficiency of such information and testing.''.

(b) FOOD EMERGENCY RESPONSE NETWORK.—The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and State, local, and tribal governments shall, not later than 180 days after the date of enactment of this Act, and biennially thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services, a report on the progress in implementing a national food emergency response laboratory network that—

(1) provides ongoing surveillance, rapid detection, and surge capacity for large-scale food-related emergencies, including intentional adulteration of the food supply;

(2) coordinates the food laboratory capacities of State, local, and tribal food laboratories, including the adoption of novel surveillance and identification technologies and the sharing of data between Federal agencies and State laboratories to develop national situational awareness;

(3) provides accessible, timely, accurate, and consistent food laboratory services throughout the United States;

(4) develops and implements a methods repository for use by Federal, State, and local officials;

(5) responds to food-related emergencies; and

(6) is integrated with relevant laboratory networks administered by other Federal agencies.

SEC. 203. INTEGRATED CONSORTIUM OF LABORATORY NETWORKS.

(a) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—

(1) agree on common laboratory methods in order to reduce the time required to detect and respond to foodborne illness outbreaks and facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health;

(2) identify means by which laboratory network members could work cooperatively—

(A) to optimize national laboratory preparedness; and

(B) to provide surge capacity during emergencies; and

(3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies.

(b) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall, on a biennial basis, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the progress of the integrated consortium of laboratory networks, as established under subsection (a), in carrying out this section.

SEC. 204. ENHANCING TRACKING AND TRACING OF FOOD AND RECORDKEEPING.

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), taking into account recommendations from the Secretary of Agriculture and representatives of State departments of health and agriculture, shall establish pilot projects in coordination with the food industry to explore and evaluate methods to rapidly and effectively identify recipients of food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) or misbranded under section 403(w) of such Act (21 U.S.C. 343(w)).

(2) CONTENT.—The Secretary shall conduct 1 or more pilot projects under paragraph (1) in coordination with the processed food sector and 1 or more such pilot projects in coordination with processors or distributors of fruits and vegetables that are raw agricultural commodities. The Secretary shall ensure that the pilot projects under paragraph (1) reflect the diversity of the food supply and include at least 3 different types of foods that have been the subject of significant outbreaks during the 5-year period preceding the date of enactment of this Act, and are selected in order to—

(A) develop and demonstrate methods for rapid and effective tracking and tracing of

foods in a manner that is practicable for facilities of varying sizes, including small businesses;

(B) develop and demonstrate appropriate technologies, including technologies existing on the date of enactment of this Act, that enhance the tracking and tracing of food; and

(C) inform the promulgation of regulations under subsection (d).

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress on the findings of the pilot projects under this subsection together with recommendations for improving the tracking and tracing of food.

(b) ADDITIONAL DATA GATHERING.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and multiple representatives of State departments of health and agriculture, shall assess—

(A) the costs and benefits associated with the adoption and use of several product tracing technologies, including technologies used in the pilot projects under subsection (a);

(B) the feasibility of such technologies for different sectors of the food industry, including small businesses; and

(C) whether such technologies are compatible with the requirements of this subsection.

(2) REQUIREMENTS.—To the extent practicable, in carrying out paragraph (1), the Secretary shall—

(A) evaluate domestic and international product tracing practices in commercial use;

(B) consider international efforts, including an assessment of whether product tracing requirements developed under this section are compatible with global tracing systems, as appropriate; and

(C) consult with a diverse and broad range of experts and stakeholders, including representatives of the food industry, agricultural producers, and nongovernmental organizations that represent the interests of consumers.

(c) PRODUCT TRACING SYSTEM.—The Secretary, in consultation with the Secretary of Agriculture, shall, as appropriate, establish within the Food and Drug Administration a product tracing system to receive information that improves the capacity of the Secretary to effectively and rapidly track and trace food that is in the United States or offered for import into the United States. Prior to the establishment of such product tracing system, the Secretary shall examine the results of applicable pilot projects and shall ensure that the activities of such system are adequately supported by the results of such pilot projects.

(d) ADDITIONAL RECORDKEEPING REQUIREMENTS FOR HIGH RISK FOODS.—

(1) IN GENERAL.—In order to rapidly and effectively identify recipients of a food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act or misbranded under section 403(w) of such Act, not later than 2 years after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish recordkeeping requirements, in addition to the requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor regulations), for facilities that manufacture, process, pack, or hold foods that the Secretary designates under paragraph (2) as high-risk foods. The Secretary shall set an appropriate effective date of such additional requirements for foods designated as high risk that takes into account the length of time necessary to comply with such requirements. Such requirements shall—

(A) relate only to information that is reasonably available and appropriate;

(B) be science-based;

(C) not prescribe specific technologies for the maintenance of records;

(D) ensure that the public health benefits of imposing additional recordkeeping requirements outweigh the cost of compliance with such requirements;

(E) be scale-appropriate and practicable for facilities of varying sizes and capabilities with respect to costs and recordkeeping burdens, and not require the creation and maintenance of duplicate records where the information is contained in other company records kept in the normal course of business;

(F) minimize the number of different recordkeeping requirements for facilities that handle more than 1 type of food;

(G) to the extent practicable, not require a facility to change business systems to comply with such requirements;

(H) allow any person subject to this subsection to maintain records required under this subsection at a central or reasonably accessible location provided that such records can be made available to the Secretary not later than 24 hours after the Secretary requests such records;

(I) include a process by which the Secretary may issue a waiver of the requirements under this subsection if the Secretary determines that such requirements would result in an economic hardship for an individual facility or a type of facility;

(J) be commensurate with the known safety risks of the designated food;

(K) take into account international trade obligations;

(L) not require—

(i) a full pedigree, or a record of the complete previous distribution history of the food from the point of origin of such food;

(ii) records of recipients of a food beyond the immediate subsequent recipient of such food; or

(iii) product tracking to the case level by persons subject to such requirements; and

(M) include a process by which the Secretary may remove a high-risk food designation developed under paragraph (2) for a food or type of food.

(2) DESIGNATION OF HIGH-RISK FOODS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and thereafter as the Secretary determines necessary, the Secretary shall designate high-risk foods for which the additional recordkeeping requirements described in paragraph (1) are appropriate and necessary to protect the public health. Each such designation shall be based on—

(i) the known safety risks of a particular food, including the history and severity of foodborne illness outbreaks attributed to such food, taking into consideration foodborne illness data collected by the Centers for Disease Control and Prevention;

(ii) the likelihood that a particular food has a high potential risk for microbiological or chemical contamination or would support the growth of pathogenic microorganisms due to the nature of the food or the processes used to produce such food;

(iii) the point in the manufacturing process of the food where contamination is most likely to occur;

(iv) the likelihood of contamination and steps taken during the manufacturing process to reduce the possibility of contamination;

(v) the likelihood that consuming a particular food will result in a foodborne illness due to contamination of the food; and

(vi) the likely or known severity, including health and economic impacts, of a foodborne illness attributed to a particular food.

(B) LIST OF HIGH-RISK FOODS.—At the time the Secretary promulgates the final rules under paragraph (1), the Secretary shall publish the list of the foods designated under subparagraph (A) as high-risk foods on the Internet website of the Food and Drug Administration. The Secretary may update the list to designate new high-risk foods and to remove foods that are no longer deemed to be high-risk foods, provided that each such update to the list is consistent with the requirements of this subsection and notice of such update is published in the Federal Register.

(3) PROTECTION OF SENSITIVE INFORMATION.—In promulgating regulations under this subsection, the Secretary shall take appropriate measures to ensure that there are effective procedures to prevent the unauthorized disclosure of any trade secret or confidential information that is obtained by the Secretary pursuant to this section, including periodic risk assessment and planning to prevent unauthorized release and controls to—

(A) prevent unauthorized reproduction of trade secret or confidential information;

(B) prevent unauthorized access to trade secret or confidential information; and

(C) maintain records with respect to access by any person to trade secret or confidential information maintained by the agency.

(4) PUBLIC INPUT.—During the comment period in the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

(5) RETENTION OF RECORDS.—Except as otherwise provided in this subsection, the Secretary may require that a facility retain records under this subsection for not more than 2 years, taking into consideration the risk of spoilage, loss of value, or loss of palatability of the applicable food when determining the appropriate timeframes.

(6) LIMITATIONS.—

(A) FARM TO SCHOOL PROGRAMS.—In establishing requirements under this subsection, the Secretary shall, in consultation with the Secretary of Agriculture, consider the impact of requirements on farm to school or farm to institution programs of the Department of Agriculture and other farm to school and farm to institution programs outside such agency, and shall modify the requirements under this subsection, as appropriate, with respect to such programs so that the requirements do not place undue burdens on farm to school or farm to institution programs.

(B) IDENTITY-PRESERVED LABELS WITH RESPECT TO FARM SALES OF FOOD THAT IS PRODUCED AND PACKAGED ON A FARM.—The requirements under this subsection shall not apply to a food that is produced and packaged on a farm if—

(i) the packaging of the food maintains the integrity of the product and prevents subsequent contamination or alteration of the product; and

(ii) the labeling of the food includes the name, complete address (street address, town, State, country, and zip or other postal code), and business phone number of the farm, unless the Secretary waives the requirement to include a business phone number of the farm, as appropriate, in order to accommodate a religious belief of the individual in charge of such farm.

(C) FISHING VESSELS.—The requirements under this subsection with respect to a food that is produced through the use of a fishing

vessel (as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(18))) shall be limited to the requirements under subparagraph (F) until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

(D) COMMINGLED RAW AGRICULTURAL COMMODITIES.—

(i) LIMITATION ON EXTENT OF TRACING.—Recordkeeping requirements under this subsection with regard to any commingled raw agricultural commodity shall be limited to the requirements under subparagraph (F).

(ii) DEFINITIONS.—For the purposes of this subparagraph—

(I) the term ''commingled raw agricultural commodity'' means any commodity that is combined or mixed after harvesting, but before processing;

(II) the term ''commingled raw agricultural commodity'' shall not include types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that standards promulgated under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by section 105) would minimize the risk of serious adverse health consequences or death; and

(III) the term ''processing'' means operations that alter the general state of the commodity, such as canning, cooking, freezing, dehydration, milling, grinding, pasteurization, or homogenization.

(E) EXEMPTION OF OTHER FOODS.—The Secretary may, by notice in the Federal Register, modify the requirements under this subsection with respect to, or exempt a food or a type of facility from, the requirements of this subsection (other than the requirements under subparagraph (F), if applicable) if the Secretary determines that product tracing requirements for such food (such as bulk or commingled ingredients that are intended to be processed to destroy pathogens) or type of facility is not necessary to protect the public health.

(F) RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.—In the case of a person or food to which a limitation or exemption under subparagraph (C), (D), or (E) applies, if such person, or a person who manufactures, processes, packs, or holds such food, is required to register with the Secretary under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) with respect to the manufacturing, processing, packing, or holding of the applicable food, the Secretary shall require such person to maintain records that identify the immediate previous source of such food and the immediate subsequent recipient of such food.

(G) GROCERY STORES.—With respect to a sale of a food described in subparagraph (H) to a grocery store, the Secretary shall not require such grocery store to maintain records under this subsection other than records documenting the farm that was the source of such food. The Secretary shall not require that such records be kept for more than 180 days.

(H) FARM SALES TO CONSUMERS.—The Secretary shall not require a farm to maintain any distribution records under this subsection with respect to a sale of a food described in subparagraph (I) (including a sale of a food that is produced and packaged on such farm), if such sale is made by the farm directly to a consumer.

(I) SALE OF A FOOD.—A sale of a food described in this subparagraph is a sale of a food in which—

(i) the food is produced on a farm; and

(ii) the sale is made by the owner, operator, or agent in charge of such farm directly to a consumer or grocery store.

(7) NO IMPACT ON NON-HIGH-RISK FOODS.—The recordkeeping requirements established under paragraph (1) shall have no effect on foods that are not designated by the Secretary under paragraph (2) as high-risk foods. Foods described in the preceding sentence shall be subject solely to the recordkeeping requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor regulations).

(e) EVALUATION AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 1 year after the effective date of the final rule promulgated under subsection (d)(1), the Comptroller General of the United States shall submit to Congress a report, taking into consideration the costs of compliance and other regulatory burdens on small businesses and Federal, State, and local food safety practices and requirements, that evaluates the public health benefits and risks, if any, of limiting—

(A) the product tracing requirements under subsection (d) to foods identified under paragraph (2) of such subsection, including whether such requirements provide adequate assurance of traceability in the event of intentional adulteration, including by acts of terrorism; and

(B) the participation of restaurants in the recordkeeping requirements.

(2) DETERMINATION AND RECOMMENDATIONS.—In conducting the evaluation and report under paragraph (1), if the Comptroller General of the United States determines that the limitations described in such paragraph do not adequately protect the public health, the Comptroller General shall submit to Congress recommendations, if appropriate, regarding recordkeeping requirements for restaurants and additional foods, in order to protect the public health.

(f) FARMS.—

(1) REQUEST FOR INFORMATION.—Notwithstanding subsection (d), during an active investigation of a foodborne illness outbreak, or if the Secretary determines it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak, the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, may request that the owner, operator, or agent of a farm identify potential immediate recipients, other than consumers, of an article of the food that is the subject of such investigation if the Secretary reasonably believes such article of food—

(A) is adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act;

(B) presents a threat of serious adverse health consequences or death to humans or animals; and

(C) was adulterated as described in subparagraph (A) on a particular farm (as defined in section 1.227 of chapter 21, Code of Federal Regulations (or any successor regulation)).

(2) MANNER OF REQUEST.—In making a request under paragraph (1), the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, shall issue a written notice to the owner, operator, or agent of the farm to which the article of food has been traced. The individual providing such notice shall present to such owner, operator, or agent appropriate credentials and shall deliver such notice at reasonable times and within reasonable limits and in a reasonable manner.

(3) DELIVERY OF INFORMATION REQUESTED.—The owner, operator, or agent of a farm shall deliver the information requested under paragraph (1) in a prompt and reasonable manner. Such information may consist of records kept in the normal course of business, and may be in electronic or non-electronic format.

(4) LIMITATION.—A request made under paragraph (1) shall not include a request for information relating to the finances, pricing of commodities produced, personnel, research, sales (other than information relating to shipping), or other disclosures that may reveal trade secrets or confidential information from the farm to which the article of food has been traced, other than information necessary to identify potential immediate recipients of such food. Section 301(j) of the Federal Food, Drug, and Cosmetic Act and the Freedom of Information Act shall apply with respect to any confidential commercial information that is disclosed to the Food and Drug Administration in the course of responding to a request under paragraph (1).

(5) RECORDS.—Except with respect to identifying potential immediate recipients in response to a request under this subsection, nothing in this subsection shall require the establishment or maintenance by farms of new records.

(g) NO LIMITATION ON COMMINGLING OF FOOD.—Nothing in this section shall be construed to authorize the Secretary to impose any limitation on the commingling of food.

(h) SMALL ENTITY COMPLIANCE GUIDE.—Not later than 180 days after promulgation of a final rule under subsection (d), the Secretary shall issue a small entity compliance guide setting forth in plain language the requirements of the regulations under such subsection in order to assist small entities, including farms and small businesses, in complying with the recordkeeping requirements under such subsection.

(i) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding any other provision of law, the regulations promulgated under subsection (d) shall apply—

(1) to small businesses (as defined by the Secretary in section 103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 1 year after the effective date of the final regulations promulgated under subsection (d); and

(2) to very small businesses (as defined by the Secretary in section 103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 2 years after the effective date of the final regulations promulgated under subsection (d).

(j) ENFORCEMENT.—

(1) PROHIBITED ACTS.—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting ''; or the violation of any recordkeeping requirement under section 204 of the FDA Food Safety Modernization Act (except when such violation is committed by a farm)'' before the period at the end.

(2) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting ''or (4) the recordkeeping requirements under section 204 of the FDA Food Safety Modernization Act (other than the requirements under subsection (f) of such section) have not been complied with regarding such article,'' in the third sentence before ''then such article shall be refused admission''.

SEC. 205. SURVEILLANCE.

(a) DEFINITION OF FOODBORNE ILLNESS OUTBREAK.—In this Act, the term ''foodborne illness outbreak'' means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a certain food.

(b) FOODBORNE ILLNESS SURVEILLANCE SYSTEMS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses by—

(A) coordinating Federal, State and local foodborne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of surveillance information on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, the Department of Homeland Security, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a foodborne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of identification practices, including fingerprinting strategies, for foodborne infectious agents, in order to identify new or rarely documented causes of foodborne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, de-identified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating foodborne illness surveillance systems and data with other biosurveillance and public health situational awareness capabilities at the Federal, State, and local levels, including by sharing foodborne illness surveillance data with the National Biosurveillance Integration Center; and

(J) other activities as determined appropriate by the Secretary.

(2) WORKING GROUP.—The Secretary shall support and maintain a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food and food testing industries, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of foodborne illness surveillance and implementation of this section, including advice and recommendations on—

(A) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on foodborne illness and its causes;

(B) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and between the Federal, State, and local levels of government;

(C) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to foodborne illness aggregated, de-identified surveillance data collected by government agencies at all levels, including data compiled by the Centers for Disease Control and Prevention;

(D) key barriers at Federal, State, and local levels to improving foodborne illness surveillance and the utility of such surveillance for preventing foodborne illness;

(E) the capabilities needed for establishing automatic electronic searches of surveillance data; and

(F) specific actions to reduce barriers to improvement, implement the working group's recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out the activities described in paragraph (1), there is authorized to be appropriated $24,000,000 for each fiscal years 2011 through 2015.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve foodborne illness outbreak response and containment.

(B) Accelerate foodborne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of foodborne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals described in section 108.

(2) REVIEW.—In developing of the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

(d) FOOD SAFETY CAPACITY BUILDING GRANTS.—Section 317R(b) of the Public Health Service Act (42 U.S.C. 247b–20(b)) is amended—

(1) by striking ''2002'' and inserting ''2010''; and

(2) by striking ''2003 through 2006'' and inserting ''2011 through 2015''.

SEC. 206. MANDATORY RECALL AUTHORITY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 202, is amended by adding at the end the following:

''SEC. 423. MANDATORY RECALL AUTHORITY.

''(a) VOLUNTARY PROCEDURES.—If the Secretary determines, based on information gathered through the reportable food registry under section 417 or through any other means, that there is a reasonable probability that an article of food (other than infant formula) is adulterated under section 402 or misbranded under section 403(w) and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the Secretary shall provide the responsible party (as defined in section 417) with an opportunity to cease distribution and recall such article.

''(b) PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.—

''(1) IN GENERAL.—If the responsible party refuses to or does not voluntarily cease distribution or recall such article within the time and in the manner prescribed by the Secretary (if so prescribed), the Secretary may, by order require, as the Secretary deems necessary, such person to—

''(A) immediately cease distribution of such article; and

''(B) as applicable, immediately notify all persons—

''(i) manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling such article; and

''(ii) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article.

''(2) REQUIRED ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—If an article of food covered by a recall order issued under paragraph (1)(B) has been distributed to a warehouse-based third party logistics provider without providing such provider sufficient information to know or reasonably determine the precise identity of the article of food covered by a recall order that is in its possession, the notice provided by the responsible party subject to the order issued under paragraph (1)(B) shall include such information as is necessary for the warehouse-based third party logistics provider to identify the food.

''(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to exempt a warehouse-based third party logistics provider from the requirements of this Act, including the requirements in this section and section 414; or

''(ii) to exempt a warehouse-based third party logistics provider from being the subject of a mandatory recall order.

''(3) DETERMINATION TO LIMIT AREAS AFFECTED.—If the Secretary requires a responsible party to cease distribution under paragraph (1)(A) of an article of food identified in subsection (a), the Secretary may limit the size of the geographic area and the markets affected by such cessation if such limitation would not compromise the public health.

''(c) HEARING ON ORDER.—The Secretary shall provide the responsible party subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible, but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

''(d) POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.—

''(1) AMENDMENT OF ORDER.—If, after providing opportunity for an informal hearing under subsection (c), the Secretary determines that removal of the article from commerce is necessary, the Secretary shall, as appropriate—

''(A) amend the order to require recall of such article or other appropriate action;

''(B) specify a timetable in which the recall shall occur;

''(C) require periodic reports to the Secretary describing the progress of the recall; and

''(D) provide notice to consumers to whom such article was, or may have been, distributed.

''(2) VACATING OF ORDER.—If, after such hearing, the Secretary determines that adequate grounds do not exist to continue the actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

''(e) RULE REGARDING ALCOHOLIC BEVERAGES.—The Secretary shall not initiate a mandatory recall or take any other action under this section with respect to any alcohol beverage until the Secretary has provided the Alcohol and Tobacco Tax and

Trade Bureau with a reasonable opportunity to cease distribution and recall such article under the Alcohol and Tobacco Tax and Trade Bureau authority.

''(f) COOPERATION AND CONSULTATION.—The Secretary shall work with State and local public health officials in carrying out this section, as appropriate.

''(g) PUBLIC NOTIFICATION.—In conducting a recall under this section, the Secretary shall—

''(1) ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification—

''(A) of the recall to consumers and retailers to whom such article was, or may have been, distributed; and

''(B) that includes, at a minimum—

''(i) the name of the article of food subject to the recall;

''(ii) a description of the risk associated with such article; and

''(iii) to the extent practicable, information for consumers about similar articles of food that are not affected by the recall;

''(2) consult the policies of the Department of Agriculture regarding providing to the public a list of retail consignees receiving products involved in a Class I recall and shall consider providing such a list to the public, as determined appropriate by the Secretary; and

''(3) if available, publish on the Internet Web site of the Food and Drug Administration an image of the article that is the subject of the press release described in (1).

''(h) NO DELEGATION.—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Commissioner.

''(i) EFFECT.—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall, or to issue an order to cease distribution or to recall under any other provision of this Act or under the Public Health Service Act.

''(j) COORDINATED COMMUNICATION.—

''(1) IN GENERAL.—To assist in carrying out the requirements of this subsection, the Secretary shall establish an incident command operation or a similar operation within the Department of Health and Human Services that will operate not later than 24 hours after the initiation of a mandatory recall or the recall of an article of food for which the use of, or exposure to, such article will cause serious adverse health consequences or death to humans or animals.

''(2) REQUIREMENTS.—To reduce the potential for miscommunication during recalls or regarding investigations of a food borne illness outbreak associated with a food that is subject to a recall, each incident command operation or similar operation under paragraph (1) shall use regular staff and resources of the Department of Health and Human Services to—

''(A) ensure timely and coordinated communication within the Department, including enhanced communication and coordination between different agencies and organizations within the Department;

''(B) ensure timely and coordinated communication from the Department, including public statements, throughout the duration of the investigation and related foodborne illness outbreak;

''(C) identify a single point of contact within the Department for public inquiries regarding any actions by the Secretary related to a recall;

''(D) coordinate with Federal, State, local, and tribal authorities, as appropriate, that have responsibilities related to the recall of a food or a foodborne illness outbreak associated with a food that is subject to the recall, including notification of the Secretary of Agriculture and the Secretary of Education in the event such recalled food is a commodity intended for use in a child nutrition program (as identified in section 25(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769f(b)); and

''(E) conclude operations at such time as the Secretary determines appropriate.

''(3) MULTIPLE RECALLS.—The Secretary may establish multiple or concurrent incident command operations or similar operations in the event of multiple recalls or foodborne illness outbreaks necessitating such action by the Department of Health and Human Services.''.

(b) SEARCH ENGINE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall modify the Internet Web site of the Food and Drug Administration to include a search engine that—

(1) is consumer-friendly, as determined by the Secretary; and

(2) provides a means by which an individual may locate relevant information regarding each article of food subject to a recall under section 423 of the Federal Food, Drug, and Cosmetic Act and the status of such recall (such as whether a recall is ongoing or has been completed).

(c) CIVIL PENALTY.—Section 303(f)(2)(A) (21 U.S.C. 333(f)(2)(A)) is amended by inserting ''or any person who does not comply with a recall order under section 423'' after ''section 402(a)(2)(B)''.

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 106, is amended by adding at the end the following:

''(xx) The refusal or failure to follow an order under section 423.''.

(e) GAO REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) identifies State and local agencies with the authority to require the mandatory recall of food, and evaluates use of such authority with regard to frequency, effectiveness, and appropriateness, including consideration of any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant authority to have been an error;

(B) identifies Federal agencies, other than the Department of Health and Human Services, with mandatory recall authority and examines use of that authority with regard to frequency, effectiveness, and appropriateness, including any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant agency to have been an error;

(C) considers models for farmer restitution implemented in other nations in cases of erroneous recalls; and

(D) makes recommendations to the Secretary regarding use of the authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by this section) to protect the public health while seeking to minimize unnecessary economic costs.

(2) EFFECT OF REVIEW.—If the Comptroller General of the United States finds, after the review conducted under paragraph (1), that the mechanisms described in such paragraph do not exist or are inadequate, then, not later than 90 days after the conclusion of such review, the Secretary of Agriculture shall conduct a study of the feasibility of implementing a farmer indemnification program to provide restitution to agricultural producers for losses sustained as a result of a mandatory recall of an agricultural commodity by a Federal or State regulatory agency that is subsequently determined to be in error. The Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

(f) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the use of recall authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) and any public health advisories issued by the Secretary that advise against the consumption of an article of food on the ground that the article of food is adulterated and poses an imminent danger to health.

(2) CONTENT.—The report under paragraph (1) shall include, with respect to the report year—

(A) the identity of each article of food that was the subject of a public health advisory described in paragraph (1), an opportunity to cease distribution and recall under subsection (a) of section 423 of the Federal Food, Drug, and Cosmetic Act, or a mandatory recall order under subsection (b) of such section;

(B) the number of responsible parties, as defined in section 417 of the Federal Food, Drug, and Cosmetic Act, formally given the opportunity to cease distribution of an article of food and recall such article, as described in section 423(a) of such Act;

(C) the number of responsible parties described in subparagraph (B) who did not cease distribution of or recall an article of food after given the opportunity to cease distribution or recall under section 423(a) of the Federal Food, Drug, and Cosmetic Act;

(D) the number of recall orders issued under section 423(b) of the Federal Food, Drug, and Cosmetic Act; and

(E) a description of any instances in which there was no testing that confirmed adulteration of an article of food that was the subject of a recall under section 423(b) of the Federal Food, Drug, and Cosmetic Act or a public health advisory described in paragraph (1).

SEC. 207. ADMINISTRATIVE DETENTION OF FOOD.

(a) IN GENERAL.—Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by—

(1) striking ''credible evidence or information indicating'' and inserting ''reason to believe''; and

(2) striking ''presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''is adulterated or misbranded''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart K of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 208. DECONTAMINATION AND DISPOSAL STANDARDS AND PLANS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, and Secretary of Agriculture, shall provide support for, and technical assistance

to, State, local, and tribal governments in preparing for, assessing, decontaminating, and recovering from an agriculture or food emergency.

(b) DEVELOPMENT OF STANDARDS.—In carrying out subsection (a), the Administrator, in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, Secretary of Agriculture, and State, local, and tribal governments, shall develop and disseminate specific standards and protocols to undertake clean-up, clearance, and recovery activities following the decontamination and disposal of specific threat agents and foreign animal diseases.

(c) DEVELOPMENT OF MODEL PLANS.—In carrying out subsection (a), the Administrator, the Secretary of Health and Human Services, and the Secretary of Agriculture shall jointly develop and disseminate model plans for—

(1) the decontamination of individuals, equipment, and facilities following an intentional contamination of agriculture or food; and

(2) the disposal of large quantities of animals, plants, or food products that have been infected or contaminated by specific threat agents and foreign animal diseases.

(d) EXERCISES.—In carrying out subsection (a), the Administrator, in coordination with the entities described under subsection (b), shall conduct exercises at least annually to evaluate and identify weaknesses in the decontamination and disposal model plans described in subsection (c). Such exercises shall be carried out, to the maximum extent practicable, as part of the national exercise program under section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)).

(e) MODIFICATIONS.—Based on the exercises described in subsection (d), the Administrator, in coordination with the entities described in subsection (b), shall review and modify as necessary the plans described in subsection (c) not less frequently than biennially.

(f) PRIORITIZATION.—The Administrator, in coordination with the entities described in subsection (b), shall develop standards and plans under subsections (b) and (c) in an identified order of priority that takes into account—

(1) highest-risk biological, chemical, and radiological threat agents;

(2) agents that could cause the greatest economic devastation to the agriculture and food system; and

(3) agents that are most difficult to clean or remediate.

SEC. 209. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

(a) IMPROVING TRAINING.—Chapter X (21 U.S.C.391 et seq.) is amended by adding at the end the following:

"SEC. 1011. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

''(a) TRAINING.—The Secretary shall set standards and administer training and education programs for the employees of State, local, territorial, and tribal food safety officials relating to the regulatory responsibilities and policies established by this Act, including programs for—

''(1) scientific training;

''(2) training to improve the skill of officers and employees authorized to conduct inspections under sections 702 and 704;

''(3) training to achieve advanced product or process specialization in such inspections;

''(4) training that addresses best practices;

''(5) training in administrative process and procedure and integrity issues;

''(6) training in appropriate sampling and laboratory analysis methodology; and

''(7) training in building enforcement actions following inspections, examinations, testing, and investigations.

''(b) PARTNERSHIPS WITH STATE AND LOCAL OFFICIALS.—

''(1) IN GENERAL.—The Secretary, pursuant to a contract or memorandum of understanding between the Secretary and the head of a State, local, territorial, or tribal department or agency, is authorized and encouraged to conduct examinations, testing, and investigations for the purposes of determining compliance with the food safety provisions of this Act through the officers and employees of such State, local, territorial, or tribal department or agency.

''(2) CONTENT.—A contract or memorandum described under paragraph (1) shall include provisions to ensure adequate training of such officers and employees to conduct such examinations, testing, and investigations. The contract or memorandum shall contain provisions regarding reimbursement. Such provisions may, at the sole discretion of the head of the other department or agency, require reimbursement, in whole or in part, from the Secretary for the examinations, testing, or investigations performed pursuant to this section by the officers or employees of the State, territorial, or tribal department or agency.

''(3) EFFECT.—Nothing in this subsection shall be construed to limit the authority of the Secretary under section 702.

''(c) EXTENSION SERVICE.—The Secretary shall ensure coordination with the extension activities of the National Institute of Food and Agriculture of the Department of Agriculture in advising producers and small processors transitioning into new practices required as a result of the enactment of the FDA Food Safety Modernization Act and assisting regulated industry with compliance with such Act.

''(d) NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—In order to improve food safety and reduce the incidence of foodborne illness, the Secretary shall, not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, enter into one or more memoranda of understanding, or enter into other cooperative agreements, with the Secretary of Agriculture to establish a competitive grant program within the National Institute for Food and Agriculture to provide food safety training, education, extension, outreach, and technical assistance to—

''(A) owners and operators of farms;

''(B) small food processors; and

''(C) small fruit and vegetable merchant wholesalers.

''(2) IMPLEMENTATION.—The competitive grant program established under paragraph (1) shall be carried out in accordance with section 405 of the Agricultural Research, Extension, and Education Reform Act of 1998.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2011 through 2015.''.

(b) NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 is amended by inserting after section 404 (7 U.S.C. 7624) the following:

"SEC. 405. NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.

''(a) IN GENERAL.—The Secretary shall award grants under this section to carry out the competitive grant program established under section 1011(d) of the Federal Food, Drug, and Cosmetic Act, pursuant to any memoranda of understanding entered into under such section.

''(b) INTEGRATED APPROACH.—The grant program described under subsection (a) shall be carried out under this section in a manner that facilitates the integration of food safety standards and guidance with the variety of agricultural production systems, encompassing conventional, sustainable, organic, and conservation and environmental practices.

''(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to projects that target small and medium-sized farms, beginning farmers, socially disadvantaged farmers, small processors, or small fresh fruit and vegetable merchant wholesalers.

''(d) PROGRAM COORDINATION.—

''(1) IN GENERAL.—The Secretary shall coordinate implementation of the grant program under this section with the National Integrated Food Safety Initiative.

''(2) INTERACTION.—The Secretary shall—

''(A) in carrying out the grant program under this section, take into consideration applied research, education, and extension results obtained from the National Integrated Food Safety Initiative; and

''(B) in determining the applied research agenda for the National Integrated Food Safety Initiative, take into consideration the needs articulated by participants in projects funded by the program under this section.

''(e) GRANTS.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall make competitive grants to support training, education, extension, outreach, and technical assistance projects that will help improve public health by increasing the understanding and adoption of established food safety standards, guidance, and protocols.

''(2) ENCOURAGED FEATURES.—The Secretary shall encourage projects carried out using grant funds under this section to include co-management of food safety, conservation systems, and ecological health.

''(3) MAXIMUM TERM AND SIZE OF GRANT.—

''(A) IN GENERAL.—A grant under this section shall have a term that is not more than 3 years.

''(B) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to an entity under this section after such entity has received 3 years of grant funding under this section.

''(f) GRANT ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible for a grant under this section, an entity shall be—

''(A) a State cooperative extension service;

''(B) a Federal, State, local, or tribal agency, a nonprofit community-based or non-governmental organization, or an organization representing owners and operators of farms, small food processors, or small fruit and vegetable merchant wholesalers that has a commitment to public health and expertise in administering programs that contribute to food safety;

''(C) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a foundation maintained by an institution of higher education;

''(D) a collaboration of 2 of more eligible entities described in this subsection; or

''(E) such other appropriate entity, as determined by the Secretary.

''(2) MULTISTATE PARTNERSHIPS.—Grants under this section may be made for projects involving more than 1 State.

''(g) REGIONAL BALANCE.—In making grants under this section, the Secretary shall, to the maximum extent practicable, ensure—

''(1) geographic diversity; and

''(2) diversity of types of agricultural production.

''(h) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under this section to provide technical assistance to grant recipients to further the purposes of this section.

''(i) BEST PRACTICES AND MODEL PROGRAMS.—Based on evaluations of, and responses arising from, projects funded under this section, the Secretary may issue a set of recommended best practices and models for food safety training programs for agricultural producers, small food processors, and small fresh fruit and vegetable merchant wholesalers.

''(j) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.''.

SEC. 210. ENHANCING FOOD SAFETY.

(a) GRANTS TO ENHANCE FOOD SAFETY.—Section 1009 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399) is amended to read as follows:

''SEC. 1009. GRANTS TO ENHANCE FOOD SAFETY.

''(a) IN GENERAL.—The Secretary is authorized to make grants to eligible entities to—

''(1) undertake examinations, inspections, and investigations, and related food safety activities under section 702;

''(2) train to the standards of the Secretary for the examination, inspection, and investigation of food manufacturing, processing, packing, holding, distribution, and importation, including as such examination, inspection, and investigation relate to retail food establishments;

''(3) build the food safety capacity of the laboratories of such eligible entity, including the detection of zoonotic diseases;

''(4) build the infrastructure and capacity of the food safety programs of such eligible entity to meet the standards as outlined in the grant application; and

''(5) take appropriate action to protect the public health in response to—

''(A) a notification under section 1008, including planning and otherwise preparing to take such action; or

''(B) a recall of food under this Act.

''(b) ELIGIBLE ENTITIES; APPLICATION.—

''(1) IN GENERAL.—In this section, the term 'eligible entity' means an entity—

''(A) that is—

''(i) a State;

''(ii) a locality;

''(iii) a territory;

''(iv) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act); or

''(v) a nonprofit food safety training entity that collaborates with 1 or more institutions of higher education; and

''(B) that submits an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) an assurance that the eligible entity has developed plans to engage in the types of activities described in subsection (a);

''(B) a description of the types of activities to be funded by the grant;

''(C) an itemization of how grant funds received under this section will be expended;

''(D) a description of how grant activities will be monitored; and

''(E) an agreement by the eligible entity to report information required by the Secretary to conduct evaluations under this section.

''(c) LIMITATIONS.—The funds provided under subsection (a) shall be available to an eligible entity that receives a grant under this section only to the extent such entity funds the food safety programs of such entity independently of any grant under this section in each year of the grant at a level equal to the level of such funding in the previous year, increased by the Consumer Price Index. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

''(d) ADDITIONAL AUTHORITY.—The Secretary may—

''(1) award a grant under this section in each subsequent fiscal year without reapplication for a period of not more than 3 years, provided the requirements of subsection (c) are met for the previous fiscal year; and

''(2) award a grant under this section in a fiscal year for which the requirement of subsection (c) has not been met only if such requirement was not met because such funding was diverted for response to 1 or more natural disasters or in other extenuating circumstances that the Secretary may determine appropriate.

''(e) DURATION OF AWARDS.—The Secretary may award grants to an individual grant recipient under this section for periods of not more than 3 years. In the event the Secretary conducts a program evaluation, funding in the second year or third year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

''(f) PROGRESS AND EVALUATION.—

''(1) IN GENERAL.—The Secretary shall measure the status and success of each grant program authorized under the FDA Food Safety Modernization Act (and any amendment made by such Act), including the grant program under this section. A recipient of a grant described in the preceding sentence shall, at the end of each grant year, provide the Secretary with information on how grant funds were spent and the status of the efforts by such recipient to enhance food safety. To the extent practicable, the Secretary shall take the performance of such a grant recipient into account when determining whether to continue funding for such recipient.

''(2) NO DUPLICATION.—In carrying out paragraph (1), the Secretary shall not duplicate the efforts of the Secretary under other provisions of this Act or the FDA Food Safety Modernization Act that require measurement and review of the activities of grant recipients under either such Act.

''(g) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this section shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.''.

(b) CENTERS OF EXCELLENCE.—Part P of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V-5. FOOD SAFETY INTEGRATED CENTERS OF EXCELLENCE.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the working group described in subsection (b)(2), shall designate 5 Integrated Food Safety Centers of Excellence (referred to in this section as the 'Centers of Excellence') to serve as resources for Federal, State, and local public health professionals to respond to foodborne illness outbreaks. The Centers of Excellence shall be headquartered at selected State health departments.

''(b) SELECTION OF CENTERS OF EXCELLENCE.—

''(1) ELIGIBLE ENTITIES.—To be eligible to be designated as a Center of Excellence under subsection (a), an entity shall—

''(A) be a State health department;

''(B) partner with 1 or more institutions of higher education that have demonstrated knowledge, expertise, and meaningful experience with regional or national food production, processing, and distribution, as well as leadership in the laboratory, epidemiological, and environmental detection and investigation of foodborne illness; and

''(C) provide to the Secretary such information, at such time, and in such manner, as the Secretary may require.

''(2) WORKING GROUP.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food industry, including food retailers and food manufacturers, consumer organizations, and academia to make recommendations to the Secretary regarding designations of the Centers of Excellence.

''(3) ADDITIONAL CENTERS OF EXCELLENCE.—The Secretary may designate eligible entities to be regional Food Safety Centers of Excellence, in addition to the 5 Centers designated under subsection (a).

''(c) ACTIVITIES.—Under the leadership of the Director of the Centers for Disease Control and Prevention, each Center of Excellence shall be based out of a selected State health department, which shall provide assistance to other regional, State, and local departments of health through activities that include—

''(1) providing resources, including timely information concerning symptoms and tests, for frontline health professionals interviewing individuals as part of routine surveillance and outbreak investigations;

''(2) providing analysis of the timeliness and effectiveness of foodborne disease surveillance and outbreak response activities;

''(3) providing training for epidemiological and environmental investigation of foodborne illness, including suggestions for streamlining and standardizing the investigation process;

''(4) establishing fellowships, stipends, and scholarships to train future epidemiological and food-safety leaders and to address critical workforce shortages;

''(5) training and coordinating State and local personnel;

''(6) strengthening capacity to participate in existing or new foodborne illness surveillance and environmental assessment information systems; and

''(7) conducting research and outreach activities focused on increasing prevention, communication, and education regarding food safety.

''(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that—

''(1) describes the effectiveness of the Centers of Excellence; and

''(2) provides legislative recommendations or describes additional resources required by the Centers of Excellence.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

''(f) NO DUPLICATION OF EFFORT.—In carrying out activities of the Centers of Excellence or other programs under this section, the Secretary shall not duplicate other Federal foodborne illness response efforts.''.

SEC. 211. IMPROVING THE REPORTABLE FOOD REGISTRY.

(a) IN GENERAL.—Section 417 (21 U.S.C. 350f) is amended—

(1) by redesignating subsections (f) through (k) as subsections (i) through (n), respectively; and

(2) by inserting after subsection (e) the following:

''(f) CRITICAL INFORMATION.—Except with respect to fruits and vegetables that are raw agricultural commodities, not more than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary may require a responsible party to submit to the Secretary consumer-oriented information regarding a reportable food, which shall include—

''(1) a description of the article of food as provided in subsection (e)(3);

''(2) as provided in subsection (e)(7), affected product identification codes, such as UPC, SKU, or lot or batch numbers sufficient for the consumer to identify the article of food;

''(3) contact information for the responsible party as provided in subsection (e)(8); and

''(4) any other information the Secretary determines is necessary to enable a consumer to accurately identify whether such consumer is in possession of the reportable food.

''(g) GROCERY STORE NOTIFICATION.—

''(1) ACTION BY SECRETARY.—The Secretary shall—

''(A) prepare the critical information described under subsection (f) for a reportable food as a standardized one-page summary;

''(B) publish such one-page summary on the Internet website of the Food and Drug Administration in a format that can be easily printed by a grocery store for purposes of consumer notification.

''(2) ACTION BY GROCERY STORE.—A notification described under paragraph (1)(B) shall include the date and time such summary was posted on the Internet website of the Food and Drug Administration.

''(h) CONSUMER NOTIFICATION.—

''(1) IN GENERAL.—If a grocery store sold a reportable food that is the subject of the posting and such establishment is part of chain of establishments with 15 or more physical locations, then such establishment shall, not later than 24 hours after a one page summary described in subsection (g) is published, prominently display such summary or the information from such summary via at least one of the methods identified under paragraph (2) and maintain the display for 14 days.

''(2) LIST OF CONSPICUOUS LOCATIONS.—Not more than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop and publish a list of acceptable conspicuous locations and manners, from which grocery stores shall select at least one, for providing the notification required in paragraph (1). Such list shall include—

''(A) posting the notification at or near the register;

''(B) providing the location of the reportable food;

''(C) providing targeted recall information given to customers upon purchase of a food; and

''(D) other such prominent and conspicuous locations and manners utilized by grocery stores as of the date of the enactment of the FDA Food Safety Modernization Act to provide notice of such recalls to consumers as considered appropriate by the Secretary.''.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 206, is amended by adding at the end the following:

''(yy) The knowing and willful failure to comply with the notification requirement under section 417(h).''.

(c) CONFORMING AMENDMENT.—Section 301(e) (21 U.S.C. 331(e)) is amended by striking ''417(g)'' and inserting ''417(j)''.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

SEC. 301. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

''SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.

''(a) IN GENERAL.—

''(1) VERIFICATION REQUIREMENT.—Except as provided under subsections (e) and (f), each importer shall perform risk-based foreign supplier verification activities for the purpose of verifying that the food imported by the importer or agent of an importer is—

''(A) produced in compliance with the requirements of section 418 or section 419, as appropriate; and

''(B) is not adulterated under section 402 or misbranded under section 403(w).

''(2) IMPORTER DEFINED.—For purposes of this section, the term 'importer' means, with respect to an article of food—

''(A) the United States owner or consignee of the article of food at the time of entry of such article into the United States; or

''(B) in the case when there is no United States owner or consignee as described in subparagraph (A), the United States agent or representative of a foreign owner or consignee of the article of food at the time of entry of such article into the United States.

''(b) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall issue guidance to assist importers in developing foreign supplier verification programs.

''(c) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations to provide for the content of the foreign supplier verification program established under subsection (a).

''(2) REQUIREMENTS.—The regulations promulgated under paragraph (1)—

''(A) shall require that the foreign supplier verification program of each importer be adequate to provide assurances that each foreign supplier to the importer produces the imported food in compliance with—

''(i) processes and procedures, including reasonably appropriate risk-based preventive controls, that provide the same level of public health protection as those required under section 418 or section 419 (taking into consideration variances granted under section 419), as appropriate; and

''(ii) section 402 and section 403(w).

''(B) shall include such other requirements as the Secretary deems necessary and appropriate to verify that food imported into the United States is as safe as food produced and sold within the United States.

''(3) CONSIDERATIONS.—In promulgating regulations under this subsection, the Secretary shall, as appropriate, take into account differences among importers and types of imported foods, including based on the level of risk posed by the imported food.

''(4) ACTIVITIES.—Verification activities under a foreign supplier verification program under this section may include monitoring records for shipments, lot-by-lot certification of compliance, annual on-site inspections, checking the hazard analysis and risk-based preventive control plan of the foreign supplier, and periodically testing and sampling shipments.

''(d) RECORD MAINTENANCE AND ACCESS.—Records of an importer related to a foreign supplier verification program shall be maintained for a period of not less than 2 years and shall be made available promptly to a duly authorized representative of the Secretary upon request.

''(e) EXEMPTION OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

''(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

The exemption under paragraph (3) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

''(f) ADDITIONAL EXEMPTIONS.—The Secretary, by notice published in the Federal Register, shall establish an exemption from the requirements of this section for articles of food imported in small quantities for research and evaluation purposes or for personal consumption, provided that such foods are not intended for retail sale and are not sold or distributed to the public.

''(g) PUBLICATION OF LIST OF PARTICIPANTS.—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list that includes the name of, location of, and other information deemed necessary by the Secretary about, importers participating under this section.''.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 211, is amended by adding at the end the following:

''(zz) The importation or offering for importation of a food if the importer (as defined in section 805) does not have in place a foreign supplier verification program in compliance with such section 805.''.

(c) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by adding ''or the importer (as defined in section 805) is in violation of such section 805'' after ''or in violation of section 505''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 301, is amended by adding at the end the following:

''SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

''(a) IN GENERAL.—Beginning not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(1) establish a program, in consultation with the Secretary of Homeland Security—

''(A) to provide for the expedited review and importation of food offered for importation by importers who have voluntarily agreed to participate in such program; and

''(B) consistent with section 808, establish a process for the issuance of a facility certification to accompany food offered for importation by importers who have voluntarily agreed to participate in such program; and

''(2) issue a guidance document related to participation in, revocation of such participation in, reinstatement in, and compliance with, such program.

''(b) VOLUNTARY PARTICIPATION.—An importer may request the Secretary to provide for the expedited review and importation of designated foods in accordance with the program established by the Secretary under subsection (a).

''(c) NOTICE OF INTENT TO PARTICIPATE.—An importer that intends to participate in the program under this section in a fiscal year shall submit a notice and application to the Secretary of such intent at the time and in a manner established by the Secretary.

''(d) ELIGIBILITY.—Eligibility shall be limited to an importer offering food for importation from a facility that has a certification described in subsection (a). In reviewing the applications and making determinations on such applications, the Secretary shall consider the risk of the food to be imported based on factors, such as the following:

''(1) The known safety risks of the food to be imported.

''(2) The compliance history of foreign suppliers used by the importer, as appropriate.

''(3) The capability of the regulatory system of the country of export to ensure compliance with United States food safety standards for a designated food.

''(4) The compliance of the importer with the requirements of section 805.

''(5) The recordkeeping, testing, inspections and audits of facilities, traceability of articles of food, temperature controls, and sourcing practices of the importer.

''(6) The potential risk for intentional adulteration of the food.

''(7) Any other factor that the Secretary determines appropriate.

''(e) REVIEW AND REVOCATION.—Any importer qualified by the Secretary in accordance with the eligibility criteria set forth in this section shall be reevaluated not less often than once every 3 years and the Secretary shall promptly revoke the qualified importer status of any importer found not to be in compliance with such criteria.

''(f) FALSE STATEMENTS.—Any statement or representation made by an importer to the Secretary shall be subject to section 1001 of title 18, United States Code.

''(g) DEFINITION.—For purposes of this section, the term 'importer' means the person that brings food, or causes food to be brought, from a foreign country into the customs territory of the United States.''.

SEC. 303. AUTHORITY TO REQUIRE IMPORT CERTIFICATIONS FOR FOOD.

(a) IN GENERAL.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting after the third sentence the following: ''With respect to an article of food, if importation of such food is subject to, but not compliant with, the requirement under subsection (q) that such food be accompanied by a certification or other assurance that the food meets applicable requirements of this Act, then such article shall be refused admission.''.

(b) ADDITION OF CERTIFICATION REQUIREMENT.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following new subsection:

''(q) CERTIFICATIONS CONCERNING IMPORTED FOODS.—

''(1) IN GENERAL.—The Secretary may require, as a condition of granting admission to an article of food imported or offered for import into the United States, that an entity described in paragraph (3) provide a certification, or such other assurances as the Secretary determines appropriate, that the article of food complies with applicable requirements of this Act. Such certification or assurances may be provided in the form of shipment-specific certificates, a listing of certified facilities that manufacture, process, pack, or hold such food, or in such other form as the Secretary may specify.

''(2) FACTORS TO BE CONSIDERED IN REQUIRING CERTIFICATION.—The Secretary shall base the determination that an article of food is required to have a certification described in paragraph (1) on the risk of the food, including—

''(A) known safety risks associated with the food;

''(B) known food safety risks associated with the country, territory, or region of origin of the food;

''(C) a finding by the Secretary, supported by scientific, risk-based evidence, that—

''(i) the food safety programs, systems, and standards in the country, territory, or region of origin of the food are inadequate to ensure that the article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act; and

''(ii) the certification would assist the Secretary in determining whether to refuse or admit the article of food under subsection (a); and

''(D) information submitted to the Secretary in accordance with the process established in paragraph (7).

''(3) CERTIFYING ENTITIES.—For purposes of paragraph (1), entities that shall provide the certification or assurances described in such paragraph are—

''(A) an agency or a representative of the government of the country from which the article of food at issue originated, as designated by the Secretary; or

''(B) such other persons or entities accredited pursuant to section 808 to provide such certification or assurance.

''(4) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary may—

''(A) require that any certification or other assurance provided by an entity specified in paragraph (2) be renewed by such entity at such times as the Secretary determines appropriate; and

''(B) refuse to accept any certification or assurance if the Secretary determines that such certification or assurance is not valid or reliable.

''(5) ELECTRONIC SUBMISSION.—The Secretary shall provide for the electronic submission of certifications under this subsection.

''(6) FALSE STATEMENTS.—Any statement or representation made by an entity described in paragraph (2) to the Secretary shall be subject to section 1001 of title 18, United States Code.

''(7) ASSESSMENT OF FOOD SAFETY PROGRAMS, SYSTEMS, AND STANDARDS.—If the Secretary determines that the food safety programs, systems, and standards in a foreign region, country, or territory are inadequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act, the Secretary shall, to the extent practicable, identify such inadequacies and establish a process by which the foreign region, country, or territory may inform the Secretary of improvements made to such food safety program, system, or standard and demonstrate that those controls are adequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act.''.

(c) CONFORMING TECHNICAL AMENDMENT.—Section 801(b) (21 U.S.C. 381(b)) is amended in the second sentence by striking ''with respect to an article included within the provision of the fourth sentence of subsection (a)'' and inserting ''with respect to an article described in subsection (a) relating to the requirements of sections 760 or 761,''.

(d) NO LIMIT ON AUTHORITY.—Nothing in the amendments made by this section shall limit the authority of the Secretary to conduct inspections of imported food or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported food.

SEC. 304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.

(a) IN GENERAL.—Section 801(m)(1) (21 U.S.C. 381(m)(1)) is amended by inserting ''any country to which the article has been refused entry;'' after ''the country from which the article is shipped;''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart I of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 305. BUILDING CAPACITY OF FOREIGN GOVERNMENTS WITH RESPECT TO FOOD SAFETY.

(a) IN GENERAL.—The Secretary shall, not later than 2 years of the date of enactment of this Act, develop a comprehensive plan to expand the technical, scientific, and regulatory food safety capacity of foreign governments, and their respective food industries, from which foods are exported to the United States.

(b) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Agriculture, Secretary of State, Secretary of the Treasury, the Secretary of Homeland Security, the United States Trade Representative, and the Secretary of Commerce, representatives of the food industry, appropriate foreign government officials, nongovernmental organizations that represent the interests of consumers, and other stakeholders.

(c) PLAN.—The plan developed under subsection (a) shall include, as appropriate, the following:

(1) Recommendations for bilateral and multilateral arrangements and agreements, including provisions to provide for responsibility of exporting countries to ensure the safety of food.

(2) Provisions for secure electronic data sharing.

(3) Provisions for mutual recognition of inspection reports.

(4) Training of foreign governments and food producers on United States requirements for safe food.

(5) Recommendations on whether and how to harmonize requirements under the Codex Alimentarius.

(6) Provisions for the multilateral acceptance of laboratory methods and testing and detection techniques.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the regulation of dietary supplements under the Dietary Supplement Health and Education Act of 1994 (Public Law 103–417).

SEC. 306. INSPECTION OF FOREIGN FOOD FACILITIES.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 302, is amended by inserting at the end the following:

''SEC. 807. INSPECTION OF FOREIGN FOOD FACILITIES.

''(a) INSPECTION.—The Secretary—

''(1) may enter into arrangements and agreements with foreign governments to facilitate the inspection of foreign facilities registered under section 415; and

''(2) shall direct resources to inspections of foreign facilities, suppliers, and food types, especially such facilities, suppliers, and food types that present a high risk (as identified by the Secretary), to help ensure the safety and security of the food supply of the United States.

''(b) EFFECT OF INABILITY TO INSPECT.—Notwithstanding any other provision of law, food shall be refused admission into the United States if it is from a foreign factory, warehouse, or other establishment of which the owner, operator, or agent in charge, or the government of the foreign country, refuses to permit entry of United States inspectors or other individuals duly designated by the Secretary, upon request, to inspect such factory, warehouse, or other establishment. For purposes of this subsection, such an owner, operator, or agent in charge shall be considered to have refused an inspection if such owner, operator, or agent in charge does not permit an inspection of a factory, warehouse, or other establishment during the 24-hour period after such request is submitted, or after such other time period, as agreed upon by the Secretary and the foreign factory, warehouse, or other establishment.''.

(b) INSPECTION BY THE SECRETARY OF COMMERCE.—

(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or facility of an exporter from which seafood imported into the United States originates. The inspectors shall assess practices and processes used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and may provide technical assistance related to such activities.

(2) INSPECTION REPORT.—

(A) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Secretary of Commerce, shall—

(i) prepare an inspection report for each inspection conducted under paragraph (1);

(ii) provide the report to the country or exporter that is the subject of the report; and

(iii) provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings of the report to the Secretary of Health and Human Services.

(B) DISTRIBUTION AND USE OF REPORT.—The Secretary of Health and Human Services shall consider the inspection reports described in subparagraph (A) in distributing inspection resources under section 421 of the Federal Food, Drug, and Cosmetic Act, as added by section 201.

SEC. 307. ACCREDITATION OF THIRD-PARTY AUDITORS.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 306, is amended by adding at the end the following:

''SEC. 808. ACCREDITATION OF THIRD-PARTY AUDITORS.

''(a) DEFINITIONS.—In this section:

''(1) AUDIT AGENT.—The term 'audit agent' means an individual who is an employee or agent of an accredited third-party auditor and, although not individually accredited, is qualified to conduct food safety audits on behalf of an accredited third-party auditor.

''(2) ACCREDITATION BODY.—The term 'accreditation body' means an authority that performs accreditation of third-party auditors.

''(3) THIRD-PARTY AUDITOR.—The term 'third-party auditor' means a foreign government, agency of a foreign government, foreign cooperative, or any other third party, as the Secretary determines appropriate in accordance with the model standards described in subsection (b)(2), that is eligible to be considered for accreditation to conduct food safety audits to certify that eligible entities meet the applicable requirements of this section. A third-party auditor may be a single individual. A third-party auditor may employ or use audit agents to help conduct consultative and regulatory audits.

''(4) ACCREDITED THIRD-PARTY AUDITOR.—The term 'accredited third-party auditor' means a third-party auditor accredited by an accreditation body to conduct audits of eligible entities to certify that such eligible entities meet the applicable requirements of this section. An accredited third-party auditor may be an individual who conducts food safety audits to certify that eligible entities meet the applicable requirements of this section.

''(5) CONSULTATIVE AUDIT.—The term 'consultative audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act and with applicable industry standards and practices; and

''(B) the results of which are for internal purposes only.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means a foreign entity, including a foreign facility registered under section 415, in the food import supply chain that chooses to be audited by an accredited third-party auditor or the audit agent of such accredited third-party auditor.

''(7) REGULATORY AUDIT.—The term 'regulatory audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act; and

''(B) the results of which determine—

''(i) whether an article of food manufactured, processed, packed, or held by such entity is eligible to receive a food certification under section 801(q); or

''(ii) whether a facility is eligible to receive a facility certification under section 806(a) for purposes of participating in the program under section 806.

''(b) ACCREDITATION SYSTEM.—

''(1) ACCREDITATION BODIES.—

''(A) RECOGNITION OF ACCREDITATION BODIES.—

''(i) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors to certify that eligible entities meet the applicable requirements of this section.

''(ii) DIRECT ACCREDITATION.—If, by the date that is 2 years after the date of establishment of the system described in clause (i), the Secretary has not identified and recognized an accreditation body to meet the requirements of this section, the Secretary may directly accredit third-party auditors.

''(B) NOTIFICATION.—Each accreditation body recognized by the Secretary shall submit to the Secretary a list of all accredited third-party auditors accredited by such body and the audit agents of such auditors.

''(C) REVOCATION OF RECOGNITION AS AN ACCREDITATION BODY.—The Secretary shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

''(D) REINSTATEMENT.—The Secretary shall establish procedures to reinstate recognition of an accreditation body if the Secretary determines, based on evidence presented by such accreditation body, that revocation was inappropriate or that the body meets the requirements for recognition under this section.

''(2) MODEL ACCREDITATION STANDARDS.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop model standards, including requirements for regulatory audit reports, and each recognized accreditation body shall ensure that third-party auditors and audit agents of such auditors meet such standards in order to qualify such third-party auditors as accredited third-party auditors under this section. In developing the model standards, the Secretary shall look to standards in place on the date of the enactment of this section for guidance, to avoid unnecessary duplication of efforts and costs.

''(c) THIRD-PARTY AUDITORS.—

''(1) REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR.—

''(A) FOREIGN GOVERNMENTS.—Prior to accrediting a foreign government or an agency of a foreign government as an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of food safety programs, systems, and standards of the government or agency of the government as the Secretary deems necessary, including requirements under the model standards developed under subsection (b)(2), to determine that the foreign government or agency of the foreign government is capable of adequately ensuring that eligible entities or foods certified by such government or agency meet the requirements of this Act with respect to food manufactured, processed, packed, or held for import into the United States.

''(B) FOREIGN COOPERATIVES AND OTHER THIRD PARTIES.—Prior to accrediting a foreign cooperative that aggregates the products of growers or processors, or any other third party to be an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of the training and qualifications of audit agents used by that cooperative or party and conduct such reviews of internal systems and such other investigation of the cooperative or party as the Secretary deems necessary, including requirements under the model standards developed under subsection (b)(2), to determine that each eligible entity certified by the cooperative or party has systems and standards in use to ensure that such entity or food meets the requirements of this Act.

''(2) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES OR FOODS.—

''(A) IN GENERAL.—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) may not accredit a third-party auditor unless such third-party auditor agrees to issue a written and, as appropriate, electronic food certification, described in section 801(q), or facility certification under section 806(a), as appropriate, to accompany each food shipment for import into the United States from an eligible entity, subject to requirements set forth by the Secretary. Such written or electronic certification may be included with other documentation regarding such food shipment. The Secretary shall consider certifications under section 801(q) and participation in the voluntary qualified importer program described in section 806 when targeting inspection resources under section 421.

''(B) PURPOSE OF CERTIFICATION.—The Secretary shall use certification provided by accredited third-party auditors to—

''(i) determine, in conjunction with any other assurances the Secretary may require under section 801(q), whether a food satisfies the requirements of such section; and

''(ii) determine whether a facility is eligible to be a facility from which food may be offered for import under the voluntary qualified importer program under section 806.

''(C) REQUIREMENTS FOR ISSUING CERTIFICATION.—

''(i) IN GENERAL.—An accredited third-party auditor shall issue a food certification under section 801(q) or a facility certification described under subparagraph (B) only after conducting a regulatory audit and such other activities that may be necessary to establish compliance with the requirements of such sections.

''(ii) PROVISION OF CERTIFICATION.—Only an accredited third-party auditor or the Secretary may provide a facility certification under section 806(a). Only those parties described in 801(q)(3) or the Secretary may provide a food certification under 301(g).

''(3) AUDIT REPORT SUBMISSION REQUIREMENTS.—

''(A) REQUIREMENTS IN GENERAL.—As a condition of accreditation, not later than 45 days after conducting an audit, an accredited third-party auditor or audit agent of such auditor shall prepare, and, in the case of a regulatory audit, submit, the audit report for each audit conducted, in a form and manner designated by the Secretary, which shall include—

''(i) the identity of the persons at the audited eligible entity responsible for compliance with food safety requirements;

''(ii) the dates of the audit;

''(iii) the scope of the audit; and

''(iv) any other information required by the Secretary that relates to or may influence an assessment of compliance with this Act.

''(B) RECORDS.—Following any accreditation of a third-party auditor, the Secretary may, at any time, require the accredited third-party auditor to submit to the Secretary an onsite audit report and such other reports or documents required as part of the audit process, for any eligible entity certified by the third-party auditor or audit agent of such auditor. Such report may include documentation that the eligible entity is in compliance with any applicable registration requirements.

''(C) LIMITATION.—The requirement under subparagraph (B) shall not include any report or other documents resulting from a consultative audit by the accredited third-party auditor, except that the Secretary may access the results of a consultative audit in accordance with section 414.

''(4) REQUIREMENTS OF ACCREDITED THIRD-PARTY AUDITORS AND AUDIT AGENTS OF SUCH AUDITORS.—

''(A) RISKS TO PUBLIC HEALTH.—If, at any time during an audit, an accredited third-party auditor or audit agent of such auditor discovers a condition that could cause or contribute to a serious risk to the public health, such auditor shall immediately notify the Secretary of—

''(i) the identification of the eligible entity subject to the audit; and

''(ii) such condition.

''(B) TYPES OF AUDITS.—An accredited third-party auditor or audit agent of such auditor may perform consultative and regulatory audits of eligible entities.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—An accredited third party auditor may not perform a regulatory audit of an eligible entity if such agent has performed a consultative audit or a regulatory audit of such eligible entity during the previous 13-month period.

''(ii) WAIVER.—The Secretary may waive the application of clause (i) if the Secretary determines that there is insufficient access to accredited third-party auditors in a country or region.

''(5) CONFLICTS OF INTEREST.—

''(A) THIRD-PARTY AUDITORS.—An accredited third-party auditor shall—

''(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

''(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(B) AUDIT AGENTS.—An audit agent shall—

''(i) not own or operate an eligible entity to be audited by such agent;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be audited by such agent; and

''(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(C) REGULATIONS.—The Secretary shall promulgate regulations not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act to implement this section and to ensure that there are protections against conflicts of interest between an accredited third-party auditor and the eligible entity to be certified by such auditor or audited by such audit agent. Such regulations shall include—

''(i) requiring that audits performed under this section be unannounced;

''(ii) a structure to decrease the potential for conflicts of interest, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors; and

''(iii) appropriate limits on financial affiliations between an accredited third-party auditor or audit agents of such auditor and any person that owns or operates an eligible entity to be certified by such auditor, as described in subparagraphs (A) and (B).

''(6) WITHDRAWAL OF ACCREDITATION.—

''(A) IN GENERAL.—The Secretary shall withdraw accreditation from an accredited third-party auditor—

''(i) if food certified under section 801(q) or from a facility certified under paragraph (2)(B) by such third-party auditor is linked to an outbreak of foodborne illness that has a reasonable probability of causing serious adverse health consequences or death in humans or animals;

''(ii) following an evaluation and finding by the Secretary that the third-party auditor no longer meets the requirements for accreditation; or

''(iii) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to ensure continued compliance with the requirements set forth in this section.

''(B) ADDITIONAL BASIS FOR WITHDRAWAL OF ACCREDITATION.—The Secretary may withdraw accreditation from an accredited third-party auditor in the case that such third-party auditor is accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked, if the Secretary determines that there is good cause for the withdrawal.

''(C) EXCEPTION.—The Secretary may waive the application of subparagraph (A)(i) if the Secretary—

''(i) conducts an investigation of the material facts related to the outbreak of human or animal illness; and

''(ii) reviews the steps or actions taken by the third party auditor to justify the certification and determines that the accredited third-party auditor satisfied the requirements under section 801(q) of certifying the food, or the requirements under paragraph (2)(B) of certifying the entity.

''(7) REACCREDITATION.—The Secretary shall establish procedures to reinstate the accreditation of a third-party auditor for which accreditation has been withdrawn under paragraph (6)—

''(A) if the Secretary determines, based on evidence presented, that the third-party auditor satisfies the requirements of this section and adequate grounds for revocation no longer exist; and

''(B) in the case of a third-party auditor accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked—

''(i) if the third-party auditor becomes accredited not later than 1 year after revocation of accreditation under paragraph (6)(A), through direct accreditation under subsection (b)(1)(A)(ii) or by an accreditation body in good standing; or

''(ii) under such conditions as the Secretary may require for a third-party auditor under paragraph (6)(B).

''(8) NEUTRALIZING COSTS.—The Secretary shall establish by regulation a reimbursement (user fee) program, similar to the method described in section 203(h) of the Agriculture Marketing Act of 1946, by which the Secretary assesses fees and requires accredited third-party auditors and audit agents to reimburse the Food and Drug Administration for the work performed to establish and administer the accreditation system under this section. The Secretary shall make operating this program revenue-neutral and shall not generate surplus revenue from such a reimbursement mechanism. Fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to remain available until expended.

''(d) RECERTIFICATION OF ELIGIBLE ENTITIES.—An eligible entity shall apply for annual recertification by an accredited third-party auditor if such entity—

''(1) intends to participate in voluntary qualified importer program under section 806; or

''(2) is required to provide to the Secretary a certification under section 801(q) for any food from such entity.

''(e) FALSE STATEMENTS.—Any statement or representation made—

''(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

''(2) by an accredited third-party auditor to the Secretary,

shall be subject to section 1001 of title 18, United States Code.

''(f) MONITORING.—To ensure compliance with the requirements of this section, the Secretary shall—

''(1) periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

''(2) periodically, or at least once every 4 years, evaluate the performance of each accredited third-party auditor, through the review of regulatory audit reports by such auditors, the compliance history as available of eligible entities certified by such auditors, and any other measures deemed necessary by the Secretary;

''(3) at any time, conduct an onsite audit of any eligible entity certified by an accredited

third-party auditor, with or without the auditor present; and

''(4) take any other measures deemed necessary by the Secretary.

''(g) PUBLICLY AVAILABLE REGISTRY.—The Secretary shall establish a publicly available registry of accreditation bodies and of accredited third-party auditors, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies and auditors.

''(h) LIMITATIONS.—

''(1) NO EFFECT ON SECTION 704 INSPECTIONS.—The audits performed under this section shall not be considered inspections under section 704.

''(2) NO EFFECT ON INSPECTION AUTHORITY.—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.''.

SEC. 308. FOREIGN OFFICES OF THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall establish offices of the Food and Drug Administration in foreign countries selected by the Secretary, to provide assistance to the appropriate governmental entities of such countries with respect to measures to provide for the safety of articles of food and other products regulated by the Food and Drug Administration exported by such country to the United States, including by directly conducting risk-based inspections of such articles and supporting such inspections by such governmental entity.

(b) CONSULTATION.—In establishing the foreign offices described in subsection (a), the Secretary shall consult with the Secretary of State, the Secretary of Homeland Security, and the United States Trade Representative.

(c) REPORT.—Not later than October 1, 2011, the Secretary shall submit to Congress a report on the basis for the selection by the Secretary of the foreign countries in which the Secretary established offices, the progress which such offices have made with respect to assisting the governments of such countries in providing for the safety of articles of food and other products regulated by the Food and Drug Administration exported to the United States, and the plans of the Secretary for establishing additional foreign offices of the Food and Drug Administration, as appropriate.

SEC. 309. SMUGGLED FOOD.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary shall, in coordination with the Secretary of Homeland Security, develop and implement a strategy to better identify smuggled food and prevent entry of such food into the United States.

(b) NOTIFICATION TO HOMELAND SECURITY.—Not later than 10 days after the Secretary identifies a smuggled food that the Secretary believes would cause serious adverse health consequences or death to humans or animals, the Secretary shall provide to the Secretary of Homeland Security a notification under section 417(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350f(k)) describing the smuggled food and, if available, the names of the individuals or entities that attempted to import such food into the United States.

(c) PUBLIC NOTIFICATION.—If the Secretary—

(1) identifies a smuggled food;

(2) reasonably believes exposure to the food would cause serious adverse health consequences or death to humans or animals; and

(3) reasonably believes that the food has entered domestic commerce and is likely to be consumed,

the Secretary shall promptly issue a press release describing that food and shall use other emergency communication or recall networks, as appropriate, to warn consumers and vendors about the potential threat.

(d) EFFECT OF SECTION.—Nothing in this section shall affect the authority of the Secretary to issue public notifications under other circumstances.

(e) DEFINITION.—In this subsection, the term ''smuggled food'' means any food that a person introduces into the United States through fraudulent means or with the intent to defraud or mislead.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FUNDING FOR FOOD SAFETY.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration such sums as may be necessary for fiscal years 2011 through 2015.

(b) INCREASED NUMBER OF FIELD STAFF.—

(1) IN GENERAL.—To carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities of the Office of Regulatory Affairs of the Food and Drug Administration, the Secretary of Health and Human Services shall increase the field staff of such Centers and Office with a goal of not fewer than—

(A) 4,000 staff members in fiscal year 2011;

(B) 4,200 staff members in fiscal year 2012;

(C) 4,600 staff members in fiscal year 2013; and

(D) 5,000 staff members in fiscal year 2014.

(2) FIELD STAFF FOR FOOD DEFENSE.—The goal under paragraph (1) shall include an increase of 150 employees by fiscal year 2011 to—

(A) provide additional detection of and response to food defense threats; and

(B) detect, track, and remove smuggled food (as defined in section 309) from commerce.

SEC. 402. EMPLOYEE PROTECTIONS.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.), as amended by section 209, is further amended by adding at the end the following:

''SEC. 1012. EMPLOYEE PROTECTIONS.

''(a) IN GENERAL.—No entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this Act or any order, rule, regulation, standard, or ban under this Act, or any order, rule, regulation, standard, or ban under this Act;

''(2) testified or is about to testify in a proceeding concerning such violation;

''(3) assisted or participated or is about to assist or participate in such a proceeding; or

''(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act, or any order, rule, regulation, standard, or ban under this Act.

''(b) PROCESS.—

''(1) IN GENERAL.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor (referred to in this section as the 'Secretary') alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

''(B) REASONABLE CAUSE FOUND; PRELIMINARY ORDER.—If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(C) DISMISSAL OF COMPLAINT.—

''(i) STANDARD FOR COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) STANDARD FOR EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) VIOLATION STANDARD.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) RELIEF STANDARD.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) IN GENERAL.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

''(B) CONTENT OF ORDER.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

''(i) to take affirmative action to abate the violation;

''(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) to provide compensatory damages to the complainant.

''(C) PENALTY.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(D) BAD FAITH CLAIM.—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $1,000, to be paid by the complainant.

''(4) ACTION IN COURT.—

''(A) IN GENERAL.—If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(C).

''(B) RELIEF.—The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

''(i) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

''(ii) the amount of back pay, with interest; and

''(iii) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

''(5) REVIEW.—

''(A) IN GENERAL.—Unless the complainant brings an action under paragraph (4), any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) NO JUDICIAL REVIEW.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) FAILURE TO COMPLY WITH ORDER.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(7) CIVIL ACTION TO REQUIRE COMPLIANCE.—

''(A) IN GENERAL.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) AWARD.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

''(c) EFFECT OF SECTION.—

''(1) OTHER LAWS.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

''(2) RIGHTS OF EMPLOYEES.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

''(d) ENFORCEMENT.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(e) LIMITATION.—Subsection (a) shall not apply with respect to an employee of an entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food who, acting without direction from such entity (or such entity's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, rule, regulation, standard, or ban under this Act.''.

SEC. 403. JURISDICTION; AUTHORITIES.

Nothing in this Act, or an amendment made by this Act, shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes, regulations, or agreements regarding voluntary inspection of non-amenable species under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.);

(2) alter the jurisdiction between the Alcohol and Tobacco Tax and Trade Bureau and the Secretary of Health and Human Services, under applicable statutes and regulations;

(3) limit the authority of the Secretary of Health and Human Services under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act;

(4) alter or limit the authority of the Secretary of Agriculture under the laws administered by such Secretary, including—

(A) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(B) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(C) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(D) the United States Grain Standards Act (7 U.S.C. 71 et seq.);

(E) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.);

(F) the United States Warehouse Act (7 U.S.C. 241 et seq.);

(G) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.); and

(H) the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with the amendments made by the Agricultural Marketing Agreement Act of 1937; or

(5) alter, impede, or affect the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or any other statute, including any authority related to securing the borders of the United States, managing ports of entry, or agricultural import and entry inspection activities.

SEC. 404. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

SEC. 405. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, for the purpose of proposing and considering amendment no. 4696 to S. 501, including germaneness requirements.

Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, for the purpose of proposing and considering amendment no. 4697 to S. 510, including germaneness requirements.

Mr. JOHANNS. Mr. President, in accordance with rule V of the Standing rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including any germaneness requirements, for the purpose of proposing and considering amendment no. 4702 to S. 510 or

any related substitute amendment to S. 510.

Mr. BAUCUS. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering the amendment no. 4713 to bill S. 510.

Mr. REID. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering the following amendment: Amendment no. 4714 to S. 510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 18, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURRIS. Mr. President I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 18, 2010, at 1 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''International Trade in the Digital Economy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''The State of the American Child: Securing Our Children's Future'' on November 18, 2010. The hearing will commence at 10:30 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 18, 2010, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on November 18, 2010, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 18, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on November 18, 2010, at 10 a.m. to conduct a hearing entitled ''Assessing the Regulatory and Administrative Burdens on America's Small Businesses.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on November 18, 2010. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. BURRIS. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 18, 2010, at 3:30 p.m. to conduct a hearing entitled, ''Oversight of Reconstruction Contracts in Afghanistan and the Role of the Special Inspector General.''

The PRESIDING OFFICER. Without objection, it is so ordered.

NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS SUBCOMMITTEE

Mr. BURRRIS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 18, 2010, at 4:30 p.m., to hold a Near Eastern and South and Central Asian Affairs Subcommittee hearing entitled, ''Jamming the IED Assembly Line: Impeding the flow of Ammonium Nitrate in South and Central Asia.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, on November 18, 2010, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 18, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BURRIS. Mr. President, I ask unanimous consent that my chief of staff, Brady King, and other members of my staff be granted floor privileges during my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Anne Hazlett:									
United States	Dollar				9,453.50				9,453.50
Kenya	Shilling		1,444.62						1,444.62
Uganda	Shilling		625.41						625.41
Stephanie Mercier:									
United States	Dollar				9,527.90				9,527.90
Kenya	Shilling		1,926.00						1,926.00
Uganda	Shilling		1,164.00						1,164.00
Total			5,160.03		18,981.40				24,141.43

SENATOR BLANCHE L. LINCOLN,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Oct. 29, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
Syria	Pound		80.25						80.25
Israel	Shekel		91.30						91.30
Croatia	Kuna		61.46						61.46
Czech Republic	Koruna		225.20						225.20
France	Euro		64.37						64.37
Scott Hoeflich:									
Syria	Pound		104.00						104.00
Israel	Shekel		242.00						242.00
Croatia	Kuna		334.00						334.00
Czech Republic	Koruna		233.00						233.00
France	Euro		155.00						155.00
United Kingdom	Pound		133.00						133.00
Senator Richard Shelby:									
United Kingdom	Pound		4,412.00						4,412.00
Senator Tom Harkin:									
United Kingdom	Pound		4,412.00						4,412.00
Senator Thad Cochran:									
United Kingdom	Pound		4,412.00						4,412.00
Charles Houy:									
United Kingdom	Pound		4,412.00						4,412.00
Stewart Holmes:									
United Kingdom	Pound		4,412.00						4,412.00
Elizabeth Schmid:									
United Kingdom	Pound		4,412.00						4,412.00
Brian Potts:									
United Kingdom	Pound		4,412.00						4,412.00
Jenny Wing:									
United Kingdom	Pound		4,412.00						4,412.00
Anne Caldwell:									
United Kingdom	Pound		4,412.00						4,412.00
Kay Webber:									
United Kingdom	Pound		4,412.00						4,412.00
Lula Davis:									
United Kingdom	Pound		4,412.00						4,412.00
Dave Schiappa:									
United Kingdom	Pound		4,412.00						4,412.00
Senator Byron Dorgan:									
Germany	Euro		1,350.00						1,350.00
France	Euro		1,497.00		130.00				1,627.00
United States	Dollar				8,633.50				8,633.50
Nicole Manatt:									
United Arab Emirates	Dirham		177.86						177.86
Afghanistan	Dollar		46.16						46.16
United States	Dollar				3,184.50				3,184.50
Senator Arlen Specter:									
China	RMB		212.79						212.79
Vietnam	Dong		725.96						725.96
Taiwan	Dollar		702.26						702.26
United States	Dollar				9,648.00				9,648.00
Christopher Bradish:									
China	RMB		347.00						347.00
Vietnam	Dong		738.20						738.20
Taiwan	Dollar		997.10						997.10
United States	Dollar				9,648.00				9,648.00
Gary Rese:									
Turkey	Lire		1,717.00						1,717.00
United States	Dollar				8,467.10				8,467.10
Elizabeth Schmid:									
Turkey	Lire		1,717.00						1,717.00
United States	Dollar				8,467.10				8,467.10
Janet Stormes:									
Kenya	Schillings		756.00						756.00
Rwanda	Francs		897.00						897.00
United States	Dollar				10,520.29				10,520.29
United States	Dollar						35.00		35.00
Paul Grove:									
Haiti	Gourde		136.00						136.00
United States	Dollar				794.80				794.80
Michele Wymer:									
Haiti	Gourde		236.00						236.00
United States	Dollar				794.80				794.80
Total			66,920.91		60,288.09		35.00		127,244.00

SENATOR DANIEL K. INOUYE,
Chairman, Committee on Appropriations, Sept. 30, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Adam J. Barker:									
United States	Dollar				11,082.80				11,082.80
Lebanon	Dollar		394.00						394.00
Brooke Buchanan:									
Kuwait	Dollar		159.00						159.00
Afghanistan	Dollar		78.00						78.00
Israel	Dollar		588.00						588.00
Senator Lindsey Graham:									
Kuwait	Dollar		50.00						50.00
Afghanistan	Dollar		22.00						22.00
Israel	Dollar		288.00						288.00
Richard S. Perry:									
Kuwait	Dollar		50.00						50.00
Afghanistan	Dollar		22.00						22.00
Israel	Dollar		288.00						288.00
Daniel A. Lerner:									
United States	Dollar				14,915.00				14,915.00
Australia	Dollar		2,117.14						2,117.14
Senator John McCain:									
Kuwait	Dollar		50.00						50.00
Afghanistan	Dollar		22.00						22.00
Israel	Dollar		543.00						543.00
Michael J. Noblet:									
United States	Dollar				11,155.00				11,155.00
Lebanon	Dollar		390.00						390.00
Michael J. Kuiken:									
United States	Dollar				11,082.00				1,082.00
Lebanon	Dollar		432.00						432.00
Michael V. Kostiw:									
United States	Dollar				15,591.09				15,591.09
Australia	Dollar		2,314.00						2,314.00
Senator Joseph I. Lieberman:									
Kuwait	Dinar		50.00						50.00
Afghanistan	Afghani		22.00						22.00
Israel	Shekel		986.27						986.27
Christopher J. Griffin:									
Kuwait	Dinar		50.00				80.75		130.75
Afghanistan	Afghani		22.00				44.00		66.00
Israel	Shekel		100.00				953.15		1,053.15
Vance Serchuk:									
Kuwait	Dinar		50.00				30.00		80.00
Afghanistan	Afghani		22.00				23.00		45.00
Israel	Shekel		100.00				912.00		1,012.00
Senator Jack Reed:									
United States	Dollar				8,560.76				8,560.76
Afghanistan	Dollar		5.00						5.00
Carolyn Chuhta:									
United States	Dollar				9,198.10				9,198.10
Afghanistan	Dollar		5.00						5.00
Senator Lindsey Graham:									
United Kingdom	Dollar		639.00						639.00
Andrew King:									
United Kingdom	Dollar		637.00						637.00
Christian Brose:									
Kuwait	Dollar		136.00						136.00
Afghanistan	Dollar		67.00						67.00
Israel	Dollar		537.00						537.00
Victor M. Cervino:									
Colombia	Peso		92.73						92.73
Senator Lindsey Graham:									
United States	Dollar				7,934.70				7,934.70
Qatar	Dollar		188.00						188.00
Senator James M. Inhofe:									
United Kingdom	Pound		195.34		57.35				252.69
Anthony Lazarski:									
United Kingdom	Pound		153.92		30.80				184.72
William K. Sutey:									
United States	Dollar				7,223.60				7,223.60
Kuwait	Dollar		31.00						31.00
Iraq	Dollar		27.25						27.25
John W. Health, Jr.:									
United States	Dollar				7,168.00				7,168.00
Kuwait	Dollar		49.00						49.00
Iraq	Dollar		11.00						11.00
Adam J. Barker:									
United States	Dollar				11,898.50				11,898.50
Ethiopia	Birr		215.00						215.00
Djibouti	Franc		22.00						22.00
Kenya	Shilling		190.00						190.00
Uganda	Shilling		220.00						220.00
David M. Morriss:									
United States	Dollar				11,328.50				11,328.50
Ethiopia	Birr		323.00						323.00
Djibouti	Franc		136.00						136.00
Kenya	Shilling		240.00						240.00
Michael J. Noblet:									
United States	Dollar				11,994.00				11,994.00
Ethiopia	Birr		165.00						165.00
Djibouti	Franc		175.00						175.00
Kenya	Shilling		95.00						95.00
Uganda	Shilling		488.00						488.00
Russell L. Shaffer:									
United States	Dollar				7,866.00				7,866.00
Japan	Yen		516.00						516.00
Republic of Korea	Won		591.00						591.00
Jay Maroney:									
United States	Dollar				7,865.51				7,865.51
Japan	Yen		575.00						575.00
Republic of Korea	Won		610.00						610.00
William G.P. Monahan:									
United States	Dollar				9,163.10				9,163.10
United Arab Emirates	Dollar		692.00						692.00
Pakistan	Dollar		255.00						255.00
Senator Lindsey O. Graham:									
Canada	Dollar		5.25						5.25

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael J. Kuiken:									
United States	Dollar				11,898.00				11,898.00
Ethiopia	Birr		245.00						245.00
Djibouti	Franc		190.00						190.00
Kenya	Shilling		180.00						180.00
Uganda	Shilling		595.00						595.00
Senator Kay R. Hagan:									
Canada	Dollar		39.49						39.49
Perrin Cooke:									
Canada	Dollar		5.25						5.25
Senator Saxby Chambliss:									
Canada	Dollar		5.25						5.25
Tyler Stephens:									
Canada	Dollar		23.00						23.00
Dana W. White:									
United States	Dollar				7,866.00				7,866.00
Japan	Yen		649.83						649.83
Republic of Korea	Won		553.32						553.32
Matt Rimkunas:									
Canada	Dollar		106.00						106.00
Pablo E. Carrillo:									
United States	Dollar				7,133.60				7,133.60
Kuwait	Dollar		57.00						57.00
Iraq	Dollar		15.00						15.00
Madelyn R. Creedon:									
United States	Dollar				14,915.00				14,915.00
Australia	Dollar		1,588.14						1,588.14
Senator George LeMieux:									
United States	Dollar				12,814.90				12,814.90
Yemen	Rial		70.00						70.00
Pakistan	Rupee		6.00						6.00
India	Rupee		579.00						579.00
Brian W. Walsh:									
United States	Dollar				12,375.80				12,375.80
India	Rupee		413.00						413.00
Vivian Myrtetus:									
United States	Dollar				12,375.80				12,375.80
Yemen	Rial		42.00						42.00
Pakistan	Rupee		6.00						6.00
India	Rupee		405.00						405.00
Christian D. Brose:									
United States	Dollar				5,876.20				5,876.20
Kuwait	Dollar		131.00						131.00
Republic of Korea	Dollar		817.00						817.00
Japan	Dollar		879.00		62.00				941.00
Senator Carl Levin:									
United States	Dollar				9,163.00				9,163.00
United Arab Emirates	Dollar		370.00						370.00
Pakistan	Dollar		361.00						361.00
Afghanistan	Dollar		73.00						73.00
Richard D. DeBobes:									
United States	Dollar				9,163.00				9,163.00
United Arab Emirates	Dollar		370.00						370.00
Pakistan	Dollar		361.00						361.00
Afghanistan	Dollar		73.00						73.00
Total			26,705.18		267,758.11		2,042.90		296,506.19

SENATOR CARL LEVIN,
Chairman, Committee on Armed Services, Oct. 8, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher J. Dodd:									
India	Rupee		835.00						835.00
United States	Dollar				9,871.00				9,871.00
Joshua Blumenfeld:									
India	Rupee		825.00						825.00
United States	Dollar				8,490.50				8,490.50
Michael McKiernan:									
India	Rupee		845.00						845.00
United States	Dollar				8,490.50				8,490.50
Senator Christopher J. Dodd:									
United Kingdom	Pound		832.00						832.00
Joshua Blumenfeld:									
United Kingdom	Pound		832.00						832.00
United States	Dollar				3,521.10				3,521.10
Kirstin Brost:									
United Kingdom	Pound		486.00						486.00
Laura Friedel:									
United Kingdom	Pound		832.00						832.00
Senator Christopher J. Dodd:									
Spain	Euro		436.00						436.00
United States	Dollar				1,597.00				1,597.00
Julie Chon:									
United Kingdom	Pound		430.00		137.00				567.00
France	Euro		964.00		190.00				1,154.00
Belgium	Euro		850.00						850.00
Spain	Euro		500.00						500.00
United States	Dollar				6,614.00				6,614.00
Amy Friend:									
United Kingdom	Pound		288.00		137.00				425.00
France	Euro		664.00		190.00				854.00
Belgium	Euro		630.00						630.00
Spain	Euro		332.00						332.00
United States	Dollar				6,614.40				6,614.40

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Marc Jarsulic:									
United Kingdom	Pound				138.31				138.31
Belgium	Euro		913.11						913.11
Spain	Euro		309.62						309.62
United States	Dollar				6,514.71				6,514.71
Jonathan Miller:									
United Kingdom	Pound		184.00		137.00				321.00
France	Euro		753.00		190.00				943.00
Belgium	Euro		523.00						523.00
Spain	Euro		478.00						478.00
United States	Dollar				6,614.40				6,614.40
Edward Silverman:									
Belgium	Euro		937.03						937.03
Spain	Euro		522.74						522.74
United States	Dollar				6,514.71				6,514.71
Total			15,201.50		65,961.63				81,163.13

SENATOR CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Oct. 21, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Allison Parent:									
Belgium	Euro		1,400.44		128.47				1,528.91
United States	Dollar				1,476.40				1,476.40
Total			1,400.44		1,604.87				3,005.31

SENATOR KENT CONRAD,
Chairman, Committee on the Budget, Oct. 12, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Claire McCaskill:									
United States	Dollar				9,523.40				9,523.40
China	Renminbi		155.00						155.00
Tod Martin:									
United States	Dollar				10,923.40				10,923.40
China	Renminbi		185.00						185.00
Total			340.00		20,446.80				20,786.80

SENATOR JOHN D. ROCKEFELLER IV,
Chairman, Committee on Commerce, Science, and Transportation,
Oct. 8, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gabriel Adler:									
Brazil	Real		647.19						647.19
United States	Dollar				2,970.60				2,970.60
Total			647.19		2,970.60				3,617.79

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, Nov. 10, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert Casey, Jr.:									
Kuwait	Dollar		27.63						27.63
Israel	Dollar		74.08						74.08
United States	Dollar				9,036.19				9,036.19
Senator Bob Corker:									
United States	Dollar				1,672.80				1,672.80

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Kaufman:									
Kuwait	Dollar		145.00						145.00
Israel	Dollar		236.97						236.97
Egypt	Dollar		5.95						5.95
United States	Dollar				8,595.89				8,595.89
Senator John Kerry:									
Afghanistan	Dollar		6.92						6.92
United States	Dollar				9.198.10				9,198.10
Senator Jeanne Shaheen:									
Israel	Dollar		72.60						72.60
United States	Dollar				9,514.69				9,514.69
Senator Jim Webb:									
Vietnam	Dong		1,002.00						1,002.00
United States	Dollar				9,806.30				9,806.30
Fulton Armstrong:									
United Arab Emirates	Dirham		180.00						180.00
Afghanistan	Dollar		76.00						76.00
United States	Dollar				9,850.10				9,850.10
Fulton Armstrong:									
El Salvador	Dollar		613.00						613.00
United States	Dollar				1,526.56				1,526.56
Jonah Blank:									
United Arab Emirates	Dirham		6.00						6.00
Pakistan	Rupee		4.00						4.00
Afghanistan	Afghani		7.00						7.00
United States	Dollar				9,198.10				9,198.10
Jay Branegan:									
China	Renminbi		1,587.00		205.00				1,792.00
United States	Dollar				15,039.30				15,039.30
Shellie Bressler:									
Kenya	Shilling		1,825.00						1,825.00
Rwanda	Franc		570.00						570.00
United States	Dollar				9,857.40				9,857.40
Steve Feldstein:									
Liberia	Dollar		1,716.10						1,716.10
United States	Dollar				4,460.30				4,460.30
Paul Foldi:									
China	Renminbi		396.00						396.00
Hong Kong	Dollar		292.00						292.00
Korea	Wan		946.00						946.00
United States	Dollar				10,749.80				10,749.80
Douglas Frantz:									
United Arab Emirates	Dirham		234.00						234.00
Afghanistan	Afghani		100.00						100.00
United States	Dollar				10,959.50				10,959.50
Frank Jannuzi:									
China	Renminbi		2,987.00		1,605.00				4,592.00
United States	Dollar				15,594.70				15,594.70
Garrett Johnson:									
Bangladesh	Taka		200.00						200.00
Pakistan	Rupee		180.00		2,014.90				2,194.90
India	Rupee		2,555.00						2,555.00
United States	Dollar				12,789.40				12,789.40
Andrew Keller:									
China	Renminbi		440.00						440.00
Chad Kreikemeier:									
United States	Dollar				1,830.90				1,830.90
Kuwait	Dinar		8.00						8.00
Israel	Shekel		152.00						152.00
Lebanon	Pound		14.00						14.00
Egypt	Pound		31.00						31.00
United States	Dollar				8,609.89				8,609.89
Robin Lerner:									
United Arab Emirates	Dirham		349.00						349.00
Afghanistan	Dollar		48.00						48.00
United States	Dollar				6,350.10				6,350.10
Robin Lerner:									
Colombia	Peso		394.00						394.00
United States	Dollar				1,564.70				1,564.70
Frank Lowenstein:									
Afghanistan	Dollar		114.08						114.08
Pakistan	Rupee		40.00						40.00
United States	Dollar				9,198.10				9,198.10
Keith Luse:									
Singapore	Dollar		463.12						463.12
Indonesia	Rupiah		1,103.32						1,103.32
United States	Dollar				5,796.30				5,796.30
Nicholas Ma:									
China	Renminbi		1,550.00		205.00				1,755.00
United States	Dollar				4,013.30				4,013.30
Marta Mclellan-Ross:									
Vietnam	Dong		568.00						568.00
United States	Dollar				9,806.00				9,806.00
Carl Meacham:									
Brazil	Rial		404.90						404.90
Argentina	Peso		433.00						433.00
Chile	Peso		322.00						322.00
United States	Dollar				3,278.70				3,278.70
Emily Mendrala:									
Colombia	Peso		708.00						708.00
United States	Dollar				1,370.00				1,370.00
Damian Murphy:									
Israel	Dollar		95.87						95.87
Egypt	Dollar		188.37						188.37
United States	Dollar				8,676.19				8,676.19
Melanie Nakagawa:									
Uzbekistan	Sum		650.00						650.00
Tajikistan	Somoni		200.00						200.00
India	Rupee		1,514.00						1,514.00
United States	Dollar				4,984.50				4,984.50
Stacie Oliver:									
United States	Dollar				794.80				794.80
Sherman Patrick:									
Israel	Dollar		81.63						81.63
Lebanon	Dollar		30.00						30.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Egypt	Dollar		5.95						5.95
United States	Dollar				8,842.89				8,842.89
Nillmini Rubin:									
Jordan	Dinar		665.00						665.00
Cape Verde	Escudo		293.00						293.00
United States	Dollar				15,325.10				15,325.10
Joel Starr:									
China	Renminbi		1,663.00		205.00				1,868.00
United States	Dollar				15,039.30				15,039.30
Marik String:									
Azerbaijan	Manat		425.90						425.90
Austria	Euro		525.00						525.00
Moldova	Leu		294.00						294.00
United States	Dollar				12,132.40				12,132.40
Atman Trivedi:									
India	Rupee		1,533.00						1,533.00
Thailand	Baht		942.00						942.00
Bangladesh	Taka		297.00						297.00
United States	Dollar				4,416.00				4,416.00
Laura Winthrop:									
Liberia	Dollar		1,925.00						1,925.00
United States	Dollar				4,460.30				4,460.30
Bryan Wright:									
United Kingdom	Pound		3,397.00						3,397.00
United States	Dollar				1,439.70				1,439.70
Debbie Yamada:									
Norway	Kroner		505.00						505.00
Total			38,418.39		276,734.50				314,830.89

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—FOURTH QUARTER 2008 FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
Russia	Ruble		368.47						368.47
Ukraine	Hryvnia		248.00						248.00
Azerbaijan	New Manat		346.00						346.00
United States					14,241.32				14,241.32
Todd Womack:									
Russia	Ruble		368.47						368.47
Ukraine	Hryvnia		345.98						345.98
Azerbaijan	New Manat		346.00						346.00
United States					14,241.32				14,241.32
Total			2,022.92		28,482.64				30,505.56

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—SECOND QUARTER 2009 FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
Kenya	Shilling		105.00						105.00
Tanzania	Shilling		200.00						200.00
Rwanda	Franc		11.50						11.50
United States					6,689.63				6,689.63
Stacie Oliver:									
Kenya	Shilling		255.00						255.00
Tanzania	Shilling		250.00						250.00
Rwanda	Franc		154.50						154.50
United States					6,719.91				6,719.91
Total			976.000		13,409.54				14,385.54

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—THIRD QUARTER 2009 FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
Israel	New Shekel		210.00						210.00
United States	Dollar				10,078.51				10,078.51
Todd Womack:									
Israel	New Shekel		515.00						515.00
United States	Dollar				10,078.51				10,078.51

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—THIRD QUARTER 2009 FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
Afghanistan	Afghani		55.00						55.00
Pakistan	Rupee		31.00						31.00
United States	Dollar				9,685.71				9,685.71
Stacie Oliver:									
United Arab Emirates	Dirham		150.00						150.00
Afghanistan	Afghani		115.00						115.00
Pakistan	Rupee		349.00						349.00
United States	Dollar				4,089.10				4,089.10
Total			1,425.00		33,931.83				35,356.83

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—FIRST QUARTER 2010 FOR TRAVEL FROM JAN. 1 TO MAR. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
Panama	Dollar		132.00						132.00
Costa Rica	Colon		132.00						132.00
El Salvador	Colon		132.00						132.00
Honduras	Lempira		132.00						132.00
Stacie Oliver:									
Panama	Dollar		157.75						157.75
Costa Rica	Colon		157.75						157.75
El Salvador	Colon		157.75						157.75
Honduras	Lempira		157.75						157.75
Paul Foldi:									
United Arab Emirates	Dirham		1,101.00						1,101.00
Czech Republic	Koruna		932.00						932.00
United States	Dollar				9,198.23				9,198.23
Total			3,192.00		9,198.23				12,390.23

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—SECOND QUARTER 2010 FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
United States					10,779.60				10,779.60
Total					10,779.60				10,779.60

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS—AMENDED REPORT—SECOND QUARTER 2010 FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lisa Powell:									
United States	Dollar				4,573.25				4,573.25
New Zealand	Dollar		33.96						33.96
Samoa	Tala		663.48						663.48
Sean Stiff:									
United States	Dollar				4,552.99				4,552.99
New Zealand	Dollar		16.20						16.20
Samoa	Tala		579.02		70.10				649.12
Jessica Nagasako:									
United States	Dollar				4,573.25				4,573.25
New Zealand	Dollar		34.17						34.17
Samoa	Tala		622.71						622.71
Benjamin Billings:									
United States	Dollar				4,573.25				4,573.25
Samoa	Tala		688.00						688.00
David Andrew Olson:									
United States	Dollar				4,538.15				4,538.15
Samoa	Tala		898.00						898.00
Ryan Tully:									
United States	Dollar				8,214.10				8,214.10
United Arab Emirates	Dirham		56.37						56.37
Pakistan	Rupee		37.31		2,498.67				2,535.98
Senator John Ensign:									
United States	Dollar				8,214.10				8,214.10
United Arab Emirates	Dirham		39.88						39.88
Pakistan	Rupee		27.31		2,498.67				2,525.98
Senator Thomas R Carper:									
United States	Dollar				8,214.10				8,214.10

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS—AMENDED REPORT—SECOND QUARTER 2010 FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United Arab Emirates	Dirham		343.09						343.09
Afghanistan	Afghani		78.00						78.00
Pakistan	Rupee		422.10		2,498.67				2,920.77
Wendy R Anderson:									
United States	Dollar				8,214.10				8,214.10
United Arab Emirates	Dirham		446.09						446.09
Afghanistan	Afghani		78.00						78.00
Pakistan	Rupee		547.10		2,498.67				3,045.77
Seamus Hughes:									
United States	Dollar				4,463.59				4,463.59
Denmark	Kronin		210.00						210.00
Germany	Euro		957.99						957.99
London	Pound		922.00						922.00
Israel	Shekel		361.99						361.99
Bradford D Belzak:									
United States	Dollar				4,463.59				4,463.59
Denmark	Kronin		210.00						210.00
Germany	Euro		958.00						958.00
United Kingdom	Pound		922.00						922.00
Israel	Shekel		300.00						300.00
Vance Serchuk:									
United States	Dollar				5,987.40				5,987.40
Singapore	Dollar		1,195.00						1,195.00
Jeffrey E Greene:									
United States	Dollar				4,229.69				4,229.69
Denmark	Kronin		210.00						210.00
Germany	Euro		957.99						957.99
London	Pound		922.00						922.00
Israel	Shekel		361.99						361.99
Christian Beckner:									
United States	Dollar				4,463.59				4,463.59
Denmark	Kronin		210.00						210.00
Germany	Euro		957.99						957.99
United Kingdom	Pound		922.00						922.00
Israel	Shekel		361.99						361.99
Senator Scott Brown:									
United States	Dollar				8,214.00				8,214.00
United Arab Emirates	Dirham		505.00						505.00
Afghanistan	Afhani		78.00						78.00
Pakistan	Rupee		920.00						920.00
Steven Schrage:									
United States	Dollar				8,214.10				8,214.10
United Arab Emirates	Dirham		485.00						485.00
Afghanistan	Afghani		35.00						35.00
Pakistan	Rupee		930.10						930.10
Delegation Expenses*:									
Israel	Shekel						791.10		791.10
Afghanistan	Afghani						749.00		749.00
Pakistan	Rupee						2,948.55		2,948.55
Total			19,504.83		105,768.03		4,488.65		129,761.51

*Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Scott Brown:									
United States	Dollar				7,243.49				7,243.49
Jordan	Dinar		1,075.00						1,075.00
Israel	Shekel		2,162.00						2,162.00
William Wright:									
United States	Dollar				7,243.49				7,249.49
Jordan	Dinar		1,085.00						1,085.00
Israel	Shekel		2,180.00						2,180.00
Vance Serchuk:									
United States	Dollar				11,422.20				11,422.20
Kuwait	Dinar		75.00						75.00
Republic of Korea	Won		680.00						680.00
Japan	Yen		958.00						958.00
Elise Bean:									
United States	Dollar				3,070.20				3,070.20
Norway	Krone		1,120.15						1,120.15
Blas Nunez-Neto:									
United States	Dollar				2,324.80				2,324.80
Belgium	Euro		887.00						887.00
Sweden	Kroner		246.00						246.00
United Kingdom	Pound		838.00						838.00
Elyse Greenwald:									
United States	Dollar				1,534.55				1,534.55
Belgium	Euro		892.00						892.00
Sweden	Kroner		721.25						721.25
Delegation Expenses*:									
Sweden	Kroner						2,841.49		2,841.49
United Kingdom	Pound						1,660.13		1,660.13
Total			12,919.40		32,838.73		4,501.62		50,259.75

*Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Durbin:									
Norway	Krone		2,016.00		5,715.00				7,731.00
Total			2,016.00		5,715.00				7,731.00

SENATOR PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Oct. 14, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jon Kyl:									
Qatar	Rial		176.69						176.69
Austria	Euro		46.66						46.66
France	Euro		116.16						116.16
Great Britain	Pound		90.22						90.22
The Netherlands	Euro		107.77						107.77
Timothy Morrison:									
Qatar	Rial		129.63						129.63
Austria	Euro		83.66						83.66
France	Euro		126.61						126.61
Great Britain	Pound		144.33						144.33
The Netherlands	Euro		153.77						153.77
Total			1,175.50						1,175.50

SENATOR PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Aug. 2, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		682.56						682.56
Senator Bernie Sanders:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		468.78						468.78
Senator Al Franken:									
Vietnam	Dong		1,034.13		1,006.04				2,040.17
Laos	Kip		164.00		2,816.50		222.05		3,202.55
Japan	Yen		682.56						682.56
Tom Larkin:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		468.78						468.78
Rosemary Gutierrez:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		468.78						468.78
Pam Smith:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		468.78						468.78
Jenelle Krishnamoorthy:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		468.78						468.78
Jeff Lomanaco:									
Vietnam	Dong		1,034.13		1,006.04				2,040.17
Laos	Kip		164.00		2,816.50		222.05		3,202.55
Japan	Yen		468.78						468.78
Delegation Expenses*:									
Vietnam	Dong				10,000.00		12,411.31		22,411.31
Japan	Yen				1,260.00		1,862.61		3,122.61
Total			14,669.02		18,905.08		14,718.02		48,292.12

*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR TOM HARKIN,
Chairman, Committee on Health, Education, Labor, and Pensions,
Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mary L. Landrieu:									
United States	Dollar				12,408.09				12,408.09
United Kingdom	Pound		544.54						544.54
Ethiopia	Birr		1,905.37						1,905.37
									0.00
Alicia Williams:									
United States	Dollar				10,011.09				10,011.09

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United Kingdom	Pound		544.54						544.54
Ethiopia	Birr		1,905.37						1,905.37
									0.00
Delegation Expenses*:									
United Kingdom	Pound				80.46				80.46
Ethiopia	Birr				227.14		7,041.25		7,268.39
Total			4,899.82		22,726.78		7,041.25		34,667.85

*Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of teh Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR MARY L. LANDRIEU,
Chairman, Committee on Small Business and Entrepreneurship,
Oct. 21, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jacqueline Russell				1,096.00					1,096.00
	Dollar					9,990.80			9,990.80
Kathleen Rice				1,096.00					1,096.00
	Dollar					9,990.80			9,990.80
Jennifer Wagner				1,171.00					1,171.00
	Dollar					9,990.80			9,990.80
James Smythers				1,034.00					1,034.00
	Dollar					11,381.90			11,381.90
John Maguire				636.00					636.000
	Dollar					8,011.79			8,011.79
Michael Pevzner				681.00					681.00
	Dollar					7,810.79			7,810.79
Andrew Kerr				1,050.00					1,050.00
	Dollar					1,102.01			1,102.01
David Koger				1,050.00					1,050.00
	Dollar					1,102.01			1,102.01
Randall Bookout				1,050.00					1,050.00
	Dollar					1,102.01			1,102.01
Michael Pevzner				1,653.37					1,653.37
	Dollar					14,409.10			14,409.10
Paul Matulic				632.17					632.17
	Dollar					10,279.90			10,279.90
Thomas Corcoran				632.17					632.17
	Dollar					10,279.90			10,279.90
Senator Christopher Bond				1,573.00					1,573.00
	Dollar					14,235.00			14,235.00
Michael DuBois				1,573.00					1,573.00
	Dollar					14,228.00			14,228.00
Louis Tucker				1,703.00					1,703.00
	Dollar					17,085.70			17,085.70
Andrew Kerr				1,814.00					1,814.00
	Dollar					16,138.10			16,138.10
Richard Girven				1,806.00					1,806.00
	Dollar					15,840.70			15,840.70
Senator Bill Nelson				1,558.00					1,558.00
	Dollar					2,516.73			2,516.73
Caroline Tess				1,208.00					1,208.00
	Dollar					2,435.43			2,435.43
Neal Higgin				1,158.00					1,158.00
	Dollar					2,435.43			2,435.43
Total				24,174.71		180,366.90			204,541.61

SENATOR DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, Oct. 19, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Benjamin Cardin:									
Norway	Krone		2,226.40						2,226.40
Senator Tom Udall:									
Norway	Krone		2,873.40						2,873.40
Hon. Christopher Smith:									
Norway	Krone		2,125.40						2,125.40
Hon. Louise Slaughter:									
Norway	Krone		2,340.40						2,340.40
Hon. Robert Aderholt:									
Norway	Krone		2,247.57						2,247.57
Fred Turner:									
Norway	Krone		2,498.60						2,498.60
Robert Hand:									
Norway	Krone		1,867.60						1,867.60
Josh Shapiro:									
Norway	Krone		2,602.60						2,602.60
Alex Johnson:									
Norway	Krone		2,602.60						2,602.60
Austria	Euro		8,684.01						8,684.01
United States	Dollar				1,324.20				1,324.20
Shelly Han:									
Norway	Krone		2,602.60						2,602.60

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United Kingdom	Pound		1,967.00						1,967.00
United States	Dollar				781.80				781.80
Janice Helwig:									
Austria:	Euro		1,121.00						1,121.00
United States	Dollar				1,125.70				1,125.70
Erika Schlager:									
Kazakhstan	Tenga		2,546.24						2,546.24
United States	Dollar				10,206.40				10,206.40
Winsome Packer:									
Kazakhstan	Tenge		1,110.83						1,110.83
Austria	Euro				1,805.99				1,805.99
Total			39,416.25		15,244.09				54,660.34

SENATOR BENJAMIN L. CARDIN,
Chairman, Commission on Security and Cooperation in Europe,
Oct. 19, 2010.

AUTHORIZING A SINGLE FISHERIES COOPERATIVE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 520, S. 1609.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1609) to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1609

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 ''Longline Catcher Processor Subsector Single Fishery Cooperative Act''.

SEC. 2. AUTHORITY TO APPROVE AND IMPLEMENT A SINGLE FISHERY COOPERATIVE FOR THE LONGLINE CATCHER PROCESSOR SUBSECTOR IN THE BSAI.

(a) IN GENERAL.—Upon the request of eligible members of the longline catcher processor subsector holding at least 80 percent of the licenses issued for that subsector, the Secretary is authorized to approve a single fishery cooperative for the longline catcher processor subsector in the BSAI.

(b) LIMITATION.—A single fishery cooperative approved under this section shall include a limitation prohibiting any eligible member from harvesting a total of more than 20 percent of the Pacific cod available to be harvested in the longline catcher processor subsector, the violation of which is subject to the penalties, sanctions, and forfeitures under section 308 of the Magnuson-Stevens Act (16 U.S.C. 1858), except that such limitation shall not apply to harvest amounts from quota assigned explicitly to a CDQ group as part of a CDQ allocation to an entity established by section 305(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)).

(c) CONTRACT SUBMISSION AND REVIEW.—The longline catcher processor subsector shall submit to the Secretary—

(1) not later than November 1 of each year, a contract to implement a single fishery cooperative approved under this section for the following calendar year; and

(2) not later than 60 days prior to the commencement of fishing under the single fishery cooperative, any interim modifications to the contract submitted under paragraph (1).

(d) DEPARTMENT OF JUSTICE REVIEW.—Not later than November 1 before the first year of fishing under a single fishery cooperative approved under this section, the longline catcher processor sector shall submit to the Secretary a copy of a letter from a party to the contract under subsection (c)(1) requesting a business review letter from the Attorney General and any response to such request.

(e) IMPLEMENTATION.—The Secretary shall implement a single fishery cooperative approved under this section not later than 2 years after receiving a request under subsection (a).

(f) STATUS QUO FISHERY.—If the longline catcher processor subsector does not submit a contract to the Secretary under subsection (c) then the longline catcher processor subsector in the BSAI shall operate as a limited access fishery for the following year subject to the license limitation program in effect for the longline catcher processor subsector on the date of enactment of this Act or any subsequent modifications to the license limitation program recommended by the Council and approved by the Secretary.

SEC. 3. HARVEST AND PROHIBITED SPECIES ALLOCATIONS TO A SINGLE FISHERY COOPERATIVE FOR THE LONGLINE CATCHER PROCESSOR SUBSECTOR IN THE BSAI.

A single fishery cooperative approved under section 2 may, on an annual basis, collectively—

(1) harvest the total amount of BSAI Pacific cod total allowable catch, less any amount allocated to the longline catcher processor subsector non-cooperative limited access fishery;

(2) utilize the total amount of BSAI Pacific cod prohibited species catch allocation, less any amount allocated to a longline catcher processor subsector non-cooperative limited access fishery; and

(3) harvest any reallocation of Pacific cod to the longline catcher processor subsector during a fishing year by the Secretary.

SEC. 4. LONGLINE CATCHER PROCESSOR SUBSECTOR NON-COOPERATIVE LIMITED ACCESS FISHERY.

(a) IN GENERAL.—An eligible member that elects not to participate in a single fishery cooperative approved under section 2 shall operate in a non-cooperative limited access fishery subject to the license limitation program in effect for the longline catcher processor subsector on the date of enactment of this Act or any subsequent modifications to the license limitation program recommended by the Council and approved by the Secretary.

(b) HARVEST AND PROHIBITED SPECIES ALLOCATIONS.—Eligible members operating in a non-cooperative limited access fishery under this section may collectively—

(1) harvest the percentage of BSAI Pacific cod total allowable catch equal to the combined average percentage of the BSAI Pacific cod harvest allocated to the longline catcher processor sector and retained by the vessel or vessels designated on the eligible members license limitation program license or licenses for 2006, 2007, and 2008, according to the catch accounting system data used to establish total catch; and

(2) utilize the percentage of BSAI Pacific cod prohibited species catch allocation equal to the percentage calculated under paragraph (1).

SEC. 5. AUTHORITY OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.

(a) IN GENERAL.—Nothing in this Act shall supersede the authority of the Council to recommend for approval by the Secretary such conservation and management measures, in accordance with the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) as it considers necessary to ensure that this Act does not diminish the effectiveness of fishery management in the BSAI or the Gulf of Alaska Pacific cod fishery.

(b) LIMITATIONS.—

(1) Notwithstanding the authority provided to the Council under this section, the Council is prohibited from altering or otherwise modifying—

(A) the methodology established under section 3 for allocating the BSAI Pacific cod total allowable catch and BSAI Pacific cod prohibited species catch allocation to a single fishery cooperative approved under this Act; or

(B) the methodology established under section 4 of this Act for allocating the BSAI Pacific cod total allowable catch and BSAI Pacific cod prohibited species catch allocation to the non-cooperative limited access fishery.

(2) No sooner than 7 years after approval of a single fisheries cooperative under section 2

of this Act, the Council may modify the harvest limitation established under section 2(b) if such modification does not negatively impact any eligible member of the longline catcher processor subsector.

(c) PROTECTIONS FOR THE GULF OF ALASKA PACIFIC COD FISHERY.—The Council may recommend for approval by the Secretary such harvest limitations of Pacific cod by the longline catcher processor subsector in the Western Gulf of Alaska and the Central Gulf of Alaska as may be necessary to protect coastal communities and other Gulf of Alaska participants from potential competitive advantages provided to the longline catcher processor subsector by this Act.

SEC. 6. RELATIONSHIP TO THE MAGNUSON-STEVENS ACT.

(a) IN GENERAL.—Consistent with section 301(a) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)), a single fishery cooperative approved under section 2 of this Act is intended to enhance conservation and sustainable fishery management, reduce and minimize bycatch, promote social and economic benefits, and improve the vessel safety of the longline catcher processor subsector in the BSAI.

(b) TRANSITION RULE.—A single fishery cooperative approved under section 2 of this Act is deemed to meet the requirements of section 303A(i) of the Magnuson-Stevens Act (16 U.S.C. 1853a(i)) as if it had been approved by the Secretary within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, unless the Secretary makes a determination, within 30 days after the date of enactment of this Act, that application of section 303A(i) of the Magnuson-Stevens Act to the cooperative approved under section 2 of this Act would be inconsistent with the purposes for which section 303A was added to the Magnuson-Stevens Act.

(c) COST RECOVERY.—Consistent with section 304(d)(2) of the Magnuson-Stevens Act (16 U.S.C. 1854(d)(2)), the Secretary is authorized to recover reasonable costs to administer a single fishery cooperative approved under section 2 of this Act.

SEC. 7. COMMUNITY DEVELOPMENT QUOTA PROGRAM.

Nothing in this Act shall affect the western Alaska community development program established by section 305(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)), including the allocation of fishery resources in the directed Pacific cod fishery.

SEC. 8. DEFINITIONS.

In this Act:

(1) BSAI.—The term ''BSAI'' has the meaning given that term in section 219(a)(2) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2886).

(2) BSAI PACIFIC COD TOTAL ALLOWABLE CATCH.—The term ''BSAI Pacific cod total allowable catch'' means the Pacific cod total allowable catch for the directed longline catcher processor subsector in the BSAI as established on an annual basis by the Council and approved by the Secretary.

(3) BSAI PACIFIC COD PROHIBITED SPECIES CATCH ALLOCATION.—The term ''BSAI Pacific cod prohibited species catch allocation'' means the prohibited species catch allocation for the directed longline catcher processor subsector in the BSAI as established on an annual basis by the Council and approved by the Secretary.

(4) COUNCIL.—The term ''Council'' means the North Pacific Fishery Management Council established under section 302(a)(1)(G) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)(1)(G)).

(5) ELIGIBLE MEMBER.—The term ''eligible member'' means a holder of a license limitation program license, or licenses, eligible to participate in the longline catcher processor subsector.

(6) GULF OF ALASKA.—The term ''Gulf of Alaska'' means that portion of the Exclusive Economic Zone contained in Statistical Areas 610, 620, and 630.

(7) LONGLINE CATCHER PROCESSOR SUBSECTOR.—The term ''longline catcher processor subsector'' has the meaning given that term in section 219(a)(6) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2886).

(8) MAGNUSON-STEVENS ACT.—The term ''Magnuson-Stevens Act'' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 75.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 75) authorizing the use of the Rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and the preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements related to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 75) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 75

Whereas John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;

Whereas on November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and

Whereas on January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51 pm, a speech that served as a clarion call to service for the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT HONORING PRESIDENT KENNEDY.

The rotunda of the United States Capitol is authorized to be used on January 20, 2011, for a ceremony in honor of the 50th anniversary of the inaugural address of President John F. Kennedy. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

RECOGNIZING AND HONORING THE COMMITMENT AND SACRIFICES OF MILITARY FAMILIES OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 76.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 76) to recognize and honor the commitment and sacrifices of military families of the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 76) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 76

Whereas the month of November marks Military Family Month;

Whereas the freedom and security the citizens of the United States enjoy today are a result of the continued dedication and vigilance of the Armed Forces throughout the history of the United States;

Whereas the security of the United States depends on the readiness and retention of the men and women of the Armed Forces, a force comprised of active, National Guard, and Reserve personnel;

Whereas military families are an integral source of strength for the Soldiers, Sailors, Marines, Airmen, and Coastguardsmen of the United States, and have continually proven their dedication, service, and willingness to make great sacrifices in support of service members of the United States;

Whereas military families often endure unique circumstances that are central to military life, including long separations from their loved ones, the uncertainty and demands of multiple deployments, school and job transfers, and frequent moves from communities where they have established roots and relationships;

Whereas military family members have become the central support system for each other as they reinforce units through family readiness efforts and initiatives, support service members within the units, and reach out to the families whose loved ones have been deployed; and

Whereas it is important to recognize the sacrifices, support, and dedication of the families of the men and women who serve in the Armed Forces; Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the commitment and ever-increasing sacrifices military families make every day during the current era of protracted conflict;

(2) honors the families of the Armed Forces and thanks the families for their dedication and service to the United States; and

(3) encourages the citizens of the United States to recognize, commemorate, and

honor the role and contribution of the military family, including selfless service that ensures freedom and preserves the quality of life in the United States.

SUPPORTING GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 647 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 647) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 647) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 647

Whereas there are approximately 463,000 children in the foster care system in the United States, approximately 123,000 of whom are waiting for families to adopt them;

Whereas 55 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 2 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of foster care by reaching adulthood without being placed in a permanent home has continued to increase since 1998, and more than 29,000 foster youth age out every year;

Whereas everyday, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, more than 30,000 children have joined forever families during National Adoption Day;

Whereas in 2009, adoptions were finalized for nearly 5,000 children through 400 National Adoption Day events in all 50 States, the District of Columbia, Puerto Rico, and Guam; and

Whereas the President traditionally issues an annual proclamation to declare November as National Adoption Month, and National Adoption Day is on November 20, 2010: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 683, S. Res. 684, and S. Res. 685.

The PRESIDING OFFICER. The clerk will report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 683) recognizing the recent accomplishments of the people and Government of Moldova, and expressing support for free and transparent parliamentary elections on November 28, 2010.

A resolution (S. Res. 684) recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

A resolution (S. Res. 685) commemorating the 100th anniversary of the discovery of sickle cell disease by Dr. James B. Herrick.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements relating to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 683, 684, and 685) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 683

Whereas, since independence 19 years ago, the people of Moldova have made extraordinary progress in transitioning from authoritarian government and a closed market to a democratic government and market economy;

Whereas, for 19 years, the constitution of Moldova has guaranteed its citizens freedom to emigrate confirmed by years of successive Presidential waivers concerning the Jackson-Vanik amendment;

Whereas, on January 12, 2010, the Government of Moldova initiated negotiations with the European Union on an Association Agreement between the European Union and the Republic of Moldova, an important step towards European Union accession;

Whereas, in order to comply with the criteria of the Millennium Challenge Corporation (MCC), the Government of Moldova implemented far-reaching legal reforms to curb corruption, introduce budgetary transparency, and strengthen the capacity of civil society and the media, resulting in the successful conclusion of negotiations and the signing of an MCC Compact on January 22, 2010;

Whereas the Government of Moldova initiated a visa dialogue between the Republic of Moldova and the European Union aiming at visa liberalization on June 15, 2010;

Whereas, on August 26, 2010, Secretary of State Hillary Clinton praised progress in Moldova in ''advancing transparent governance, human rights, and economic reform'';

Whereas, on October 20, 2010, Reporters Without Borders reported an improvement in the freedom of press in Moldova, with Moldova rising from the 114th position in 2009 to the 75th position in 2010;

Whereas, in November 2010, the Government of Moldova concluded a treaty with Romania important to the assertion of its sovereignty and its future development;

Whereas Assistant Secretary of State for European and Eurasian Affairs Philip H. Gordon noted in testimony before the Subcommittee on Europe of the Committee on Foreign Affairs of the House of Representatives on June 16, 2009, ''We will continue to work for a negotiated settlement of the separatist conflict in the Transnistria region that provides for a whole and democratic Moldova and the withdrawal of Russian forces.''; and

Whereas the Republic of Moldova has made commitments to the Organization for Security and Cooperation in Europe (OSCE) to conduct elections according to international standards: Now, therefore, be it

Resolved, That the Senate—

(1) supports the development of an enduring democratic political system and free market economy in Moldova and a parliamentary election process on November 28, 2010, that comports with international standards of fairness and transparency;

(2) recognizes that the commitment of the Government of Moldova to economic and political reforms since 2009 has resulted in tangible progress towards integration into European institutions;

(3) acknowledges that continued reform and commitment to a free and fair election process will remain necessary for Moldova's full integration into the Western community of nations;

(4) notes that continued reforms in Moldova could provide for an additional basis for the repeal of the Jackson-Vanik trade restrictions;

(5) encourages ongoing negotiations between the European Union and the Republic of Moldova concerning visa liberalization and an Association Agreement;

(6) urges fulfillment by the Government of Moldova of commitments it has made to the OSCE with respect to the free and fair conduct of its upcoming parliamentary elections; and

(7) expresses the belief that the free and fair conduct of parliamentary elections in Moldova will contribute to a strong and stable government that is responsive to the vital needs of its people.

S. RES. 684

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94–142) was signed into law 35 years ago on November 29;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal policy of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act (Public Law 91–230), as amended by the Education for All Handicapped Children Act of 1975, was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) to create a preschool grant program for children with disabilities 3 to 5 years of age and an early intervention program for infants and toddlers with disabilities from birth through age 2;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101–476) renamed the Education of the Handicapped Act as the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.);

Whereas IDEA was amended by the Individuals with Disabilities Education Act Amendments of 1997 (Public Law 105–17) to ensure that children with disabilities have equal access to, and make progress in, the general education curriculum and are included in all general State and district-wide assessment programs;

Whereas IDEA was amended by the Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108–446) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their individual needs and prepare them for further education, employment, and independent living;

Whereas IDEA currently serves an estimated 342,000 infants and toddlers, 709,000 preschoolers, and 5,890,000 children 6 to 21 years of age;

Whereas IDEA has opened neighborhood schools to students with disabilities and increased the number of children living in their communities instead of institutions;

Whereas the academic achievement of students with disabilities has significantly increased since the enactment of IDEA;

Whereas the number of children with disabilities who complete high school with a standard diploma has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in institutions of higher education has more than tripled since the enactment of IDEA;

Whereas IDEA requires partnership among parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities;

Whereas the achievement of students with disabilities is integrally linked with the successful alignment of special and general education systems;

Whereas IDEA has increased the quality of research in effective teaching practices for students with disabilities; and

Whereas IDEA continues to serve as the framework to marshal the resources of this Nation to implement the promise of full participation in society of children with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142);

(2) acknowledges the many and varied contributions of children with disabilities and their parents, teachers, related services personnel, and administrators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education in the least restrictive environment and the opportunity to benefit from the general education curriculum and be prepared for further education, employment, and independent living.

S. RES. 685

Whereas sickle cell disease is an inherited disorder that affects red blood cells leading to significant morbidity and mortality in nearly 80,000 people in the United States;

Whereas sickle cell disease causes blockage of small blood vessels which can lead to tissue damage resulting in severe pain, infection, or stroke;

Whereas scientific breakthroughs over the past century have improved the lives of millions of people suffering from sickle cell disease;

Whereas scientific advances in treatment for sickle cell disease began with Dr. James B. Herrick, an attending physician at Presbyterian Hospital and professor of medicine at Rush Medical College in Chicago, Illinois, who discovered sickle cell disease and published the first recorded case in Western medical literature in November of 1910 in the journal Annals of Internal Medicine;

Whereas the hemoglobin mutation responsible for sickle cell disease was discovered by Linus Pauling in 1950;

Whereas penicillin was proven to be effective as a preventative strategy against pneumococcal infection in 1986, sparing patients with sickle cell disease from contracting this particularly dangerous infection;

Whereas in 1995, the National Heart, Lung, and Blood Institute reported the first effective drug treatment for adults with severe sickle cell disease;

Whereas the anticancer drug hydroxyurea was found to reduce the frequency of painful crises of sickle cell disease and patients taking the drug needed fewer blood transfusions;

Whereas in 1996, bone marrow transplantation was discovered to improve the course of sickle cell disease for select patients;

Whereas in 1997, blood transfusions were found to help prevent stroke in patients with sickle cell disease;

Whereas the introduction of pneumococcal vaccine in 2000 revolutionized the prevention of lethal infections in children and adults with sickle cell disease;

Whereas the first mouse model demonstrating the usefulness of genetic therapy for sickle cell disease was developed in 2001;

Whereas in 2007, scientists from the University of Alabama at Birmingham and the Massachusetts Institute of Technology developed an animal model for curing sickle cell disease;

Whereas improvements in treatments have substantially improved quality of life for patients with sickle cell disease and led to an increase in overall life expectancy from 14 years in 1973 to the mid to late 40s in 2010; and

Whereas the National Institutes of Health sponsored a symposium on November 16 and 17, 2010, to commemorate the 100th anniversary of Dr. James Herrick's initial description of sickle cell disease: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions of the biomedical research community to the improvement in diagnosis and treatment of sickle cell disease; and

(2) commemorates the 100th anniversary of the discovery of sickle cell disease in November 1910.

MEASURE READ THE FIRST TIME—S. 3975

Mr. REID. Mr. President, I am told there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3975) to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent alternative minimum tax relief, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to H. Con. Res. 332, which is an adjournment resolution, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 332) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, first I would like to express my appreciation to the Presiding Officer for his patience.

The PRESIDING OFFICER. Absolutely.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 332) was agreed to, as follows:

H. CON. RES. 332

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday,

November 18, 2010, or Friday, November 19, 2010, 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 29, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, November 18, 2010, through Sunday, November 21, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 29, 2010, 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.

ORDERS FOR FRIDAY, NOVEMBER 19, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. tomorrow; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes during tomorrow's session. The next vote will occur at approximately 6:30 p.m. on Monday, November 29.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that we adjourn under the previous order.

There being no objection, the Senate, at 10:06 p.m., adjourned until Friday, November 19, 2010, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

JAMES FRANKLIN JEFFREY, OF VIRGINIA
NANCY J. POWELL, OF IOWA
EARL A. WAYNE, OF MARYLAND

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C. SECTION 271:

To be lieutenant commander

JOSEPH B. ABEYTA
MARC H. AKUS
NATHAN W. ALLEN
RYAN J. ALLEN
CHRISTOPHER M. ARMSTRONG
CHARLES L. BANKS
JON T. BARTEL
ANN M. BASSOLINO
ANDREW J. BEHNKE
MICHAEL A. BENSON
ROBERT J. BERRY
FRED S. BERTSCH
JOSHUA N. BLOCKER
RUBEN E. BOUDREAUX
KEVIN C. BOYD
VALERIE A. BOYD
JEFFREY A. BREWER
CHAD R. BRICK
BRYAN J. BURKHALTER
JESSICA M. BYLSMA
JOSEPH G. CALLAGHAN
IAN L. CALLANDER
BRIAN R. CARROLL
PAUL R. CASEY
ERIC M. CASPER
JACOB L. CASS
STEVEN J. CHARNON
RYAN M. CHEVALIER
MICHAEL P. CHIEN
THOMAS J. COMBS
MICHAEL N. COST
JUSTIN K. COVERT
MARK W. CRYSLER
MELISSA J. CURRAN
HAYES C. DAVIS
CALLIE DEWEESE
MICHAEL S. DIPACE
MATTHEW D. DOORIS
CHRISTOPHER DOUGLAS
KEITH M. DOXEY
KEVIN F. DUFFY
SAMUEL Z. EDWARDS
JAMIE M. EMBRY
TODD L. EMERSON
DANIEL J. EVERETTE
JEFFREY P. FERLAUTO
ROBERT M. FISHER
JOSHUA FITZGERALD
FRANK J. FLORIO
ZACHARY R. FORD
MATTHEW P. FRAZEE
GEORGE O. FULENWIDER
PATRICK J. GALLAGHER
PATRICK J. GALLAGHER
ELISA M. GARRITY
JAMES C. GATZ
ROBERT H. GOMEZ
JOHN A. GOSHORN
ANDREW P. GRANT
BROOKE E. GRANT
NAVIN L. GRIFFIN
STEVEN M. GRIFFIN
RICHARD O. GUNAGAN
GREGORY M. HAAS
JEREMY M. HALL
RUSSELL S. HALL
JASON K. HAMBY
BYRON H. HAYES
MICHAEL J. HEGEDUS
KENNETH A. HETTLER
RICK R. HIPES
ANDREW J. HOAG
MORGAN T. HOLDEN
LAURA K. HOLVECK
WHITNEY H. HOUCK
GREGORY A. HOUGHTON
SAMUEL J. HUDSON
STEPHANIE K. HURST
NICOLAS A. JARBOE
MAX M. JENNY
KHRISTOPHER D. JOHNS
DAVID F. JOHNSON
MAUREEN D. JOHNSON
MATTHEW N. JONES
MICHAEL A. KARNATH
KEVIN A. KEENAN
BRENT G. KENNY
CHARLOTTE A. KEOGH
KENNETH M. KEYSER
SCOTT R. KIRKLAND
AJA L. KIRKSEY
JOHN P. KOUSCH
DAVID J. KOWALCZYK
KEVIN M. KURCZEWSKI
CRAIG S. LAWRANCE
MARK LANIER LAY
KRISTINA L. LEWIS
THOMAS S. LOWRY
COLIN B. MACINNES
HECTOR L. MALDONADO
PAUL J. MANGINI
JOHN A. MARTIN
RYAN P. MATSON
JOSEPH W. MATTHEWS
BLAKE A. MCKINNEY
JAMES D. MCMANUS
BRAD M. MCNALLY
JOSEPH W. MCPHERSON
JOHN M. MCTAMNEY
JOHNNIE F. MESSER
FRANCISCO L. MONTALVO
MARC J. MONTEMERLO
LEAH F. MOONEY
KENNETH R. MORTON
MATTHEW A. MOYER
RYAN T. MURPHY
MICHAEL A. NALLI
RICHARD T. NAMENIUK
MARK R. NEELAND
DION K. NICELY
JUSTIN W. NOGGLE
JAMES M. O'MARA
ROGER E. OMENHISER
ANDREA J. PARKER
JOSEPH B. PARKER
STACIA F. PARROTT
CHRISTOPHER M. PASCIUTO
CHESTER A. PASSIC
JEFFREY L. PAYNE
MICHAEL T. PEARSON
JAMES H. PERSHING
CATHERINE A. PHILLIPS
RUSSELL T. PICKERING
KENNETH B. POOLE
JORGE PORTO
MARK B. POTOTSCHNIK
DAWN N. PREBULA
KEITH D. PUZDER
LINEKA N. QUIJANO
AMANDA M. RAMASSINI
LISA M. RICE
ROBB M. ROBLE
KEVIN ROCKS
PEYTON H. RUSSELL
PAUL C. RUSSO
DENNIS M. RYAN
JAN A. RYBKA
PAUL SALERNO
RACHELLE N. SAMUEL
DANIEL L. SATTERFIELD
KEVIN B. SAUNDERS
BENJAMIN J. SCHLUCKEBIER
TIMOTHY L. SCHMITZ
TAZ L. SEARS
BROOK W. SHERMAN
ALLYSON M. SHULER
LAURA J. SMOLINSKI
JOAN SNAITH
IAN M. STAL
ROBIN R. STOTZ
JESSICA R. STYRON
BRANDON J. SULLIVAN
WILLIAM E. TAYLOR
JAMES K. TERRELL
EMILY L. THARP
LAWERENCE W. TINSTMAN
DEVIN L. TOWNSEND
MICHAEL A. VENTURELLA
MATTHEW J. WALKER
WILLIAM R. WALKER
SARA A. WALLACE
CHESTER K. WARREN
RODNEY P. WERT
SCOTTI O. WHALEY
CHRISTOPHER A. WHITE
SCOTT C. WHITE
BARBARA WILK
WILLIAM B. WINBURN
TRACY L. WIRTH
CHRISTOPHER L. WRIGHT
DAVID J. YADRICK
DAVID K. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

STEPHEN ADLER
RYAN D. ALLAIN
EUGENIO S. ANZANO
JEFF M. APARICIO
OCTAVIA D. ASHBURN
CLIFFORD R. BAMBACH
JOHN F. BARRESI
CHRISTOPHER M. BARROWS
JASON L. BEATTY
PETER L. BEAVIS
SCOTT D. BENSON
BENJAMIN D. BERG
JAMES R. BETZ
JEFFREY B. BIPPERT
DANIEL P. BISHOP
JOHN R. BITTERMAN
MARK A. BOTTIGLIERI
RUSSELL E. BOWMAN
THOMAS L. BOYLES
JOHN M. BRANCH
PAUL BROOKS
BRUCE C. BROWN
SUZANNE M. BROWN
JOHN M. BURNS
MARIE B. BYRD
JAMES D. CANNON
FLIP P. CAPISTRANO
DARREN J. CAPRARA
JAY CAPUTO
CLINTON S. CARLSON
PETER R. CARROLL
ERIC P. CARTER
TRAVIS L. CARTER
ANTHONY CELLA
JOHN D. COLE
ERIC M. COOPER
JOHN P. DEBOK
MARYELLEN J. DURLEY
WILLIAM G. DWYER
MICHAEL J. ENNIS
STEPHEN J. FABIAN
BRIAN D. FALK
MICHAEL A. FAZIO
ROSEMARY P. FIRESTINE

KENDALL L. GARRAN
KATHLEEN C. GARZA
MICHAEL D. GERO
FELTON L. GILMORE
ARTHUR H. GOMEZ
PETER W. GOODING
JOHN E. HALLMAN
HOLLY R. HARRISON
EDWARD J. HAUKKALA
RUSSELL F. HELLSTERN
ROBERT L. HELTON
ROBERT HENGST
JOSE L. HERRADOR
BRIAN E. HIGGINS
SCOTT T. HIGMAN
MARK E. HIGEL
ERIC E. HOERNEMANN
TODD M. HOWARD
RICHARD E. HOWES
JULIET J. HUDSON
HOMER D. HUEY
MARK A. JACKSON
ERIK J. JENSEN
ANTHONY R. JONES
KEVIN J. KERNEY
TAE J. KIM
ERIC P. KING
LAURA E. KING
DAVID K. KIRKPATRICK
SHAWN S. KOCH
JASON M. KRAJEWSKI
ALAN G. LAPENNA
MATTHEW F. LAVIN
ERIK A. LEUENBERGER
WILLIAM A. LEWIN
RALPH R. LITTLE
VIVIANNE W. LOUIE
STEPHEN A. LOVE
JAMES D. MARQUEZ
CHRISTOPHER D. MARTIN
JORGE MARTINEZ
DAVID J. MARTYN
CRAIG J. MASSELLO
JOSEPH T. MCGILLEY
GABRIELLE G. MCGRATH
JOSHUA J. MICKEL
STEPHEN A. MILLER
ADAM B. MORRISON
SCOTT W. MULLER
PRINCE A. NEAL
TIMOTHY M. NEWTON
JEFFREY W. NOVAK
WILLIAM M. NUNES
CRAIG M. OBRIEN
TOBIAS M. OLSEN
CHRISTOPHER T. O'NEIL
LOUIE C. PARKS
ANDREW T. PECORA
JOSE A. PENA
SCOTT T. PETEREIN
RICHARD C. POKROPSKI
ANTHONY P. POWELL
STEPHEN A. RONCONE
MICHAEL R. ROSCHEL
JAMES B. RUSH
JASON H. RYAN
AARON M. SANDERS
BERNARD J. SANDY
BRIAN S. SANTOS
DEREK T. SCHADE
MICHAEL SCHOONOVER
MARK J. SHEPARD
JASON E. SMITH
ANNE O. SORACCO
LAURINA M. SPOLIDORO
SCOTT A. STOERMER
SUZANNE M. STOKES
JONATHAN THEEL
GREGORY L. THOMAS
ROBERTO H. TORRES
KARRIE C. TREBBE
RALPH J. TUMBARELLO
MARK W. TURNER
PAUL W. TURNER
MARK B. WALSH
LINDSAY N. WEAVER
DAVID C. WELCH
BYRON D. WILLEFORD
ERIC A. WILLIAMS
JOHN A. WILLIAMS
SCOTT A. WOOLSEY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PAUL L. SHEROUSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

GABRIEL C. AVILLA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

NATHAN P. CHRISTENSEN
TUCKER A. DRURY
PAIGE C. FURROW
JASON P. SHAMES
SARA A. WHITTINGHAM

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

KATHLEEN M. FLOCKE

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GARY A. VROEGINDEWEY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CRAIG S. BROOKS
STEVEN J. GILBERT
BRIAN J. JAMES
ANTHONY V. MOHATT
BENNIE W. SWINK

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

BRANDON M. BOLLING
CHANTELL M. HIGGINS
TRACEY L. HOLTSHIRLEY
WILLIAM D. HOOD
KURT M. SANGER JR
WYETH M. TOWLE

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

AUNTOWHAN M. ANDREWS
ALEXANDER L. BEIN
ALBERT L. BENOIT III
NICOLAS T. BOGAARD
BENJAMIN M. BRUMM
JEREMIAH J. CHEATUM
SHAWN W. CHRISTMAN
STEPHEN M. COL
MATTHEW B. COX
SCOTT B. CROLY
WILLIAM F. CUNNINGHAM
JOSHUA M. DISHMON
BRAD A. FANCHER
JEFFREY A. FERGUSON
TERRENCE E. FROST
LUIS A. GONZALEZ
BRIAN HEASLEY
SAMUEL W. HERBST
CLAYTON N. HERGERT
CHRISTOPHER G. HOBERT
BILLY R. HUNTER
KIMBERLY E. JONES
EREK A. KASSE
SHAWN T. KENADY
MARK J. LEVIN
ALAN T. MARDEGIAN
JAMES R. MCCLURE III
FRANCIS R. MONTOJO
MICHAEL T. OREILLY
WARREN R. OVERTON
PATRICIA A. PALMER
JOSEPH A. PETRUCELLI
JON B. QUIMBY
JULIE M. ROBERTS
JEREMY T. RORICK
PAUL L. ROULEAU
JOHANNAH G. SCHUMACHER
JEFFREY T. SERVELLO
ADAM C. SOUKUP
JOHN M. STUMP
CHAD J. TRUBILLA
DEREK S. WAISANEN
CHRISTOPHER W. WOLFF

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

MATTHEW A. MCQUEEN

To be commander

RONALD J. KISH

To be lieutenant commander

CHARLES E. CLIFFORD
JUSTIN C . LOGAN
JONATHON C. MCINTOSH
SUYEN M. TERAN
CHARLES E. VARSOGEA

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, November 18, 2010:

EXECUTIVE OFFICE OF THE PRESIDENT

JACOB J. LEW, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO BERT DORAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Bert Doran, a World War II Marine Corps veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Bert Doran was recognized on Tuesday, October 26. Below is the article in its entirety:

BOONE COUNTY VETERANS: BERT DORAN

(By Greg Eckstrom)

''I was lucky I lived.''

The sentence came from Bert Doran, a Marine Corps veteran who served in World War II under harsh fighting. He was injured in Iwo Jima after three days of fighting in which half of his company was killed. Doran, however, isn't exactly one to go down without a fight.

It's that spirit that drove the 19½ year old who was born in South Dakota and moved to Boone at age 7 to join the military. Some guys he knew said they were going to do it, and Doran decided he wanted to do it, too. The reason he picked the Marine Corps as his branch of choice was a decision explained just as easily.

''It's supposed to be an elite outfit, so it's what I picked,'' he said.

United States Marine Corps, third division, ninth regiment, third battalion, K company was where Doran ended up, and after signing up he was sent to California for boot camp.

Boot camp was in San Diego, followed by training at a portion of Camp Pendleton up in the hills, ''where all the snakes were,'' Doran said.

Boot camp was, as a bit of an understatement, tough.

''Boot camp was some of the toughest training,'' he said. ''It was 8 weeks, and I had to stay an extra two weeks because I couldn't swim.''

Tough was also a definition, also an understatement, that fit Doran, though.

''I decided I was going to make it through it, so I did,'' he said. ''I lost a lot of weight after I went through boot camp.''

Leaving Camp Pendleton, Doran was next sent overseas to Guam for further training.

''It was supposed to be secured, but we had an eight day push to the jungles to clean out what was left,'' he said. ''It was thick jungle. We had to use knives to chop through.''

There were also plenty of snakes in the jungle . . . although after time in the hills in Camp Pendleton, Doran was used to this.

It was January of 1944 that Doran left Guam. Arriving at Iwo Jima on Feb. 26, 1945, he was greeted with fierce fighting.

''We were actually pinned down,'' he said. ''About half the company had been killed. We had to wait for replacements. The captain was killed the first day, my platoon lieutenant was killed the first day. About 200 in the company. About half of them were killed the first day.''

After three days of fighting, Doran was in a foxhole with two other men when a mortar shell hit.

''It killed the one guy,'' he said. ''I don't know what happened to the other one. I probably was temporarily knocked out, and then I pushed up through . . . The guys from the next foxhole came out and pulled me out, put a tourniquet on my arm. Then I was carried out of there.''

The soil at Iwo Jima was composed nearly entirely of volcanic ash.

''That's what that whole island was,'' Doran said. ''My face was completely full of it.''

Details are fuzzy for Doran, as he was on morphine at the time, but he remembers being shipped out on a hospital ship, sent to Saipan, and then flown to the Hawaiian islands.

From there, after a month, he was sent to a hospital in Oakland, Calif., and finally to the Philadelphia Naval Hospital, where he stayed for 11 months.

''It was kind of a blur after I was wounded,'' he said.

The blast had put so much volcanic ash into him that he had lost his eyesight. He said that at first, he could see a little light, but after a surgery was attempted to correct his vision, he could see nothing.

''They said my eyes were so full of that volcanic ash that they couldn't see into them,'' he said. ''That's the first thing I remembered at the hospital. One of their help was rubbing my face. Trying to get that ash out. I imagine it looked like a mask.''

For the man that got through boot camp with grit and determination, however, his lost vision didn't seem to slow him down. In his time at the hospital he learned Braille, and even took a trip up to New York City with a group.

''They took us from there for a week up to New York to the Institute for the Blind in New York City, and we were there for a week,'' he said. ''And they took us out to the big night clubs at night for eats and drinks. We met Guy Lombardo at the Roosevelt Hotel.''

He also married his wife, who was from Ogden, during a furlough. When he went back to Philadelphia Naval Hospital, his wife came with him and got a job at the facility.

It was at the hospital that Doran was presented with the Purple Heart for his service to his country.

After being discharged from the service, Doran received training at the Veterans Hospital in Des Moines on how to make rugs—a task he picked up quickly and enjoyed for years.

''I made rugs and that kind of stuff for 25 years,'' he said. ''I've got to liking it.''

Doran also keeps in contact with the men of K company—sending out Christmas cards to a list that has slowly been dwindling as the years go on. These days, he sends out about 10–12 cards each year to men from the company.

Billie Ellis, who works for Boone County Public Health, helps Doran out at home, and knowing him for 25 years she describes him as a perfectionist.

''He was a perfectionist and he still is,'' she said. ''He likes everything done right.''

Over the years, the ash has been taken from Doran's face, although one piece next to his nose did develop into cancer.

''They told me right before the surgery that a lot of them don't live through the surgery, so that didn't sound very good,'' he said.

A lot of people don't live through the surgery, but even fewer survive a mortar shell landing in their foxhole. Doran went through the 11½ hour surgery 25 years ago without problems. After all, having survived Iwo Jima, cancer is just another challenge to overcome.

Now, looking back on his time in the service, Doran vividly recalls stories of his service with sharp clarity. He claims that the military taught him discipline, and he's proud of joining a legacy of military service in his family—having had a brother, John F. Doran, fight in the Battle of the Bulge and his father serve in the Army during World War I.

These days, Doran said, the military is different. Soldiers now use technologically advanced weapons. The soldiers that are fighting, however, don't seem to have changed much. Ellis has a son that just joined the Marine Corps. When he was seen off, in addition to family members, Doran was there as well. After all, Marines support each other—both in WWII and today.

''He wished my son good luck,'' Ellis said. ''They always talk about the Marines.''

I commend Bert Doran for his many years of loyalty and service to our great Nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

RECOGNIZING THE 25TH ANNIVERSARY OF CHAPTER 227 OF VIETNAM VETERANS OF AMERICA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to recognize the 25th Anniversary of Vietnam Veterans of America Chapter 227. Founded in 1978, Vietnam Veterans of America, VVA, is the only national veterans organization exclusively dedicated to Vietnam-era veterans and their families. Currently, there are 46 state councils and 630 local chapters with more than 50,000 individual members. VVA's goals are to promote and support issues that are important to Vietnam veterans, to create a new identity for this generation of veterans and to change public perception of Vietnam veterans.

One local chapter, VVA Chapter 227, serves the needs of Vietnam veterans who live in Northern Virginia, and I commend them for their dedication and commitment to our veterans. Chapter 227 was founded in 1985 with 15 people meeting at the NCO club at Fort Myer. Since then, the chapter has grown and continues to be an engaged and active asset in the community.

Chapter services include providing support to homeless veterans, assisting in maintaining the Vietnam Veterans Memorial in Washington, DC, awarding the Vince Kaspar Prizes

for Excellence in the Arts to area high school students, and educating its membership and the public about addressing the needs of veterans. It is an inspiration that so many continue to answer the call to serve after the battle is done; there is no better advocate for veterans in need than those who understand the challenges they face.

The founding principal of Vietnam Veterans of America is: "Never again, will one generation of Veterans abandon another". But in many cases, Vietnam veterans were abandoned by entire segments of the country. The government often failed to provide necessary services, and, tragically, some of the American public wrongly turned their opposition to the war into disrespect for our brave men and women who served in uniform. Instead of receiving the honor due all American service members, many received scorn. VVA works tirelessly to right these wrongs.

Madam Speaker, I ask my colleagues to join me in thanking VVA Chapter 227 and all VVA chapters for their service to their community and our nation. Their service is a living reminder of the sacrifices our service men and women make from generation to generation. I also ask my colleagues to join me in expressing the gratitude and respect of our nation to those Vietnam-era veterans who served so bravely. I pledge that I will continue working to protect and improve the services and benefits so richly deserved by American servicemembers of all generations.

CELEBRATING THE 100 YEARS OF SERVICE OF THE WOMEN'S IMPROVEMENT CLUB OF ROSEVILLE

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. McCLINTOCK. Madam Speaker, I rise today to recognize the Women's Improvement Club of Roseville. Since its foundation in 1910, the Club has been a community service organization benefiting the City of Roseville and surrounding areas. The clubs numerous contributions to our community have included the founding of the city's first library, developing Woodbridge Park, contributing annually to the restoration of the El Dorado and Tahoe National Forests, spearheading several educational and arts programs and providing invaluable support to area veterans and service members. Furthermore, the Club's members contribute invaluable time and resources to community events, as well as to local and international charities.

Madam Speaker, it is without doubt that our community is a better place today as a result of the constant dedication of the Women's Improvement Club of Roseville. I am proud to recognize and thank the Club for a century of service.

IN RECOGNITION OF ST. CHRISTOPHER SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the faculty, staff, parents and students of St. Christopher School for winning the 2010 Blue Ribbon School of Excellence Award.

Blue Ribbon Schools is a Department of Education program that honors schools whose students have attained an extraordinarily high level of achievement or who regularly overcome socioeconomic barriers to academic success. Schools are judged according to strict criteria based on test scores and student demographics. Winners generally maintain a school culture of community involvement, high expectations for student achievement, an emphasis on teaching to the whole child and a dedication to developing leadership skills. This year, only 304 schools throughout America attained this prestigious award. I am proud to count St. Christopher School among them.

St. Christopher School is a Catholic School in Rocky River, Ohio that strives to develop its students spiritually, intellectually, and emotionally. Students are taught to become healthy, loving, well-rounded leaders with a lifelong dedication to learning and to living out Christian values.

Madam Speaker and colleagues, please join me in congratulating those who have worked hard to make St. Christopher School a nurturing and academically rigorous institution.

A TRIBUTE TO MRS. CONNIE SHAFFERY

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor Mrs. Connie Shaffery, who has dedicated herself to the United States and the Commonwealth of Kentucky.

Connie has proven herself to be an exceptional communicator and representative for the United States Army and Fort Knox. Connie will retire after 28 years of devoted service.

Connie graduated from Pennsylvania State University with a BA in Communication and continued her education, graduating from the Defense Information School's Public Affairs Officers' Course.

Connie began working in Army Public Affairs at the Philadelphia Recruiting Battalion in 1987. She moved to the Baltimore Recruiting Battalion in 1990 to accept a position as their chief of advertising and public affairs. Because of her proven skills and leadership, Connie was promoted in 1993 to a position with the Military District of Washington as their community relations officer.

A move to Fort Knox, Ky., led to a position as the chief of advertising and public affairs for the 3rd Recruiting Brigade, overseeing activities in seven recruiting battalions throughout the north central states. In 2003, she was promoted to be the Army Armor Center and Fort Knox public affairs officer, a position she held for over seven years.

This year, she was temporarily promoted to be the public affairs officer for Army Accessions Command where she was responsible for managing the commanding general's public affairs activities throughout the command and within the local Fort Knox region.

I ask my colleagues to join me in honoring Connie Shaffery for her commitment to the U.S. Army, U.S. Army Recruiting Command, our nation and the Commonwealth of Kentucky.

CONGRATULATING REVEREND FAUSTO STAMPIGLIA

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. BUCHANAN. Madam Speaker, I want to take this opportunity today to congratulate Reverend Fausto Stampiglia of St. Martha's Church in Sarasota, Florida, for receiving the Holy Cross Pro Ecclesia et Pontifice award from the Roman Catholic Church for his outstanding service to the Church.

Translated, the award means for "Church and Pope." It is the highest honor a priest can receive from the Pope.

Father Stampiglia was presented the award by Bishop Frank J. Dewane, on behalf of Pope Benedict XVI, who noted his service and dedication to the people of St. Martha's Parish and to the Diocese of Venice.

Father Stampiglia was installed as pastor of St. Martha's in 1991 and is the head priest of St. Martha Catholic School. He celebrates masses in Vietnamese and the Tridentine Rite and has been a strong supporter of several charitable programs in the Sarasota area.

For the Diocese of Venice, he is currently Dean of the Northern Deanery, Director of the Permanent Diaconate Office and Board, and serves on the College of Consultors, Peer Review Committee and School Board, as well as an ex-officio member of the Presbyteral Council.

On behalf of the many individuals and families he has faithfully served within Florida's 13th District, I thank Father Stampiglia for his service to his church and community.

It is with great pleasure that I acknowledge he has rightfully received this prestigious award.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. BRALEY of Iowa. Madam Speaker, I missed votes on Wednesday, November 17, 2010 visiting a constituent at the National Naval Medical Center in Bethesda, MD. If I were present, I would have voted:

"Yea" on rollcall 572, On Agreeing to the Resolution, H. Res. 332—Providing for the House to adjourn for the Thanksgiving District Work Period.

REPUBLIC DAY IN TURKEY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. FOXX. Madam Speaker, I would like to congratulate the citizens of Turkey and Turkish Americans on the 87th anniversary of the proclamation of the Republic of Turkey on October 29, 1923. This is one of the most important dates in Turkey's history. And it is equally meaningful to the United States as it formed the cornerstone which enabled Turkey to become a strategic partner and close NATO ally.

After the 600 year old Ottoman Empire disintegrated, Mustafa Kemal, also known as the George Washington of Turkey, led a three year war of independence. This culminated with the newly founded parliament formally abolishing the Sultanate, on November 1, 1922, thus ending 723 years of Ottoman rule. The Treaty of Lausanne of July 24, 1923, led to the international recognition of the sovereignty of the newly established ''Republic of Turkey'' as the successor state of the Ottoman Empire.

Following considerable debate and discussion, the Turkish Parliament proclaimed the Republic on the evening of October 29, 1923. Fifteen minutes after the Parliamentary proclamation, Mustafa Kemal (later known as Atatürk), was elected President of the Republic. This historic decision was marked by a 101 gun salute. The significance of the event was also noted by Atatürk, who stated that, ''the proclamation of the Republic was enthusiastically received by the nation. This enthusiasm was manifested everywhere by brilliant demonstrations.''

Turkey's economy has grown at an impressive rate, and the country is now a member of the G–20, a European Union candidate, and an active and important player in various international organizations. Turkey and the U.S. have been close friends, partners and allies for many decades. However, the Turkish-American relationship goes beyond a simple bilateral friendship. Rather it has become a strategic partnership based on shared values, interests and ideals. U.S.-Turkish cooperation extends across a wide range of issues, including combating terrorism, promoting economic trade and energy security, fostering peace and stability in Afghanistan and Iraq, and advancing principles of democracy and freedom throughout the globe.

I hope my colleagues will join me in congratulating Turkish Americans and the Turkish public on this important occasion.

EDITH SAVAGE-JENNINGS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. HOLT. Madam Speaker, I rise today to commend Edith Savage-Jennings, a paragon of the Civil Rights Movement whose accomplishments on behalf of the movement are surpassed only by her humility about them. ''It was just the work that was called for,'' she has said. As I understand, she is currently working on a book to be entitled ''Behind Closed Doors,'' she said, because that is where the most important work on any movement is done.

Let me open the door for you, just a little, so you will come to know and appreciate this paragon of the Civil Rights Movement as I do. First, she started early—when she was 9. She would tell her mother she was going to the library, but instead she would go to the Statehouse in Trenton and watch the proceedings of the New Jersey Assembly from the balcony. Despite getting in trouble for that fib, she persisted in her efforts to learn and to lead.

When she was 13, movie theaters in Trenton were still segregated. Black moviegoers—like Edith—were required to sit in the balcony. But she went to the theater with several friends, including future Mayor of New York, David Dinkins, and they sat downstairs. When asked to move to the balcony, they refused. And she's been making history quietly, but forcefully, ever since.

Whatever road the civil rights struggle took her down, she did her best. In 1963, she was one of six woman asked by President Kennedy and Attorney General Robert Kennedy to ferret out particular areas of unrest in the struggle to desegregate schools in Mississippi. She became one of the ''Wednesdays Women,'' who travelled in interracial teams to Mississippi in 1964 to advance the cause of desegregation through what you might call white-glove diplomacy. Accompanied by Helen Meyner, wife of New Jersey Governor Bob Meyner, they landed in Mississippi, only to be greeted by white men spitting on the floor in front of them. ''They'd never seen a black woman and a white woman travelling together,'' she said.

They continued on. On Wednesdays, they would bring supplies to rural communities on the front lines of the struggle to end segregation. On Thursdays, dressed in heels, pearls and white gloves, they would meet white and black women for tea and cookies to discuss peaceful ways to desegregate the elementary schools and to resolve the white women's suspicions about the Civil Rights Movement. On this visit, as Mrs. Meyner introduced herself, she shook everyone's hand. In another quiet act of rebellion, Edith took off her white glove, and the women wouldn't shake her hand. But the schools were desegregated.

Over the years, she has been praised and followed for her leadership skills and prowess. She was introduced to Martin Luther King, Jr., in 1957 at a rally in Trenton because, the minister at Shiloh Baptist Church said at the time, she's ''a great fundraiser.'' She became a lifelong friend of the Kings. In 1964, she accompanied Fannie Lou Hamer onto the floor of the Democratic National Convention, where she delivered her famous ''I'm sick and tired of being sick and tired'' speech. She has visited the White House under five different Presidents. She was close friends with Rosa Parks, and brought her and many other civil rights leaders to Trenton. She's been a member of the NAACP for life, and won more than 80 awards for her selfless, tireless work. In 2005, her name was added to the Wall of Tolerance in Montgomery, Alabama, to honor her 50 years of civil rights service. Last year, she was inducted into the National Civil Rights Museum, located at the hotel in Memphis where King was assassinated, and the National Park Service Archives for Black Women's History in Washington DC.

But her humility is one of her most endearing qualities. When President Kennedy called her to action in 1963, she didn't believe it was him. So he put his brother Bobby on the phone and said ''Bobby, say hello to Mrs. Savage so she'll know I'm the President.'' When she was inducted into the National Civil Rights Museum, among other personal items she donated was a pair of red loafers she had worn in 1968 while demonstrating in the rain and mud at the Poor People's Campaign commemorating Martin Luther King, Jr. The shoes still bore the mud from that day. ''I put them in a box [and] never pulled them out,'' she said ''but I saved them because to me they were part of a historical situation.''

I am proud to say Edith Savage-Jennings has been a resident of Trenton since the age of 2. At the mass in her honor after her induction into the National Civil Rights Museum she said ''I want people to know that no one does this alone.'' Even so, the particular manner, the quiet resoluteness, and the tide of contributions of some simply stand out. Edith Savage-Jennings is one such person.

TRIBUTE TO DEAN BRILEY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Dean Briley, a World War II Navy veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Dean Briley was recognized on Tuesday, October 19. Below is the article in its entirety:

BOONE COUNTY VETERANS: DEAN BRILEY

(By Greg Eckstrom)

Military service for the Briley family was a family affair.

Dean Briley, a Boone County native, along with his three brothers, all found themselves serving their country overseas during WWII, although each stationed in different areas.

For Briley, with the war already raging, he enlisted in the United States Navy in 1942 as a petty officer third class. He was sworn-in in Des Moines and was sent to Boot Camp at Great Lakes, Ill., near Chicago. Boot camp in the winter in the Midwest was, to say the least, a bit chilly.

''It was cold,'' Briley said flatly. ''We didn't have any hot water. We were in a new barracks, and they hadn't gotten hot water to it yet, so we shaved and everything in cold water.''

Following boot camp, Briley and his wife were sent to Arlington, Va., where they didn't have a place to stay, but had jobs.

''The first place I went to was in Washington D.C. at the Bureau of Naval Personnel, supervising naval and civilian personnel,'' Briley said. ''When we went, they didn't have a place for us, so we had to find our own lodging. I guess the first couple of nights we stayed in the Red Cross place until we found a place to live. We were figuring officers' longevity pay. I was there a year and a half. My wife was with me then. She worked in the Navy Department. In Arlington, same place I did. We lived in Washington, D.C.''

From there, Briley went through amphibious training and was assigned to LC1 Flotilla 28 staff. The flotilla consisted of 28 ships, with Briley stationed on one of the smallest. At 150 feet long and only 25 feet wide, it was the smallest seagoing vessel that could cross the ocean by itself.

''I had never actually seen the ocean until then,'' Briley said. ''It only drew four feet of water, it had a flat bottom and it was like a cork out there.''

The small ship sailed from Norfolk, Va. to Bizerte, Tunisia in a 150-ship convoy. The trip took 21 days, after detouring for three days to avoid German submarines.

Once the ship arrived on land, Briley said they couldn't have liberty in Bizerte since it was quarantined with black plague, so the men were given a two-day pass to go to Tunis.

''We met up with a soldier that knew a family there and he would give them some rations that included bacon,'' he said. ''We stayed the night with them and had bacon and eggs for breakfast. That was a treat.''

Briley spent 1½ years in the Mediterranean Sea area, with much of the time spent in port. The day-to-day tasks for him included primarily making a news sheet for the men.

He recalls one particular time, while he was in Palermo, that he had a chance to see the catacombs.

''We went down in the catacombs,'' he said. There were bodies laying right out on shelves and stuff. I don't think they show those anymore.''

Meanwhile, Briley had no communication with his brothers. In fact, while he was headed overseas, one of his brothers was headed back to the United States with an injury—one that could have been much worse.

''He was in a foxhole when a bomb hit alongside him and buried him, but his head went into his helmet and then after they took care of the wounded up above, they dug him out and he ended up with just some back injury,'' he said. ''They were in on the front line for I think it was over 300 days.''

One interesting event for Briley also came after he and a friend borrowed a Jeep while in Naples and ventured to Rome. Although the two didn't do much inside the city, they did go to the Vatican and managed to be in the right place at the right time for a chance meeting with Pope Pius XII. He walked up to Briley, said ''Hello American sailor,'' and blessed the religious items that Briley had been holding. Briley also kissed his ring.

''It was just luck,'' he said. ''It was a big room. Then he comes out, just being friendly.''

When Briley returned from Europe, he was on leave before returning to Norfolk, Va. To meet a ship to go through the Panama Canal to the Pacific when the bombs were dropped on Japan.

The news that the war had ended shortly after brought a different feeling than excitement for Briley.

''It was more relief,'' he said. ''Actually, it's more for the family than anything.''

I commend Dean Briley for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

CONDEMNING BURMESE REGIME'S UNDEMOCRATIC ELECTIONS

SPEECH OF

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Ms. WATSON. Mr. Speaker, the following is an exchange of letters that I would like to submit:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 17, 2010.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you concerning H. Res. 1677 (''Resolution''), ''Condemning the Burmese regime's undemocratic upcoming elections on November 7, 2010''. As you know, the Resolution was referred to the Committee on Ways and Means based on the Committee's jurisdiction over international trade.

I appreciate the productive discussions that we have had on this issue, resulting in our agreement to revise paragraph 9 of the Resolution, which I believe helps to clarify the intent and scope of the Resolution. I appreciate your commitment to reflect this agreement in the final Resolution.

In order to expedite this Resolution for floor consideration, the Committee on Ways and Means will forgo action on this Resolution and will not oppose its consideration on the suspension calendar, based on our understanding that you will reflect our agreement in the final Resolution. This is done with the understanding between our Committees that the Committee on Ways and Means does not waive any future jurisdictional claim over the subject matters contained in the Resolution.

This letter also confirms my understanding that you will include a copy of your letter and this response in the Congressional Record during consideration of the Resolution on the House floor.

Sincerely,

SANDER M. LEVIN,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 2010.

Hon. SANDER M. LEVIN,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H. Res. 1677, ''Condemning the Burmese regime's undemocratic upcoming elections on November 7, 2010.'' As you know, the Resolution was referred to the Committee on Foreign Affairs, 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.

I agree that the Committee on Ways and Means has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 1677 in the interest of expediting consideration of this important measure. I understand that by agreeing to waive further consideration, the Committee on Ways and Means is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the CONGRESSIONAL RECORD.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HIGHLIGHTS FROM CAPITOL HILL

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CLEAVER. I would like to submit the following article:

[From the Lexington News, Nov. 10, 2010]

EDITORIAL—HIGHLIGHTS FROM CAPITOL HILL

(By Joe Aull, State Representative 26th District)

An era in political history came to an end this past Tuesday when Congressman Skelton lost his bid for re-election to an 18th term in the United States Congress.

I believe that we all owe Congressman Skelton a huge thank you for exemplary service for the past 34 year. Ike has worked extremely hard and he has been responsible for so many good things that have happened in our area, our state and our country.

I could say many positive things about my good friend, Ike, but I can think of three issues that really jump out at me.

First of all, I was always so impressed with how well that Ike stayed in contact and in touch with the people in his district. I have never seen anyone work any harder and put in any more miles in traveling from city to city to meet and listen to the people who he represented.

I mentioned the word listen, and I continually saw Ike listening to what was on the minds of his constituents and I believe that he voted for what he thought was right for his people. I always believed that he truly cared about the welfare of the folks that he represented and he put that ahead of everything else.

Secondly, I was very impressed with the leadership that Ike provided as Chairman of the House Armed Services Committee. I don't know any Congressman that has been more committed to the well being of our service men and women, our veterans and military in general.

I know that Ike has spent much of his free time abroad visiting first hand with our troops and I always felt good knowing that a man of his military knowledge and total commitment was the head of one of the most important committees in Congress, especially in time of a difficult war.

The third and final thing that I would like to emphasize was the fact that Ike was always a true statesman and a positive role model as a Congressman. In a day when you hear of legislative scandals and the legislators who sell out to a particular interest group, I always believed that Ike was honest, trustworthy and a person with strong character, who always conducted himself admirably and in a very professional manner.

He always worked across the aisle with the other party, and he was a master of compromise and this helped him get many things accomplished for the good of his people. Ike was always the kind of person that I admired and trusted, and one who always tried to do things the right way.

I could go on and on, but let's suffice it to say thank you Ike for all that you have done for so many of us, for always going the extra mile and for truly caring for those of us whom you represented.

I will always be proud to say that you were my Congressman and I am deeply honored to call you my good friend.

TRIBUTE TO DEL PAPA DISTRIBUTING

HON. RON PAUL

OF TEXASS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. PAUL. Madam Speaker, this month Del Papa Distributing Company is celebrating its 100th anniversary. I am pleased to extend my congratulations to the owners and employees of the Del Papa Distributing Company.

The Del Papa Distributing Company originated in 1910 as a wholesaler grocery and wine business called Celli and Del Papa in Galveston, Texas. The grocery store was founded by two Italian immigrants, Frank Celli and Omro Del Papa, Sr. Misters Celli and Del Papa ran the business until Mr. Del Papa returned to Italy in 1920. Mr. Del Papa retained his business and real estate interests in Galveston and he returned to Texas in 1930. Upon his return, Mr. Del Papa established the 0. Del Papa Commission Company, and became a distributor for the Anheuser-Busch company. Since the United States was still under Prohibition at that time, the Del Papa Commission Company distributed baker's yeast, olive oil, and ginger ale. When prohibition ended, the Del Papa Distributing Company began distributing beer. In the early 1960s the company's name was changed to The Del Papa Distributing Company.

The Del Papa Distributing Company has always been a family business. Over the years, all of Mr. Del Papa's sons have worked in the business, including the current chairman of the board, Lawrence J. Del Papa, Sr., who first worked for the company in 1939 as a delivery man. Today, Omero Del Papa's grandson, Larry Del Papa, Jr., serves as President of the company, a position he has held since 1988.

The Del Papa Disturbing Company has come a long way since Frank Celli and Omro Del Papa opened their small grocery store in Galveston. Today, the company has major distribution centers in Galveston, Beaumont, and Victoria, over 2,700 retail accounts covering 17 counties, and 350 employees distributing over 350 beer brands. There is even a street named for the company at the intersection of Business 59 and Del Papa Street in Galveston.

The Del Papa Distributing Company has survived major hurricanes, two world wars, and the 1947 explosion in Texas City, which is the worst man-made disaster in American history. Every time their community has faced a challenge, the owners and employees of Del Papa Distributing Company stepped up to help their fellow citizens. Everyone at the Del Papa Distributing Company takes great pride in their tradition of civic and charitable involvement. The Del Papa Distributing Company has initiated and assisted with many community service activities from blood drives to military programs to disaster relief. The Del Papa Distributing Company also donates to CASA, Children's Advocacy Center, and The Arts of Victoria, created a GI Joe/GI Jane holiday care package project to support the troops who must spend the holidays overseas away from their families. The Del Papa Distributing Company has also been a major contributor to the fundraising efforts of numerous wildlife organizations such as Ducks Unlimited, Coastal Conservation Association and the Rocky Mountain Elks organization. The Del Papa Distributing Company has also participated in the Keep Texas Beautiful Campaigns.

The Del Papa Distributing Company is also a co-founder of the Galveston Black Heritage foundation and a supporter of the League of United Latin American Citizens, LULAC. The Del Papa Distributing Company also partners with Anheuser-Busch to promote responsible consumption of alcoholic beverages through the "Responsibility Matters" program.

Madam Speaker, anyone familiar with Del Papa Distributing Company's history of civic involvement should hardly be surprised that the company kicked off its 100th anniversary celebrations with the announcement that it would endow scholarships to 13 community and four-year colleges located through the 17 counties they service.

The Del Papa Distributing Company is truly a great Texan and American success story and the company's long history of civic and charitable involvement should serve as inspiration to all. It is therefore my pleasure to once again extend my congratulations and best wishes to the owners and employees of the Del Papa Distributing Company on the occasion of their 100th anniversary.

TRIBUTE TO MILO DEUEL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Milo Deuel, a World War II Army veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Milo Deuel was recognized on Tuesday, October 12. Below is the article in its entirety:

BOONE COUNTY VETERANS: MILO DEUEL

(By Greg Eckstrom)

Before going into the service, Milo Deuel had read of a soldier who had been in the civil war and carried a little Bible with him in his breast pocket. The soldier in the story had gotten shot with a mini ball, and the Bible had ended up saving his life.

So when Deuel joined the Army Enlisted Reserve Corps while in junior college in Missouri, and was called to active duty, he brought with him a small book given to him by his Methodist minister, entitled "Strength for Service to God and Country." As his service brought him around the world, he chronicled the places he had been on the back leaf of the book, serving as a memory for the places he'd gone and the things he'd seen.

Commonly, veterans have a difficult time recalling experiences from war to non-veterans because it can be a painful experience. Deuel is similar in this way, however his little book provides him reminders with each neatly-printed location and date on the back leaf.

"They won't say a thing about it," Deuel said. "My wife says I'm the same way, and the older I got, the more liberal I got with what I did and what happened. But some things that happened I don't really care to think about or talk about."

Yet, with the bad comes the good—the camaraderie amongst soldiers, the experience one gains by being a part of history and the stories that come from service.

Deuel was sent to Camp Roberts in California in 1943, where he was trained for desert warfare. He learned how to endure high temperatures, how to get along with little water and how to shoot, Deuel said. After his training, he was given a short furlough to go home and say goodbye to his family before heading back to the west coast and then overseas.

Deuel remembered well being stationed in the Guadalcanal Islands and "distinguishing himself," although not in a heroic fashion. Heading home from a movie, he noticed coconuts scattered on the ground around trees, and felt the urge to cut one open and have a drink.

"I had never seen a coconut tree before in my life," he said. "I didn't know that when a coconut fell on the ground and laid there several days or weeks, the milk fermented and made a soap-like substance. I ended up in the base hospital in Guadalcanal for 10 days drinking paregoric. It had a terrible taste to it. After a while, about the third or fourth day, it tasted pretty good."

From Guadalcanal, he went to Munda, New Georgia, where he "went on a few patrols."

"I'm glad I didn't have to fight anybody, but that jungle warfare really didn't appeal to me," Deuel said.

Neither did the late-night wake-ups from Japanese aircraft in the area.

"They had a big air strip in there covered with white coral," he said. "The Japanese would send a lone plane around midnight two or three times a week to keep us awake. We called him 'Midnight Charlie.' He'd come over, and the anti-aircraft guns would open up. They never hit him, but it'd keep us awake."

After serving between 6–8 weeks in New Georgia, Deuel was sent to New Zealand, which he described as "a Godsend."

"It was just like going from green hell to green heaven," he said. "And they treated us like kings down there. One of the great treats was to have fresh milk and ice cream, which we hadn't seen for several weeks."

It was during Deuel's four months in New Zealand that he found himself moved to regimental supply—a position that saw him distributing rations to the troops. Pleasing the troops was his job, one that was made easy when the rations were bigger.

"I was really popular then, which wasn't very often," he joked.

He then went to Papua New Guinea, followed by a stint in Luzon, where he saw his "most exciting" days of his service in the Invasion of Luzon on Jan. 9, 1945.

Regimental supply was divided into two teams, and offloaded from the troop ship in a bay to a landing craft loaded with large drums that appeared to be filled with gasoline. As the fourth or fifth wave to go in on Jan. 9, Deuel's unit was shelled out and had to wait.

"The Japanese had some artillery guns that were hidden back in the hills, and they would let go with those every now and then. We couldn't make the beach, so we sat out in the bay all day and then the following day, the 10th, we went in with no problem at all."

It was in Luzon that Deuel said he learned a powerful lesson working with a Filipino crew.

"I found there you couldn't judge a man by his color," he said. "Whether he was black or brown or white, it was what was in his heart. I made some good friends with the Filipino people."

Deuel recalls one conversation he had with the head Filipino man he worked with—

Juan. In the town of Santa Maria, Deuel heard a jazz band marching down the road playing an upbeat song—''Roll Out the Barrel''—that he had heard from Camp Roberts. As the band came within sight, Deuel saw it was a funeral procession—escorting the caskets of a mother and child. Shocked, Deuel asked Milo why they didn't play something more mournful.

''He said, 'Milo, think about it. Do you think that when you die you go to a better place?' I said, 'I certainly hope so.' He says, 'That's what we do. We're happy that they're gone out of this d* * * mess that we're in. They're gone to a better place.'''

Deuel saw promotions quickly in Luzon, going from a buck private to a staff sergeant in four weeks. He was next sent to Japan for six weeks as part of occupation troops after the war had ended, where he had a chance to see ''how effective our bombers had been. There were miles and miles of nothing.'' After those six weeks, he received the news.

''Milo Deuel, pack your duffle, get on the next ship. You're headed for home,'' he recalled.

He traveled back home highly decorated. All in all, he received several awards, including a sharpshooter's badge, a combat infantry badge, the Bronze Star and a presidential citation medal. Upon arriving home, the biggest shock was the guy waiting to greet him.

''My greatest surprise coming home, I didn't have a little brother anymore,'' he said. ''That sucker had grown up after four or five years since I had been home. He was as tall as I was.''

Deuel remained in contact with many of the men he'd served with. He'd seen strong friendships throughout his service, and a wide variety of places, as he'd documented in his little book, which returned home with him. In it, he had filled two of the small pages in the back of the book—each recounting memories of places he had been and things he had seen.

A good friend from the service he'd lost contact with entered his mind recently, prompting Deuel to look him up and write a letter to the mayor of the man's town—Maiden, North Carolina—to inquire about him. The mayor responded to let Deuel know the man had passed away, but a letter soon followed . . . from the man's daughter.

''She said, 'Daddy would never tell me a thing about WWII. Tell me what he did,'' Deuel recalled.

So Deuel grabbed the book—the one that had stuck with him all through his service—and flipped it open to the last two pages. Looking through the dates, the memories came flooding back, and he began writing. It might be difficult for him to talk about his service, but he wanted to share with the girl what her father had gone through.

''There were good days and bad days,'' Deuel said. ''So I copied a lot of this stuff. Each date gave me a remembrance of something that happened to us. So the poor thing knows what her daddy did.''

I commend Milo Deuel for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

HONORING TURKEY'S REPUBLIC DAY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. WILSON of South Carolina. Madam Speaker, I come to the floor today to honor our friend and ally Turkey. On October 29, 1923, the Turkish constitution was amended and Turkey officially became a Republic.

During the Presidency of Mustafa Kemal Ataturk, the nation embarked upon a program of political, economic, and cultural reforms. The nation of Turkey now stands as a modern, secular nation-state which has been a long time friend to the United States.

Turkey's economy has grown at a record pace and literacy and education rates continue to climb. Turkey stands as an inspiration to reformers in the greater Middle East and throughout the world.

Over the past 87 years, Turkey's relationship with the United States has grown. Turkey has been a partner to the United States in NATO, the United Nations, as well as on the War on Terror. Beginning in the bloody Korean War of 1950, Turkish and American troops have fought side by side for victory over communism in The Cold War. Moreover, Turkey's work on human rights and energy security for Europe should be commended. Turkey has provided critical humanitarian and medical assistance in Afghanistan and in Iraq.

We should congratulate the people and the Government of Turkey for their efforts over the past 87 years and we look forward to building on the current relationship in the future.

HONORING ROBERT COHEN

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. POLIS. Madam Speaker, I rise today in recognition of a celebrated filmmaker and proud resident of my district, Robert Cohen. I've known Robert for many years and have always been impressed by his work as an artist and public servant, and it is an honor to commemorate him today.

Robert was born in Philadelphia in 1930 and moved to Los Angeles at the age of 9. After graduating from UCLA in 1952, Bob began his professional film career as a writer in the U.S. Army Signal Corps and a cameraman for NATO. In early 1956, Bob was honorably discharged from the Army and was able to devote his full energy to a film career that was already taking off.

In the 50-plus years since Bob released his first works, including ''Mister Wister the Time Twister'' and ''The Color of Man,'' Bob has filmed, edited, written, produced or contributed to over 20 films, documentaries and television productions. His work spans the political to the historical, the local to the international, and he has been celebrated around the world as a filmmaker, artist and visionary.

It is an honor both to serve as Bob's representative in Congress and to call him my friend and colleague. I wish him many more accomplishments and know that he will achieve continued success behind the camera, in front of the classroom and in the many exciting endeavors that await him as he inspires a new generation to political activism and public service. Thank you, Bob, for your friendship and leadership, and best wishes.

HONORING TARPON SPRINGS FUNDAMENTAL ELEMENTARY SCHOOL

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Tarpon Springs Fundamental Elementary on its 30th Anniversary. While Pinellas County is home to many excellent schools, Tarpon Springs Fundamental brings a special quality of a back-to-basics focus to its students.

The school's focus emphasizes student responsibility, structure, and academic success. This focus extends to parents as well with mandatory parental involvement in parent-teacher conferences and meetings. However, their involvement stems much further than what is required. Many parents can also be seen volunteering throughout the campus tutoring, mentoring, helping with daily classroom activities, or enjoying lunch with their child.

Tarpon Springs Fundamental is one of the smallest schools in Pinellas County, so in conjunction with its highly structured curriculum model, it fosters a familiar, tight-knit atmosphere. The staff and families are able to know one another on a personal basis, providing the foundation for educators and parents to work as a team to promote strong academic skills and values.

It is truly my honor to recognize Tarpon Springs Fundamental Elementary School as they celebrate their 30th anniversary. I look forward to watching the school continue to develop generation after generation of young minds with the core principals it has thrived on for so long.

HONORING PAUL KELLEY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague Congresswoman LYNN WOOLSEY to recognize Paul Kelley who is retiring after 16 years as a member of the Sonoma County Board of Supervisors. Congresswoman WOOLSEY and I have the distinct privilege of representing Sonoma County and both of our tenures in the House have coincided with Mr. Kelley's tenure on the Board of Supervisors.

Supervisor Kelley represents the northern most supervisorial district in Sonoma County, which is home to one of the finest wine grape-growing and wine-producing regions in the world. His support of agriculture and agriculture-related industries is deep seated. He grew up on a small farm outside of Santa Rosa and spent his summers as a youth working on neighboring ranches and farms in the area. As a supervisor, his work included helping to bridge the gap between the water needs of farmers and fisheries, in supporting measures that guaranteed that 22,000 acres in his district would be protected under the county's Agricultural Preservation and Open Space District acquisitions and encouraging businesses and farmers to embrace green technology.

Supervisor Kelley also helped create new parks and recreational facilities throughout his district, including the Boys & Girls Club in Windsor, and renovate existing youth facilities in Cloverdale, Healdsburg and Larkfield-Wikiup.

He was the key proponent of returning commercial air service to the Charles M. Schulz/Sonoma County Airport. The regional airport now has daily flights to four western cities.

Supervisor Kelley's special assignments on the board included membership on the Sonoma County Transportation Authority, the North Coast Rail Authority, the Water Agency Committee, the Local Agency Formation Commission (Chair), the Eel Russian River Commission (Chair), the Redwood Empire Association, the North Coast Air Pollution Control District, the North Coastal Counties Supervisors' Association, the Public Policy Facilitating Committee, the Sonoma County Advertising Program, the Sonoma County Indian Gaming Local Community Benefit Program and the Association of California Water Agencies (President).

Madam Speaker, after 16 years of public service to the people of Sonoma, Paul Kelley deserves to enjoy the riches of this new phase of his life as a water and transportation consultant. We wish him well.

TRIBUTE TO WILLIAM FERRY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize William Ferry, a World War II Army veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. William Ferry was recognized on Tuesday, October 5. Below is the article in its entirety:

BOONE COUNTY VETERANS: WILLIAM FERRY

(By Greg Eckstrom)

William Ferry joined the Army, along with his cousin, for pretty much the usual reasons.

''My cousin and I, we were going to be big shots,'' Ferry said with a laugh.

In many ways, Ferry was.

Originally from Pilot Mound, and returning to Boone after World War II, where he lived at the same address his whole life, Ferry entered his military career by volunteering rather than being drafted.

''My cousin and I decided to join the Army and see the world, so we went down and joined the Army,'' he said. ''Well, that's the last I'd seen of him for three years.''

Ferry, although speaking in a serious voice, seemed to put a lighter spin on his military experience than some. In recalling his basic training at Spokane, Wash., Ferry remembers learning how to type.

''They asked if I could type,'' he said. ''And they gave me a book and said, 'Here, you've got a week to learn.' They give me a book and let me go.''

The definition of self-taught. Ferry breezed through the book and learned to use a typewriter, admittedly saying that fortunately he didn't have to learn how to type extremely quickly.

While going through basic training in Washington, Ferry met the woman he would later marry . . . a marriage that happened prior to Ferry heading overseas for service. The position that Ferry was assigned to, however, didn't lend itself to easing the worries of his new bride's parents on their daughter's husband.

''They put me in a cryptographic section, which is decoding and encoding secret messages,'' he said. ''The FBI checked out my family, her family and everybody she knew and everybody they knew. Her folks got to wondering what was going on.''

The background check passed, however, and Ferry was sent overseas.

''They got us on a boat, and they made MPs out of us,'' he said. ''We had to be an MP . . . had to work four hours on and four hours off for seven days a week for 31 days. And we ended up in India.''

The boat pulled into a harbor with a large sign supported on two columns, reading ''Gateway to India.'' They had landed in Bombay.

Ferry was put onto a train and traveled for a week until he arrived at his post—a building that, putting it lightly, was a rather safe place to be stationed.

''We went to a building that was inside of a compound that had about a 10 foot wall around us,'' he said. ''We worked behind locked doors and we had to decode and encode incoming messages and outgoing messages to the headquarters.''

The work was interesting, however the climate was hot. Ferry said it took him six months just to get used to the heat. Then came the monsoons.

''They blew the roof off of our barracks one night, which was made out of grass,'' he said. ''I never heard it rain so hard than down there when that monsoon hit. It really rained.''

Ferry recalls one night that he was working alone at the compound, decoding a message that had come in while a general paced back and forth behind him. Ferry wasn't sure what he was there for, but he decoded the message, and watched the general grab it and take off. He found out the next day that the message he had decoded was the one giving the orders to bomb Hiroshima.

Heading back to the United States following his time overseas, Ferry recalls arriving in Miami and the feeling of relief to be back in his country.

''I got back to Miami, got down and kissed the ground,'' he said.

Returning, arguably as a big shot, Ferry fondly recalls his time in the service, noting his favorite part as being the opportunity to travel.

''Just seeing the world,'' he said.

I commend William Ferry for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

HONORING AMERICAN PHILHARMONIC-SONOMA COUNTY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. WOOLSEY. Madam Speaker, I rise with pleasure today to celebrate the American Philharmonic-Sonoma County which has been honored with an invitation from the government of China and the Dalian Yuan Concert Production Company to tour northern China over this coming New Year's holiday.

The tour will be sponsored and supported almost entirely by the Chinese government and will include eight concerts in 12 days in Shanghai, Beijing, Yantai, and Qindao.

Known as the ''people's orchestra,'' the American Philharmonic performs free concerts at the Wells Fargo Center in Santa Rosa, California, in keeping with their mission: ''To make the beauty of music and the power of community alive and available for everyone.''

Founded 12 years ago, the American Philharmonic-Sonoma County has been offering a variety of musical performances as an all-volunteer organization, with both amateur and professional musicians, 60 to 75 in all. According to volunteer cellist Brian Lloyd, ''We give our time and talent out of love for the music and belief that the gift of beautiful music is nurturing for the community.''

The program on the Chinese tour will celebrate our cultural connections by including American, Chinese, and European music. Music Director Gabriel Sakakeeny will lead the orchestra, and featured soloists will be Sonoma State University piano professor Marilyn Thompson and French violinist Solenn Seguillon.

''This is an incredible opportunity for American Philharmonic.'' says Maestro Sakakeeny. ''It is such an honor to be invited to perform in the Carnegie halls of China, and we are looking forward to sharing our music and representing our country to the Chinese people. It's going to be an amazing tour.''

Madam Speaker, I am proud to honor the American Philharmonic-Sonoma County on the eve of a major tour that will share our local treasure with the people of China.

A TRIBUTE TO DR. LESTER CARTER

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to congratulate Dr. Lester Cart, recipient of the James Baker Award from the Milwaukee Community Brainstorming Conference (CBC). The CBC was established to inform the community about a range of facts, issues, and solutions that relate to the well-being of the African American community. The forum offers a venue for interaction between policy makers and the community and an opportunity for the community to express their needs and expectations.

Dr. Carter has been the owner and pharmacist of Carter's Drug Store for over 43 years and is located in the heart of the inner city of Milwaukee, Wisconsin. He provides a holistic approach to his services, distributing a combination of standard pharmaceuticals and natural remedies to his clients. Dr. Carter is an expert on herbology and pharmacognosy which is the study of medicines derived from natural sources. In fact, he has developed special trademarked ointments, solutions and compounds available only at his pharmacy. Individuals from the entire metro Milwaukee area and throughout the country, from all nationalities swear by and purchase his formularies.

Dr. Carter graduated from Creighton University's School of Pharmacy and Allied Health

Professions in 1958; he was the only African American in his graduating class. After graduation, Dr. Carter worked for a pharmacy in his hometown of Omaha, Nebraska formulating pills and ointments at the back of the store. There he honed skills he would later use to create his own medicines because the owner was afraid to allow him to serve white customers at the front of the store. In 1967, he moved to Wisconsin and six months later he opened his own pharmacy.

Dr. Carter's interests and impact reaches far beyond just filling prescriptions. He is very much aware of the health disparities facing African Americans and has used his extensive knowledge to help the community with health care problems ranging from healthy eating habits to diabetes. In fact, Dr. Carter is a certified diabetes educator and stocks his pharmacy with books about diet and herbology, old fashioned mouthwash, ointments and soaps.

Madam Speaker, I urge my colleagues of the 111th Congress to join me in congratulating Dr. Lester Carter on receiving the James Baker Award. Dr. Lester Carter continues to provide immeasurable support and care to the African American Community and the Greater Milwaukee Community at large. I am proud that Dr. Carter is a resident of the 4th Congressional District and applaud his lifetime of accomplishments and success.

IN HONOR OF CAPTAIN VINCENT WILCZYNSKI UPON HIS RETIREMENT AS CHIEF OF THE MECHANICAL ENGINEERING SECTION OF THE COAST GUARD ACADEMY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor CAPT Vincent Wilczynski. I want to commend Captain Wilczynski for his long and distinguished career as he retires as the Chief of the Mechanical Engineering Section of the Coast Guard Academy.

Captain Wilczynski has served as a visionary leader at the United States Coast Guard Academy. He received the national Professor of the Year award in 2001 and has worked extensively at FIRST Robotics, a non-profit organization that motivates young people to pursue careers in science, technology and engineering. Before assuming his current position at Yale, Captain Wilczynski cultivated and led the Mechanical Engineering Section as a Faculty Member and Chief of the Mechanical Engineering Section. He was also Head of the Engineering Department.

A 1983 USCGA graduate, Captain Wilczynski earned a graduate degree from the Massachusetts Institute of Technology and a doctorate from Catholic University. Captain Wilczynski's many accolades include the 2003 American Society of Mechanical Engineers, ASME, Distinguished Service Award, the 2005 ASME Edwin C. Church Medal for national contributions in engineering outreach and he was awarded a prestigious American Council on Education Fellowship in 2006.

Captain Wilczynski's outreach and leadership have been invaluable to the USCGA, to Yale and to the Connecticut community as a whole. His unstinting dedication and innovative teaching have touched the lives of many Americans and his dedication will be remembered for years to come. I ask all of my colleagues to join with me, and the people of Connecticut, in thanking Captain Vincent Wilczynski for educating a generation of engineers and acting as an example to so many.

IN TRIBUTE TO HARRISON INDUSTRIES

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GALLEGLY. Madam Speaker, I rise in tribute to Harrison Industries, which is being recognized by the Ventura County Council, Boy Scouts of America, as Ventura County's Distinguished Citizen for 2010.

Harrison Industries is one of the oldest and largest privately owned trash collection businesses in the United States. It provides residential, commercial and industrial services to about 80,000 customers in Ventura, Camarillo, Fillmore, Ojai, Santa Paula, Thousand Oaks, the surrounding unincorporated areas of Ventura County and Carpinteria. In addition, Harrison-owned Gold Coast Recycling processes and markets the curbside recyclables for Santa Barbara County.

E.J. Harrison and Sons was founded in 1932. E.J. died in 1991 but his wife, Myra, remains with the company as founder. Four generations of Harrison family members are involved in the day-to-day operations of the company. Myra's oldest son, Ralph, is president while her other sons, Jim and Myron, serve as vice presidents.

Harrison Industries is on the forefront of the recycling movement in California. In addition, Harrison Industries opened the first liquefied natural gas fueling station in western Ventura County and converted a significant number of its diesel trucks to run on the cleaner burning LNG.

Harrison Industries has won many awards in recognition of its financial support of local nonprofit organizations and community cultural events. The company has been particularly generous to organizations that help children such as the Boy Scouts of America. E.J. was a Pack leader for several years and taught his sons the traditions and expectations of the Boy Scouts. E.J.'s sons continue the Harrison family tradition of supporting the Boy Scouts.

Madam Speaker, I know my colleagues join me in paying tribute to Harrison Industries for its business leadership, community service, deep commitment to public service and for exemplifying the values found in the Scout Oath and Law, and in congratulating the Harrison family for this well-earned recognition.

TRIBUTE TO KEN BARKWILL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Ken Barkwill, a World War II Air Force veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Ken Barkwill was recognized on Tuesday, November 2. Below is the article in its entirety:

[From the Boone News Republican, Nov. 2, 2010]

BOONE COUNTY VETERANS: KEN BARKWILL

(By Greg Eckstrom)

Ken Barkwill found himself in World War II as a result of his love of model planes and trains.

Not in a literal sense, mind you. It's likely that Barkwill would have been drafted into a branch of the military during WWII and called to serve his country, but this love of building models—a seemingly insignificant interest—set in motion a series of events that guided him through an intriguing life thus far, and one that was guided by these interests.

Originally from Marion, this love of building models led a young Barkwill to a job at the local airport as a youth. As part of his pay, he received instruction at the airport and did some flying. He was hooked.

''That's why I wound up in the Air Force,'' he said. ''Back in '43, there was a draft and I was going to be drafted. I'd been in the civil air patrol in high school. If you wanted to, you could go sign up ahead of time, and I wanted to go into the Air Force, so I went in April and signed up to go into the Air Force and finally got called up in September.''

Barkwill took his training at Keesler Air Force Base in Mississippi. The training was, in a word, ''sandy.''

''All I could think of was sand all over the place,'' Barkwill said. ''Hot and sandy.''

After getting through basic training, Barkwill went to college for five months at the University of Alabama before going to Texas where he worked on the line with guys waiting to get into school at Randolph Field in San Antonio. From there, Barkwill was sent to armament school in Denver, where after learning from others for his entire military career was given a strange offer from one of his instructors.

''Barkwill,'' he recalled the teacher asking. ''How would you like to stay in Denver?''

He was offered a job as an instructor, after being identified as a ''high achiever'' along with two other individuals. Having a girlfriend in Denver at the time, the decision was not difficult . . . especially for someone with a love of airplanes.

''That was an interesting stint,'' he said. ''We got B–17s in there. We didn't have a plane with a chin turret on it. One day they come in and belly-landed a B–17 and we wound up with that one to teach the chin turret on, because it didn't wipe it clear out. And then, B–29s were just out when I was there. We got some through there, too, and got to teach armament on them.''

Barkwill worked as an instructor from December of 1944 to July of 1945, when he was sent to a replacement depot in the Philippines.

Upon arrival, Barkwill recalled a great deal of uncertainty. The depot was a jumping off point, and all he could do was wait for his orders, which came one day in the form of a simple phrase: ''Get your gear together, you're shipping out.''

He got on a truck and was transported down the road a few miles. Barkwill unloaded in a new camp with some others before being given his orders.

''There were several of us pulled out of the depot and moved down the road a ways to an outfit called recovered personnel,'' he said.

''And we were supposed to go in behind the first wave of troops in to Japan and evacuate POWs.''

Fortunately, the cover of the first wave of troops was not needed, as the two atomic bombs were dropped on Japan, effectively ending the war.

The war was over, but Barkwill's duties on the recovered personnel outfit were still needed, and he was sent to POW camps in Japan to look for soldiers, check out graves for information and report back.

''It was interesting work,'' he said.

From there, Barkwill was sent to a different unit—this one in Cebu City in the Phillipines—for some more interesting work. He was to investigate claims that the Filipinos made in regards to G.I.s' stealing items.

''It was interesting,'' he said. ''They come in to our office. We set up an office down in Cebu City, and they come in and file applications with their claims. We had a bunch of Filipinos working for us, and they'd fill out their forms for them, and then we'd have to go out and investigate. Try to figure out whether they were legitimate or not. That was fun.''

Everything from stolen chickens, cows and bicycles was investigated, as best he could, by Barkwill and his men. He was there for only about a month before finally coming home in February of 1946.

For Barkwill, his military experience, while not always pleasant, was beneficial.

''I . . . can't say I enjoyed it, but it was something I'll never forget,'' he said. ''It was . . . an education. Quite an education. To this day, I don't think it hurts anyone to spend some time in the military. I feel it's quite an enlightening education.''

That experience is also one that is not easy to share with a stranger. Barkwill said that it's a difficult topic for many veterans to share, with even their own families.

''I've enjoyed talking to a lot of old guys like myself around,'' he said. ''We've talked about things that happened. You get to talking about what happened here and there, and you talk about things you haven't thought about for years and things you never told your kids. My daughter from Colorado, it was just a couple of years ago, found out a little bit about my military history. She was asking me questions and so I sat down and told her a little bit about what had happened. It was interesting overseas to see what the Japanese had done, what they were doing and how they had dug in. They were there forever. They found some of them in recent years still living in the hills still thinking the war is on.''

It's also interesting, he said, how your memories work. Barkwill's wife, Mary, joked that he could remember his time in the military with such clarity, yet he doesn't remember what he did yesterday.

''Yeah, some of it comes back, Mary,'' he laughed. ''It's amazing how your memory works.''

Many of the memories came to Barkwill without any trouble as he recalled specific incidents. Being caught in a typhoon in Japan, finding a place for a haircut and a shave over there, and most of all arriving back in the United States after serving.

''Anybody that goes into the military, you get what you can out of it,'' he said. ''You go and serve your time and hope that you get home. I tell you, that's a thrill. When you get on a ship and come back under the Golden Gate Bridge and see that bridge up there and see that harbor and that ship pulls up to the dock and you know you're back on terra firma in the United States. That was very, very exciting for me.''

For Barkwill, it all started with a young man building models . . . and after the hobby managed to lead him into the military, it also brought him to the Boone & Scenic Valley Rail Road in 1983, where he joined the Boone Railroad Historical Society and designed and oversaw the construction of the depot for the new railroad. His reason for doing so? Model trains.

It's amazing where a love for a simple hobby can take you, and the stories that follow as a result.

I commend Ken Barkwill for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

CONGRATULATING NATIONAL SPELLING BEE CHAMPION, FINALISTS, AND PARTICIPANTS

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2010

Mr. POMEROY. Mr. Speaker, I rise today in support of House Resolution 1494.

Our nation's future rests on the shoulders of our youth, and the exceptional dedication and intelligence displayed by all of the students who took part in the 84th Scripps National Spelling Bee earlier this year gives me great confidence that our future will be a bright one.

As the largest and longest-miming educational promotion in the United States, this year's Scripps National Spelling Bee brought together 273 spellers from all over the United States and across the world. The rigorous preparation and diligence required by these students to compete at this international level is truly incredible.

I would specifically like to recognize Shantanu Srivatsa, a student at Cheney Middle School in West Fargo, North Dakota, for tying for second place in this competition. This was Shantanu's third consecutive appearance at the Spelling Bee, and I was impressed to learn that his favorite subject in school is in fact mathematics, and that in addition to his participation in the spelling bee, he also represents his school at regional and state mathematics competitions.

When reviewing the words Shantanu correctly spelled to make it to the highest levels of the competition, I am astounded by his command of the English language. Though I represent a state with a large sugar beet industry, I must admit that I did not know that a cossette was part of the sugar refining process—and I certainly did not know how to spell it. Thanks to Shantanu, I now know that it is cossette, C-O-S-S-E-T-T-E.

Lest this example lead one to suspect that Shantanu's vocabulary was limited to the geographically proximate—his correct spelling of schlieren, that would be S-C-H-L-I-E-R-E-N, clearly demonstrates that the breadth of his knowledge includes subjects, or more precisely substances, that would be exceedingly rare in North Dakota due to the geologic history of the northern Great Plains.

Students like Shantanu and all of the other participants in this competition not only represent the best students in our nation, but also exemplify the ideals of hard work, dedication, and poise that are an inspiration to us all.

Please join me in supporting all of the Scripps National Spelling Bee participants who have demonstrated the highest levels of academic achievement by supporting this resolution.

RECOGNIZING THE CONTRIBUTIONS OF MAYOR LEN AUGUSTINE TO THE CITY OF VACAVILLE, CALIFORNIA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise today and invite my colleagues to join me in recognizing one of my constituents, Vacaville Mayor Len Augustine, who is retiring after a lifetime of public service, having served in the military for 28 years followed by serving the City of Vacaville for 18 years.

United States Air Force Colonel (Ret.) Len Augustine is a Vietnam veteran who served in a number of important command and staff positions during his military career, including assignments in the Pentagon, Australia, Germany, and at Travis Air Force Base in California where he commanded a C–141 flying squadron. He completed his 28-year military career as Commander of the 89th Airlift Wing at Andrews Air Force Base near Washington, DC, where his unit was responsible for Air Force One. Len is a veteran pilot, having flown a variety of military aircraft including the Learjet C–21, Gulfstream III, C–141, C–123 and KC–97 and also UH–I helicopters.

As mayor of Vacaville, Len saw many major projects through to completion. Most notably among these are the development and expansion of the region's biotech industry with Genentech, Alza, and Novartis; the expansion of Genentech, which made its Vacaville plant the world's largest bio-manufacturing facility; the expansion of the Kaiser Medical Center and development of the Kaiser Hospital; and the revitalization of Vacaville's Historic Downtown, including the Creekwalk Plaza, downtown library, and the popular Town Square in the heart of town, a concept Len brought home from a visit to Poland.

During his tenure as mayor, the city moved forward on the redevelopment of the Nut Tree property, creating much needed economic growth for the region. Len also worked on the State Compensation Insurance Fund office project and entitlements for Lagoon Valley, and he was instrumental in securing funding for the Leisure Town Road Overcrossing. His work on the Vacaville Strategic Plan process will continue to direct development and growth for generations.

In addition to Len's work on behalf of the City of Vacaville, his many professional memberships include the League of California Cities (Member and two-term Chair of Employee Relations Policy Committee), North Bay Division of the League of California Cities (past president), Association of Bay Area Governments (Executive Committee), Capitol Corridor Joint Powers Authority (member), Solano Local Agency Formation Commission (member), Solano Economic Development Corporation (member), Solano County Mayor's Conference (past chairman), Travis Regional Armed Forces Committee (past Chair), Solano Transportation Authority (past Chair), Solano County Water Agency (past Chair), Yolo-Solano Air Quality Management Board (member),

Vacaville Sunrise Rotary Club (past President), Friends of Vacaville Schools Committee (as past Chair he led the effort to pass a $100 million bond measure), Airport Land Use Commission/Solano County Aviation Advisory Committee (member), Vacaville-Dixon Greenbelt Authority (member), and the Vacaville-Fairfield-Solano Greenbelt Authority (member).

As Mayor Len Augustine retires, I am delighted to have this opportunity to thank him both for his outstanding service to our country and for his tireless work on behalf of the residents of Vacaville. His dedication to improving our quality of life has made a decided difference for all. I join with my colleagues along with his wife Sue, his children and grandchildren, as well as his extended family and friends, in wishing Len a long, happy, and well-deserved retirement.

COMMENDING PRESIDENT NURSULTAN NAZARBAYEV FOR ORGANIZING THE OSCE ASTANA SUMMIT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to commend President Nursultan Nazarbayev for organizing the OSCE Astana Summit which will be held December 1–2, 2010.

In 2007, under the Bush administration, my colleagues and I spearheaded an effort in Congress calling upon the U.S. to support Kazakhstan's bid to chair the Organization for Security and Cooperation in Europe (OSCE). Recognizing, as David Wilshire, Head of the delegation of the Parliamentary Assembly of the Council of Europe, noted, that ''building a democracy is a long and hard task,'' we felt that the U.S. could and should offer a gesture of goodwill by assisting Kazakhstan in its bid to chair the OSCE, considering that Kazakhstan voluntarily worked with the U.S. under the auspices of the Nunn-Lugar program to dismantle the world's fourth largest nuclear arsenal and shut down the world's second largest test site.

From 1949 to 1991, the Soviet Union conducted nearly 500 nuclear tests in Semipalatinsk, Kazakhstan, and exposed more than 1.5 million Kazakhs to nuclear radiation. After the collapse of the Soviet Union, President Nursultan Nazarbayev was among the first to recognize and neutralize the dangerous threat posed by the nuclear arsenal Kazakhstan inherited and, as a result of his initiative, Kazakhstan in cooperation with the U.S. dismantled a nuclear arsenal which was larger than the combined nuclear arsenals of Great Britain, France and China.

President Nazarbayev's decision to dismantle changed the course of modern history, and I am pleased that the U.S. finally supported Kazakhstan's OSCE bid for 2010. While there will always be critics intent on setting Kazakhstan back in its attempt to move the OSCE forward, all 56 member States unanimously voted in favor of Kazakhstan's chairmanship.

I believe they did so in recognition of the bold steps President Nazarbayev has taken to bring Kazakhstan out from under the yoke of communism. Of course there is work left to do but, according to polling data from an independent firm hired by the U.S. Embassy in Kazakhstan during the Bush administration, 90 percent of the people of Kazakhstan support President Nazarbayev and are pleased with the work he is doing and more than 63 percent of the people of Kazakhstan have a favorable opinion of the United States.

Since 9/11 and regarding U.S. coalition operations in Afghanistan, Kazakhstan has allowed overflight and transshipment to assist U.S. efforts. U.S.-Kazakh accords were signed in 2002 on the emergency use of Kazakhstan's Almaty airport and on other military-to-military relations. The Kazakh legislature approved sending military engineers to Iraq in May 2003 and, in his April 2010 meeting with President Obama, President Nazarbayev agreed to facilitate U.S. military air flights along a new trans-polar route that transits Kazakhstan to Afghanistan.

Now Kazakhstan is the first post-Soviet, first predominantly Muslim, and the first Central Asian nation to serve in the top leadership role of the OSCE, an organization known for promoting democracy, human rights and the rule of law. As Chair of the OSCE, Kazakhstan will also host the Astana Summit. The Astana Summit, like Kazakhstan's Chairmanship of the OSCE, is historic. Earlier this year, my colleagues and I also spearheaded an effort calling upon the U.S. to stand with Kazakhstan in support of an OSCE Summit, and I express my thanks to the Obama administration, and especially to U.S. Secretary of State Hillary Clinton and Assistant Secretary of State for South and Central Asian Affairs Robert O. Blake, who are expected to represent the U.S. at the Summit.

The Astana Summit has been organized at the initiative of President Nazarbayev and will be the first OSCE meeting of Heads of State to take place in more than a decade. It has been 11 years since the OSCE held a security summit and the world has changed drastically since then as a direct result of 9/11. While I have serious reservations about U.S. involvement in Afghanistan, Kazakhstan aims to use the OSCE Chair and Summit to press for a resolution to the conflict in Afghanistan and for this reason I am pleased that the United States is supporting the Astana Summit.

Given the serious importance of the Summit to U.S. efforts in Afghanistan, it is my hope that President Obama will attend. His presence will send the right signal to our allies in Central Asia who are also putting their lives on the line for us.

Central Asian countries, and especially Kazakhstan, provide support for U.S. and NATO operations in Afghanistan and without their assistance we would have no hope for success. But I hope that our partnership will extend past the war in Afghanistan in both breadth and depth. For over 100 years, the people of Central Asia have lived without basic freedoms and, in my meetings with the people and leaders of these countries, they, like us, want to continue their march towards democracy and this is why I commend President Nazarbayev for providing the stability necessary to push freedom forward.

Once more, I commend Kazakhstan for hosting the Astana Summit and I applaud the 56 nations that will participate to demonstrate to the world that the OSCE is relevant, essential and committed to responding to common security threats.

TRIBUTE TO KEE HIGH SCHOOL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize the excellence in education in the Fourth Congressional District of Iowa, and to specifically congratulate Kee High School in Lansing, Iowa, for making the list of the 2010 Blue Ribbon Schools.

The Blue Ribbon Schools Program honors public and private elementary, middle and high schools that are either academically superior or that demonstrate dramatic gains in student achievement. Kee High School scored in the top ten percent in Iowa with at least 40 percent of their students from disadvantaged backgrounds improving their performance on state assessments or nationally-normed tests.

I consider it a great honor to represent Kee High School Principal Patrick Heiderscheit, the teachers, students, school board members and administrators of Eastern Allamakee Community Schools in the United States Congress. I wish Kee High School continued academic excellence as they provide a positive impact on future generations to come.

IN RECOGNITION OF NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SMITH of New Jersey. Madam Speaker, today, I had the honor to speak at a briefing on Alzheimer's disease and the important work of the National Institute on Aging (NIA), National Institutes of Health, in providing leadership on research and treatments for patients with Alzheimer's. In addition to the NIA, the Alzheimer's Foundation of America, Alliance for Aging Research, Leaders Engaged on Alzheimer's Disease, USAgainst Alzheimer's, and the National Collaborative on Aging participated in the briefing.

November is National Alzheimer's Disease Awareness Month, and the briefing today provided an important contribution to increasing awareness in Congress. I fondly recall that President Ronald Reagan designated the first National Alzheimer's Disease Awareness week in 1982, 12 years before he announced that he had been diagnosed with the disease.

Alzheimer's disease is now the seventh leading cause of death in the United States. Estimates vary, but it is believed that over 5 million individuals have Alzheimer's and someone new develops the disease every 70 seconds. One in eight persons over 65 and nearly half of those over 85 has Alzheimer's. In my own state of New Jersey, 150,000 residents are suffering from Alzheimer's.

With the aging of the 78 million American baby-boomers, by 2050, 16 million will have the disease if advances are not made to prevent it.

In 2009, 11 million family caregivers provided the equivalent of $144 billion in care. And Alzheimer's costs to Medicare and Medicaid last year were $123 billion.

When I was first elected to Congress in 1980, diagnosis of Alzheimer's was about three million cases, and the National Institutes of Health (NIH) invested only $13 million in Alzheimer's research. This year, NIH will invest $469 million in baseline funding for Alzheimer's research. While we have made progress in federal support, we know that much more needs to be done to conquer this terrible disease.

In 1999, I joined Congressman MARKEY in founding the Congressional Task Force on Alzheimer's to help increase congressional awareness and legislative efforts relative to Alzheimer's. The Task Force which now includes 158 Members of the House of Representatives, hosts briefings and forums for Members of Congress and their staffs and works closely with the Alzheimer's Foundation of America and the Alzheimer's Association, which has a New Jersey affiliate.

We are working here in the House and with our colleagues in the Senate to pass this year The National Alzheimer's Project Act (or NAPA), legislation designed to better coordinate research and clinical programs dealing with Alzheimer's disease all across the federal bureaucratic spectrum. NAPA currently has 109 cosponsors.

As I mentioned earlier, by 2050, nearly 16 million Americans will have Alzheimer's, yet there is no national plan to deal with this looming crisis. The National Alzheimer's Project Act (NAPA), which has been modified since its introduction in February of this year, establishes in the Office of the Secretary of HHS a National Alzheimer's Project. It also will establish an inter-agency advisory council to advise the Secretary of HHS and address the government's efforts on Alzheimer's research, care, institutional services, and home- and community-based programs.

The Alzheimer's Project will create and maintain an integrated national plan to overcome Alzheimer's; accelerate the development of treatments that would prevent, halt, or reverse the course of Alzheimer's; help to coordinate the health care and treatment of citizens with Alzheimer's; ensure that ethnic and racial populations—who are at higher risk for Alzheimer's and least likely to receive care—are included in clinical, research, and service efforts; coordinate with international bodies to integrate and inform the fight against Alzheimer's globally; and provide information and coordination of Alzheimer's research and services across all Federal agencies.

I would like to commend the Alzheimer's Foundation and the Alzheimer's Association for their work and support to advance this legislation. As you know, such strong advocacy often makes the difference in pushing legislation over the finish line. While I am extremely disappointed that the Senate HELP Committee cancelled their mark-up yesterday that was to include NAPA, we will work with them to try to ensure that it is marked-up and passed this year.

In addition to introducing and fighting to pass NAPA, Rep. MARKEY and I have introduced two other major bills focusing on Alzheimer's:

On July 29, 2010, we introduced the HOPE for Alzheimer's: Health Outcomes, Planning and Education Act (H.R. 5926). The bill would provide for Medicare coverage of comprehensive Alzheimer's disease and other dementia diagnoses and services in order to improve care and outcomes for Americans living with the disease. The HOPE Act aims to increase detection and diagnosis of Alzheimer's disease and other dementias and provide access, information and support for newly diagnosed patients and their families.

The Alzheimer's Breakthrough Act (H.R. 3286 which was introduced in July 2009 and has 136 cosponsors, authorizes the necessary resources to restore momentum in the pursuit of better diagnosis, prevention and treatment. Advances and progress in the various areas of Alzheimer research have the potential to save millions of lives and save hundreds of billions of dollars.

Also, earlier this year we sent a letter, along with House and Senate colleagues, to Department of Health and Human Services (DHHS) Secretary Sebelius to have Alzheimer's and other dementias included in the Healthy People 2020 initiative. The Healthy People initiative provides 10-year national objectives for promoting health and preventing disease.

I am gratified to work alongside Congressman MARKEY and the other members of the bipartisan Congressional Task Force on Alzheimer's Disease to address this oncoming public health tsunami—and hopefully to see prevention and a cure before it totally overwhelms our nation's health care resources.

TRIBUTE TO CHARLES F. ''DUSTY'' RHODES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a South Carolinian, who has dedicated his life to motivating young men through baseball. Charles F. ''Dusty'' Rhodes is the founder of the South Carolina Storm travel baseball team in Charleston, and he has changed the lives of numerous young men through the program.

In 2002, Dusty Rhodes saw a need to help boys in the Charleston area pursue a college education through baseball. He began the Charleston Storm travel baseball program with the founding principles of ''attitude, academics, and baseball.'' Attitude was stressed by teaching players how to play baseball with respect for themselves, coaches, fellow and opposing players, umpires, and the game itself. Academics were stressed because many more scholarships are available to those who excel in academics than those who excel in baseball. The players had their grades checked, and the message was instilled that baseball would only last a few years, but a quality education would serve a young person for the rest of his life. The fundamentals of baseball were taught by coaches who had the ability to teach young men the correct way to play the game, in addition to upholding the attitude and academic goals.

Playing on a travel baseball team did have its financial cost. However, the boys were never denied the opportunity to play due to family financial hardship. Often Dusty and his wife, Kelly, supported the players out of their own pockets.

In the eight years since its inception, the team has evolved into the South Carolina Storm. Several hundred young men have been part of the program, and more than 65 of them have been afforded an opportunity to attend college and play baseball. One former player, Drew Miller provided the following testimony regarding his mentor, ''coach, leader, genuine, role model, giving, caring, friend and now cancer are all words that come to mind when the name Dusty Rhodes is brought up.''

Madam Speaker, I ask you and our colleagues to join me in honoring the tremendous contributions of this remarkable community leader. Dusty Rhodes' commitment to helping young men through baseball grows from his Christian faith, his love of young people, and his love of the game of baseball. Now he faces personal health challenges, but his remarkable legacy is etched in his devotion to making the lives of young people better.

INTRODUCING THE TARGETED TAX LIEN ACT OF 2010

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Targeted Tax Lien Act of 2010. While a notice of a federal tax lien can be an effective tax collection tool, the automatic filing process currently utilized by the Internal Revenue Service (IRS) too often allows for erroneous and unnecessary filings. A public filing of a notice of federal tax lien often does little to increase the likelihood of collecting the tax liability, yet can impact a taxpayer's credit and ability to obtain financing, find or retain a job, secure affordable housing or insurance and ultimately, the taxpayer's ability to pay the balance. This legislation will provide the IRS with the means to ensure that a notice of a federal tax lien is filed only when it would be in the best interest of both the IRS and taxpayer.

The Targeted Tax Lien Act of 2010 ends the IRS's current one-size-fits-all lien filing policies that, in the IRS Taxpayer Advocate's own words, ''circumvent the spirit of the law, fail to promote future tax compliance, and unnecessarily harm taxpayers.'' The bill requires an IRS supervisor to review and make an affirmative, specific finding on a case-by-case basis that a lien is warranted and not disproportionately harmful to the taxpayer. The bill provides a list of factors to consider, such as the amount due, the value of the property, a taxpayer's compliance history, and extenuating circumstances.

Furthermore, the IRS's ability to collect tax liabilities will not diminish under these new policies. A recent IRS National Taxpayer Advocate study suggests that in most instances where the source of payment of a tax debt to the IRS is specified, more than 95 percent of all payments and more than 80 percent of all revenue collected did not result from a notice of lien filing and would have been collected even without the filing. Additionally, a separate analysis performed by the Advocate shows that only about five percent of all payment transactions and approximately twenty percent of the total dollars collected from these taxpayers are attributable to federal tax liens. These results suggest that the IRS's current use of liens may not be furthering revenue collection despite the impact liens have on taxpayers and their credit.

Madam Speaker, the current automatic filing process can often result in the filing of a notice of federal tax lien when another collection technique would have been more appropriate and effective. It should come as no surprise that the taxpayers most often impacted by an erroneous notice of a lien filing are small businesses and middle class families. By making sure the IRS uses the tax collection method and strategy best suited to each particular taxpayer, the Targeted Tax Lien Act of 2010, not only helps buttress these bedrocks of our economy, but allows the IRS to avoid unnecessary expenses, ensuring it also can use its resources more efficiently.

I urge my colleagues to support this important legislation and reaffirm the commitment of Congress to small businesses and the middle class.

TRIBUTE TO LEO THOMSEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise today to congratulate Leo Thomsen of Jefferson, Iowa, on the celebration of his 100th birthday on October 4, 2010.

Leo was born on October 4, 1910, in Greene County, Iowa. He grew up in Paton, Iowa where he later became a farmer and worked at a grain elevator. In 1940, Leo married Bernice Anderson and they were together until her death in 1988. They have two daughters, Mary and Judy; and have five grandchildren, Cesar, Tony, Marisa, Matt and Brad. Leo is currently residing at the Regency Park Nursing and Rehab Center in Jefferson, Iowa.

There have been many changes that have occurred during the past one hundred years. Since Leo's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Leo has lived through 18 United States presidents and 22 governors of Iowa. In his lifetime, the population of the United States has more than tripled.

I know that my colleagues in the United States Congress join me in sending warm wishes to Leo on the milestone of his 100th birthday. I am extremely honored to represent him in Congress, and I wish him happiness and health for many more years to come.

IN HONOR OF THE 55TH ANNIVERSARY OF RECOVERY RESOURCES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of the founders, staff, volunteers and clients of Recovery Resources of Cleveland, Ohio, as they celebrate their fifty-fifth anniversary at the 20th Annual Bronze Key Gala. Thousands of individuals and their families, seeking to break free from the chains of drug and alcohol addiction have been helped by Recovery Resources.

Recovery Resources was founded 55 years ago by two caring and dedicated individuals, Martha Baker and her husband, Dick Baker. Recovery Resources helps people triumph over mental illness, alcoholism, drug and other addictions in Northeast Ohio. The dedicated, compassionate, and professional staff at Recovery Resources delivers outpatient mental health and substance abuse prevention and treatment programs in nine locations and touches 13,000 clients annually in Cuyahoga County.

Treatment programs at Recovery Resources are based on several phases of assessment, treatment and aftercare. The programs employ evidence-based best practices, mental health and psychiatric services, individual and group counseling, intensive services for those with dual diagnoses, homeless services and case management. In addition to intensive individual therapy and education programs, Recovery Resources provides special services to HIV/AIDS, Older Adults, Homeless, Women and Families.

Madam Speaker and Colleagues, please join me in honor and recognition of the founding members, staff and volunteers of the Recovery Resources of Cleveland, Ohio. Their unwavering dedication to lifting the lives of thousands of individuals and families onto a platform of safety, strength, and recovery steady the foundation of hope and peace throughout the entire community.

RECOGNITION OF DR. ANDREW GERHART

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LEVIN. Madam Speaker, I rise today to recognize Dr. Andrew Gerhart, Associate Professor of Mechanical Engineering at Lawrence Technological University in Southfield, Michigan.

Dr. Gerhart has been named the 2010 Michigan Professor of the Year by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education. More than 300 top professors in the United States were considered in this annual competition, which is the only national program to recognize excellence in undergraduate teaching and mentoring.

Dr. Gerhart received his Master's degree from the University of Wyoming and his Ph.D. from the University of New Mexico in Albuquerque, NM. After numerous highly successful career endeavors, he began teaching at Lawrence Tech University in 2002 and has become a remarkably active teacher and researcher. He is the director of the Thermal Science Laboratory and Aerodynamics Laboratory, Coordinator of the Certificate of Energy and Environmental Management Program and Aeronautical Engineering Minor/Certificate, and Chair of the Leadership Curriculum Implementation Committee.

During his tenure at Lawrence Technological University, Dr. Gerhart has received numerous awards and been nationally recognized for papers and presentations about improving the educational process. In 2005, he was awarded the Outstanding Young Engineer of the Year by the Engineering Society of Detroit. Also that year, his paper, "K–12 Summer Engineering Outreach Programs—Curriculum Comparisons Between Ages, Minorities, and Genders" was awarded Best Paper—PIC V at the 2005 ASEE Annual Conference. Additionally, he is the recipient of a 2004–2005 and 2005–2006 Kern Faculty Incentive Grants for research with Turbine Technologies, Ltd, and recipient of portions of the 2006 KEEN grant and 2007 Chrysler Foundation grant.

I have seen first-hand the outstanding work that Lawrence Tech University is doing. In particular, the University's Center for Innovative Materials Research is doing state-of-the-art work in the area of advanced composite materials. It is important to develop these cutting-edge technologies here in Michigan because of our strong roots in research and development.

Madam Speaker, I ask my colleagues to join me in recognizing the achievements of Dr. Andrew Gerhart and to congratulate him on receiving this well-deserved award. I am confident Dr. Gerhart will continue in his success, as he educates students to be the next leaders in the field of engineering.

TRIBUTE TO CHARLES L. "CHUCK" ROGERS

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mrs. BONO MACK. Madam Speaker, I rise today to pay tribute to Charles L. "Chuck" Rogers, a distinguished and honorable man who made many selfless contributions to our nation with his service to country in the United States Army and throughout his remarkable life. Mr. Rogers was the patriarch of a wonderful family and someone I was honored to know and call friend. Sadly, Mr. Rogers passed away on October 29, 2010, at the age of 79 surrounded by his beloved family in Pasadena, California. I ask all of my colleagues to join with me today in saluting this outstanding American.

Mr. Rogers was born in San Diego in October of 1931. He graduated from San Diego High School in 1949, and went on to attend UC Berkeley before transferring to Stanford University where he received his A.B. Degree in 1953. Mr. Rogers went on to serve in the Counter Intelligence Corps (CIC) of the United States Army for two years, and then went on to attend Stanford Law School earning his Juris Doctorate in 1957.

While serving in the CIC, Mr. Rogers was stationed on the East Coast where he met his beloved wife, Marion Booth, a secondary schoolteacher. In 1955, Charles and Marion married in Hamden, Connecticut where they began their lifelong partnership, and raising their six children.

Mr. Rogers will always be remembered for his love of family, his endless generosity, his ever-present sharp wit and sarcastic humor, and his strength of character and personal integrity. A man of devotion, Mr. Rogers consistently supported the Catholic Church and was appointed a Knight of the Order of the Holy Sepulchre.

Known for his mastery of impeccable writing, Mr. Rogers became a partner, and practiced with the law firm of Lawler, Felix and Hall

in Los Angeles for most of his career. His most prominent matters related to the telecommunications industry. Mr. Rogers served on or chaired various Bar committees and also valued the camaraderie of his fellow members of the Bar as a member of The Chancery Club of Los Angeles.

The youngest of three brothers, Charles adored his brothers: Joseph W., the late Michael C. and John F. "Jack". They stayed close throughout their lives and enjoyed their time together.

Charles is survived by Marion, his wife of nearly 55 years; their six children, Pamela Burton (John), David (Vicky), Albie, Marion Riley Campbell (Robin), Charles (Anne), and Sarah Krappman (Matthew); their 15 grandchildren (Timothy, Nancy, Lisa, Sarah, Renee and Michelle Burton; Ryan and Spencer Rogers; Liam Riley, Marion Riley Campbell and Eileen Riley Campbell; Brian and Thomas Rogers; and Charles and Kevin Krappman); two brothers, Joe and Jack, and numerous nieces and nephews.

Mr. Rogers will be remembered by his dear family and friends as a dedicated family man who rendered tireless service to those who had the opportunity to associate with him.

Madam Speaker, I once again pay tribute to this great American and family man. His life was a testament to patriotism and the importance of family, and I am honored to speak on his behalf today. I encourage my colleagues to join me in recognizing and celebrating the life of Mr. Charles Lightwood Rogers.

STEM CELL THERAPY FOR LEX, THE MILITARY WORKING DOG

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. JONES. Madam Speaker, this week, the German Shepherd Lex, whose master Corporal Dustin Lee was killed in Iraq in 2007, is returning to Washington.

The RPG that killed his master also injured Lex by sending shrapnel into his back. Lex's pain has been very severe over the past three years and also has a hard time walking.

Lex was able to be retired and in December of 2007 he was officially adopted by Jerome and Rachel Lee, the parents of Cpl Dustin Lee.

I would like to thank Gen. Mike Regner for helping get Lex retired and adopted by the Lees, as their son would have wanted his partner to be home with this family.

This week Lex is traveling to DC for a visit to the Georgetown Veterinary Hospital. Dr. Lee Morgan is performing stem cell therapy on Lex to help relieve his pain and extend his life. The idea is to not only treat the pain, but to repair the damage done by the shrapnel altogether.

This is a very important procedure for both Lex and the Lee family, as they have all been through so much together already.

Many individuals and organizations have made it possible for Lex to receive this therapy by donating time and money to the cause,

I would like to thank the Humane Society, the American Kennel Club, the German Shepherd Dog Club of Northern Virginia, Shoreline German Shepherd Dog Club, and the U.S. War Dogs Association.

I would like to give a special thanks to Connie Whitfield and her husband Congressman ED WHITFIELD, for all they have devoted to Lex and the Lee family. Thanks to John Burnam for all of his work and for bringing Lex's story to my attention three years ago.

A big thank you goes to Dr. Lee Morgan of Georgetown Veterinary Hospital for performing the procedure.

Contributions came from all over the country and I appreciate everyone who donated. A dog handler currently stationed in Afghanistan sent a donation, which speaks to the importance of these dogs and the appreciation our service members have for them.

With that Madam Speaker, I close by asking God to please bless our men and women in uniform, their families, and I ask God to please bless America.

STATEMENT ON TERRORIST ATTACK AGAINST OUR LADY OF SALVATION CHURCH, BAGHDAD

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. BOEHNER. Madam Speaker, I rise today to join the Obama Administration in condemning the recent terrorist attack against Our Lady of Salvation Church in Baghdad, which left more than 60 dead and another 75 wounded. In the most hideous of ways, we have been reminded of the enemy's desire to seek the death and destruction of anyone who opposes its attempt to impose a pernicious worldview.

This attack occurred during Sunday Mass, just as the congregation rose to recite, "Upon this rock, I will build my church." As a Catholic, as someone raised to cherish life and defend its sanctity, it is difficult to contemplate the twisting of the human soul required to shatter that peace and commit such a senseless act. It's even more difficult to summon the restraint required to ease the trembling such hatred provokes.

The enemy keeps innocents of all faiths in its sights. In August, men and women affiliated with a Christian non-government organization working to provide eye care to people in remote and destitute areas of Afghanistan were executed in cold blood by the Taliban. In the last two weeks, a devastating and deadly bombing attack occurred during a worship service at a mosque in Pakistan. In the case of the recent cargo plane bombing attempt, the President indicated the bombing packages were addressed to Jewish synagogues in Chicago. These attacks are designed to bring division where there is diversity, and chaos where there is stability.

As time passes, as national debates and attention shifts, it is easy for the real horror and tragedy of the terrorist attacks of September 11, 2001 to become faded and blurred memories. But the hateful ideology that drives these attacks, the global movement to reject Western culture and values and religion is still plotting, planning, and attacking where it can. We were wrong to ignore the warning signs in the 1990s, when we witnessed a steady escalation of attacks, which we treated as isolated incidents. As Americans, as keepers of the truth that "He who gave us life, gave us liberty," we must spare no effort to protect people of all faiths who oppose radical Islamic extremists. Our vigilance in this regard must be perpetual and total.

As Christians, we are taught that suffering and disappointment can enlarge our hearts and make us more grateful for the blessings in our lives. In this season of thanksgiving, let us renew our gratitude for the brave men and women overseas standing guard in defense of our freedom and taking the fight to the enemy.

TRIBUTE TO AMANDA TERHARK

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Amanda Terhark of Iowa Falls, Iowa, as the recipient of the Art Educators of Iowa (AEI), 2010 Outstanding Middle School Art Educator award for her dedication to her students and art. She accepted the award on October 2, 2010, at the AEI conference in Sioux City, Iowa.

Amanda splits her time as an art teacher at Riverbend Middle School and Rock Run Elementary School and has been teaching art for seven years. This is her first teaching position and the first time she is getting recognized for her work.

When Amanda found out she was nominated for the award last summer, she asked Riverbend Middle School's principal Jeff Burchfield to write a letter of recommendation. In his letter, Mr. Burchfield praised her work both in the classroom and the community. He wrote: "She has high expectations for student performance and behavior, yet her teaching style is one of mutual respect and admiration . . . [Amanda] genuinely cares for the students in her classroom, and this is evident in the way that she interacts with them and builds connections with them."

Amanda has always put her students first. She was instrumental in starting an art club at Riverbend Middle School five years ago and in 2008, for her final project for her master's degree, Amanda involved her students by including some of their artwork in her exhibit.

Amanda Terhark is an incredible teacher, and her dedication to her profession and to her students should make every Iowan proud. It's an honor to represent her and the people of the Iowa Falls Community School District in the United States Congress, and I know that my colleagues in the House join me in congratulating Amanda on this well-deserved award and thanking her for her dedicated service to her community and America's youth.

HONORING CARL DAY

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. AUSTRIA. Madam Speaker, I rise today on behalf of the people of Ohio's Seventh Congressional District to honor the life and memory of Carl Day.

As a 50-year veteran broadcaster, Carl Day was known as the Voice of Dayton. According

to the Dayton Area Broadcaster's Hall of Fame, Carl won more awards than any other Ohio broadcaster.

As a news anchor he worked for each of the Dayton TV stations and WHIO Radio, winning seven Emmys during his career. In 1998, The Associated Press renamed its Outstanding Achievement Award "The Carl Day Award for Outstanding Achievement." In 2009, Carl was inducted into the Dayton Walk of Fame as recognition of his dedication to his job and his community. In addition, he was a member of six broadcasting halls of fame.

He was committed to his profession, but what he most will be remembered for is his dedication to this community, his family and friends. He was known to volunteer his time raising funds for a variety of local entities. As the son of a military family, he was devoted to our area veterans and the Wright-Patterson Air Force Base community.

One of Carl's aspirations was to create a foundation to support young broadcasters. With the establishment of A Brighter Day: The Carl Day Memorial Foundation, his family has made his plan a reality.

After a hard fought battle with cancer, Carl Day, 72, passed away on November 17, 2010 surrounded by his son and daughter. Carl's life will continue to be an inspiration to all those who loved him and to the community he served so well.

IN HONOR OF THE 100TH ANNIVERSARY OF THE EASTERN CONNECTICUT CHAMBER OF COMMERCE

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor The Eastern Connecticut Chamber of Commerce. I want to recognize their impressive 100th anniversary and celebrate this extraordinary milestone.

For the past century, the Chamber of Commerce has worked hard to cultivate the economy of eastern Connecticut. Through their efforts, community and business leaders have come together to strengthen eastern Connecticut's local economy.

It is a privilege to congratulate the Chamber on reaching this historic achievement. Their impact has been felt throughout eastern Connecticut and countless of small businesses have thrived because of the vision and the leadership the Chamber has provided.

Through innovative thinking, the Chamber's 1600 members have fostered a business climate that meets the current and future needs of eastern Connecticut. As the Chamber's members continue to work to grow our economy, it is important to remember that they have served as the voice of Connecticut businesses for 100 years.

During these challenging times, it is easy to lose hope. We need to replace lost jobs and we need to reinvigorate Connecticut's economy. If any of us are ever tempted to lose faith in our ability to persevere, we need only look to the shining example the Eastern Connecticut Chamber of Commerce has provided. The Chamber has provided unwavering leadership in its determination and advocacy for Connecticut businesses. They have led the way toward economic growth for the past hundred years, and I know they will continue to do so for the coming century.

The Chamber's ingenuity and innovation has served as the backbone of our region, and I ask all of my colleagues to join with me, and the people of Connecticut, in recognizing the Eastern Connecticut Chamber of Commerce on their 100th anniversary.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. ELLISON. Madam Speaker, on November 17, 2010, I inadvertently voted "yes" on rollcall No. 573 and I intended to vote "no."

HONORING BETTY KNIGHT SCRIPPS

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SHADEGG. Madam Speaker, I rise today to proudly recognize Betty Knight Scripps, newspaper heiress, for her extraordinary and generous charitable spirit, and her countless contributions to society. She is viewed by many as America's first lady of philanthropy.

Mrs. Scripps and her late husband, Edward W. Scripps, advanced the interests of freedom and a free press through their work as publishers of a chain of newspapers throughout the United States, and through their active involvement in the Inter-American Press Association, which advanced the causes of independent journalism and a free press throughout Latin America.

In 1984, Mrs. Scripps established the Edward W. and Betty Knight Scripps Foundation to serve mankind by supporting the advancement of health care, education, journalism, the First Amendment, and the arts and culture.

For eight years, Mrs. Scripps served as General Chairman of the Washington National Opera Ball raising record-breaking proceeds for the 50-year-old organization, bringing together leaders of the diplomatic, government, corporate and arts communities in our Nation's Capital. Mrs. Scripps has also chaired the International Red Cross Ball in Palm Beach, Florida, and the English National Ballet Gala in London, England.

Mrs. Scripps is undoubtedly one of Scripps Health's and Scripps Memorial Hospital La Jolla's most esteemed benefactors, as evidenced by her leadership, commitment and generosity. Mrs. Scripps has chaired the prestigious Candlelight Ball, which has raised close to $20 million in philanthropic support for exceptional, life-saving care at the nonprofit hospital. Mrs. Scripps continues the legacy of the Scripps family member who founded the hospital in 1924.

Madam Speaker, I ask that you and my colleagues in the U.S. House of Representatives join me in recognizing Betty Knight Scripps, an extraordinary American and humanitarian.

TRIBUTE TO MAGGIE PARKS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Maggie Parks of Marshalltown, Iowa, as the recipient of the Art Educators of Iowa, AEI, 2010 Art Teacher of the Year award for her dedication to her students and art. She accepted the award on October 2, 2010 at the AEI conference in Sioux City, Iowa.

Maggie, who has been with the Marshalltown Community School District for 13 years, is currently an art teacher at Fisher Elementary School and at Woodbury Elementary School. The AEI Art Teacher of the Year award is the highest honor that can be given by the organization.

One of Maggie's goals is to help improve art education throughout the state by serving on boards and assisting other teachers. She is responsible for starting a new mentoring program for first year art teachers in the state. Maggie would keep a list of things that would work and share it with other teachers in the state.

In the past, Maggie was the president on the AEI board and served in several capacities with organization. She is highly respected in the school district as well as in the state of Iowa and is perceived by her peers as a leader at the school, district, and state level.

Maggie Parks is an incredible teacher, and her dedication to her profession and to her students should make every Iowan proud. It's an honor to represent her and the people of the Marshalltown Community School District in the United States Congress, and I know that my colleagues in the House join me in congratulating Maggie on this well-deserved award and thanking her for her dedicated service to her community and America's youth.

HONORING TIMOTHY JAMES PARNACOTT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Timothy James Parnacott. Timothy is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Timothy has been very active with his troop, participating in many scout activities. Over the many years Timothy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Timothy has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Timothy James Parnacott for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

REVISED SECTION-BY-SECTION ANALYSIS FOR H.R. 6198 BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 2010

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SCOTT of Virginia. Madam Speaker, a version of this section-by-section analysis was included in the RECORD during the debate on this bill. The version below incorporates a few modest but important clarifications. I would ask that in the permanent RECORD, the version below replace the version now found in the September 28, 2010 daily edition of the RECORD, beginning on page H7159.

H.R. 6198, THE BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 2010 SECTION-BY-SECTION EXPLANATION

Sec. 1. Short Title. Section 1 sets forth the short title of the bill as the ''Bankruptcy Technical Corrections Act of 2010.''

Sec. 2. Technical Corrections Relating to Amendments Made by Public Law 109–8. Section 2 makes a series of technical corrections to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109–8 (2005 Act).

Subsection (a)(1)(A) amends section 101(13A) of title 11 of the United States Code (Bankruptcy Code), which defines ''debtor's principal residence.'' The amendment clarifies that the definition pertains to a structure used by the debtor as a principal residence.

Subsection (a)(1)(B) amends Bankruptcy Code section 101(35), which defines ''insured depository institution.'' The amendment corrects erroneous statutory references in this provision.

Subsection (a)(1)(C) amends Bankruptcy Code section 101(40B), which defines ''patient records.'' The amendment clarifies that the term means a record relating to a patient, including a written document or an electronic record.

Subsection (a)(1)(D) amends Bankruptcy Code section 101(42), which defines ''petition.'' The amendment deletes the reference to section 304 of the Bankruptcy Code, which was eliminated as a result of the 2005 Act, and adds a reference to section 1504, which was added by the 2005 Act.

Subsection (a)(1)(E) amends Bankruptcy Code section 101(51B), which defines ''single asset real estate.'' The amendment corrects a drafting error by reinserting a missing word.

Subsection (a)(1)(F), amends Bankruptcy Code section 101(51D), which defines ''small business debtor.'' The amendment clarifies that the debt limit specified therein is determined as of the date of the filing of the petition.

Subsection (a)(1)(G) redesignates paragraphs (56A) and (53D) of Bankruptcy Code section 101 as (53D) and (53E), respectively.

Subsection (a)(2) amends Bankruptcy Code section 103(a), which pertains to the applicability of chapters of the Code. The amendment corrects an erroneous statutory reference in this provision.

Subsection (a)(3) amends Bankruptcy Code section 105(d)(2), which pertains to status conferences. The amendment makes a grammatical correction.

Subsection (a)(4) amends Bankruptcy Code section 106(a)(1), which pertains to the waiver of sovereign immunity. The amendment deletes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(5) amends Bankruptcy Code section 107(a), which pertains to public access to bankruptcy cases. The amendment corrects a drafting instruction error.

Subsection (a)(6) makes several amendments to Bankruptcy Code section 109, which sets forth the eligibility criteria for a debtor. Subsection (a)(6)(A) amends Bankruptcy Code section 109(b)(3)(B) to add a missing parenthesis. Subsection (a)(6)(B) makes a conforming amendment to Bankruptcy Code section 109(h)(1) to clarify that Bankruptcy Code section 109(h)(4) is an exception. In addition, subsection (a)(6)(B) clarifies that the 180–day period ends on the date of the filing of the petition.

Subsection (a)(7) amends Bankruptcy Code section 110, which pertains to bankruptcy petition preparers. It makes conforming amendments to Bankruptcy Code section 110(b)(2)(A) and (h)(1) so that they conform to other provisions in section 110 with respect to fees received by a petition preparer on behalf of a debtor. In addition, subsection (a)(7) restructures section 110(h)(3) to clarify the court's authority to disallow fees under this provision.

Subsection (a)(8) amends Bankruptcy Code section 111, which concerns nonprofit budget and credit counseling agencies and financial management instructional courses. The amendment corrects two typographical errors in Bankruptcy Code section 111(d)(1)(E). The first error concerns incorrect punctuation and the second error pertains to incorrect indentation of the subparagraph.

Subsection (a)(9) amends Bankruptcy Code section 303, which pertains to involuntary bankruptcy cases. The amendment corrects the misdesignation of subsection (1) by redesignating it as subsection (k).

Subsection (a)(10) amends Bankruptcy Code section 308, which concerns reporting requirements for small business debtors. The amendment restructures subsection 308(b)(4) to clarify its intent.

Subsection (a)(11) makes two amendments to Bankruptcy Code section 348, which pertains to the effect of conversion of a case. First, it amends Bankruptcy Code section 348(b) to strike references to Bankruptcy Code sections 728(a), 728(b), 1146(a) and 1146(b) as these provisions were eliminated by the 2005 Act. Second, it amends Bankruptcy Code section 348(f)(1)(C)(i) to clarify that the provision applies with respect to the date of the filing of the petition.

Subsection (a)(12) amends Bankruptcy Code section 362, which pertains to the automatic stay, in several respects. First, the amendment makes a stylistic correction to subsection 362(a)(8) with respect to its reference to a debtor that is a corporation. Second, it adds a missing article in subsection 362(c)(3). Third, the amendment conforms the reference in subsection 362(c)(4)(A)(i) to ''refiled'' with subsection 362(c)(3) so that it applies to a case filed under a chapter other than chapter 7 after dismissal of a prior case pursuant to Bankruptcy Code section 707(b). Fourth, it corrects an erroneous conjunctive in subsection 362(d)(4). Fifth, it corrects a spelling error in subsection 362(1).

Subsection (a)(13) amends Bankruptcy Code section 363, which concerns the use, sale, or lease of property. The amendment restructures subsection 363(d) to clarify its intent.

Subsection (a)(14) amends Bankruptcy Code section 505, which pertains to the determination of tax liability. The amendment corrects the provision's use of terminology.

Subsection (a)(15) amends Bankruptcy Code section 507, which pertains to priorities. The amendment corrects a punctuation error.

Subsection (a)(16) amends Bankruptcy Code section 521, which pertains to the duties of the debtor. The amendment makes several revisions. First, it deletes redundant text in subsection 521(a)(2)(A) and (B). Second, it restructures section 521(a)(2) to clarify its meaning. Third, the amendment corrects grammatical errors in paragraphs (3) and (4) of subsection 521(a).

Subsection (a)(17) amends Bankruptcy Code section 522, which concerns exemptions. The amendment corrects two grammatical errors in subsection 522(b)(3)(A). In addition, it makes a conforming revision to subsection 522(c)(1).

Subsection (a)(18) amends Bankruptcy Code section 523, which pertains to the dischargeability of debts. The amendment corrects a punctuation error in subsection 523(a)(2)(C)(ii)(II) and corrects an erroneous statutory cross reference in subsection 523(a)(3).

Subsection (a)(19) amends Bankruptcy Code section 524, which concerns reaffirmation agreements, among other matters. The amendment makes several revisions. First, it corrects erroneous terminology in subsection 524(k)(3)(J)(i) and inserts a missing verb. Second, it corrects a punctuation error in subsection 524(k)(5)(B).

Subsection (a)(20) amends Bankruptcy Code section 526, which deals with restrictions on debt relief agencies. The amendment makes a conforming revision to subsection 526(a)(2). It also adds a missing article to subsection 526(a)(4).

Subsection (a)(21) amends Bankruptcy Code section 527, which concerns disclosures by debt relief agencies. The amendment makes a grammatical correction.

Subsection (a)(22) amends Bankruptcy Code section 541, which deals with property of the estate. The amendment corrects a statutory reference to the Internal Revenue Code of 1986 in section 541(b)(6)(B).

Subsection (a)(23) amends Bankruptcy Code section 554, which concerns abandonment. The amendment corrects an erroneous a statutory reference in subsection 554(c).

Subsection (a)(24) amends Bankruptcy Code section 704, which pertains to duties of the trustee. The amendment corrects an erroneous statutory reference in subsection 704(a)(3).

Subsection (a)(25) amends Bankruptcy Code section 707, which concerns dismissal of a chapter 7 case or conversion to a case under chapter 11 or 13. The amendment makes several revisions. First, it corrects an erroneous statutory cross reference in subsection 707(a)(3). Second, the amendment clarifies that the provision's reference to date means the date of the filing of the petition in subsection 707(b)(2)(A)(iii)(I). Third, the amendment corrects an erroneous statutory reference in subsection 707(b)(3).

Subsection (a)(26) amends Bankruptcy Code section 723(c), which pertains to the rights of a partnership trustee against general partners. The amendment strikes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(27) amends Bankruptcy Code section 724, which concerns the treatment of liens. The amendment clarifies certain statutory references in section 724(b)(2) and makes other clarifying revisions.

Subsection (a)(28) amends Bankruptcy Code section 726(b), which concerns distribution priorities in a chapter 7 case, to add a statutory reference to section 507(a)(9) and (10).

Subsection (a)(29) amends Bankruptcy Code section 901, which concerns the applicability of the Bankruptcy Code to municipality cases. The amendment adds references to Bankruptcy Code sections 333, dealing with the appointment of a patient care ombudsman, and 351, concerning the disposal of patient records, both of which were added by the 2005 Act.

Subsection (a)(30) amends Bankruptcy Code section 1104, which pertains to the appointment of a trustee and examiner. The amendment restructures subsection 1104(a) to clarify the provision's intent and how it relates to Bankruptcy Code section 1112(b), as amended by the 2005 Act. In addition, it corrects an erroneous statutory reference in subsection 1104(b)(2)(B)(ii).

Subsection (a)(31) amends Bankruptcy Code section 1106, which pertains to the duties of a trustee and examiner. The amendment corrects two erroneous statutory references in section 1106(a).

Subsection (a)(32) amends Bankruptcy Code section 1111, which concerns claims and interests. The amendment corrects an erroneous statutory reference in section 1111(a).

Subsection (a)(33) amends Bankruptcy Code section 1112(b), which sets forth the grounds for converting or dismissing a chapter 11 case. The amendment restructures this provision to eliminate an internal redundancy. In addition, it corrects an erroneous statutory reference in section 1112(e).

Subsection (a)(34) amends Bankruptcy Code section 1127, which pertains to modification of a chapter 11 plan. The amendment corrects an erroneous statutory reference in section 1127(f)(1).

Subsection (a)(35) amends Bankruptcy Code section 1129(a), which sets forth the criteria for confirmation of a chapter 11 plan. The amendment makes a grammatical correction to section (a)(16).

Subsection (a)(36) amends Bankruptcy Code section 1141(d)(5), which concerns the effect of confirmation. The amendment clarifies the intent of this provision.

Subsection (a)(37) amends Bankruptcy Code section 1145(b), which pertains to the applicability of securities laws. The amendment corrects an erroneous statutory reference in this section.

Subsection (a)(38) amends Bankruptcy Code section 1202, which details the responsibilities of a trustee in a chapter 12 case. The amendment corrects several erroneous statutory references in section 1202(b).

Subsection (a)(39) amends Bankruptcy Code section 1302, which details the responsibilities of a trustee in a chapter 13 case. The amendment corrects several erroneous statutory references in section 1302(b)(1).

Subsection (a)(40) amends Bankruptcy Code section 1304, which concerns a chapter 13 debtor engaged in business. The amendment corrects an erroneous statutory reference in section 1304(c).

Subsection (a)(41) amends Bankruptcy Code section 1307, which sets forth the grounds for converting or dismissing a chapter 13 case. The amendment corrects several erroneous statutory references in this section.

Subsection (a)(42) amends Bankruptcy Code section 1308, which concerns the filing of prepetition tax returns. The amendment clarifies several statutory references in section 1308(b)(2).

Subsection (a)(43) amends Bankruptcy Code section 1322(a), which pertains to the contents of a chapter 13 plan. The amendment corrects an internal inconsistency.

Subsection (a)(44) amends Bankruptcy Code section 1325, which pertains to confirmation of a chapter 13 plan. The amendment adds a missing word to subsection 1325(a) and adds a missing parenthesis to subsection 1325(b)(2)(A)(ii).

Subsection (a)(45) amends the heading of Bankruptcy Code section 1511, to include a reference to section 302.

Subsection (a)(46) amends Bankruptcy Code section 1519, which pertains to the relief that may be granted upon the filing of a petition for recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference in section 1519(f).

Subsection (a)(47) amends Bankruptcy Code section 1521(f) which concerns relief that may be granted upon recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference.

Subsection (a)(48) amends Bankruptcy Code section 1529, which concerns the coordination of a case under title 11 and a foreign proceeding. The amendment adds a missing word to section 1529(1).

Subsection (a)(49) amends the table of sections for chapter 3 of the Bankruptcy Code to correct an erroneous description of section 333.

Subsection (a)(50) amends the table of sections for chapter 5 of the Bankruptcy Code to correct an erroneous description of section 562.

Subsection (b) amends section 157 of title 18 of the United States Code, which concerns bankruptcy fraud. The amendment removes superfluous references in this section.

Subsection (c)(1) amends section 158 of title 28 of the United States Code, which pertains to bankruptcy appeals. The amendment corrects a grammatical error in section 158(d)(2)(D).

Subsection (c)(2) amends section 159 of title 28 of the United States Code, which pertains to the collection of bankruptcy statistics. The amendment adds a missing word to section 159(c)(3)(H).

Subsection (c)(3) amends section 586 of title 28 of the United States Code, which concerns the United States Trustee Program. The amendment corrects a punctuation error in section 586(a)(3)(A)(ii), corrects erroneous terminology in section 586(a)(7)(C), and eliminates redundant language in section 586(a)(8).

Sec. 3. Technical Correction to Public Law 109–8. Section 3 amends section 1406(b)(1) of the 2005 Act to correct a spelling error.

TRIBUTE TO SERGEANT MICHAEL F. PARANZINO

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. KENNEDY. Madam Speaker, I rise today to pay tribute to Sergeant Michael F. Paranzino, from Middletown, Rhode Island, who lost his life on November 5, 2010, of injuries sustained while serving his country in Kandahar, Afghanistan.

Sergeant Paranzino was the loving husband of Lindsey (Christopher) Paranzino and the proud tither of Maxton and Logan of Fort Drum, New York. He was assigned as a cavalry scout to the 1st Brigade Combat Team, 10th Mountain Division.

Born in Newport, Rhode Island on December 4, 1987, Sergeant Paranzino was the son of Francis "Butch" and Melane C. Paranzino and the brother of Daniel F. Paranzino of Middletown, Rhode Island. He was a 2006 graduate of Middletown High School. While he was a student at Middletown High School, he made trips to Nicaragua in January of 2005 and 2006 with the Northeast Volunteer Optometric Services to Humanity to provide humanitarian support to the disadvantaged and poor in Catarina and Nandasmo, Nicaragua. These trips provided life-expanding experiences for Sergeant Paranzino and were the precursor to many of the values he believed in along with the leadership skills that he displayed as an Army Sergeant.

A year after his graduation from Middletown High School, Sergeant Paranzino enlisted in the Army and was a cavalry scout with the 1st Squadron, 71st Cavalry Regiment. After his basic training he was stationed at Fort Drum, New York in 2008 and was deployed to the Middle East as part of Operation Iraqi Freedom just a few months later. In 2010 Sergeant Paranzino was sent to Afghanistan to support Operation Enduring Freedom. He was recognized with more than 10 decorations for his military service just after three-plus years, including the Army Achievement Medal, the Meritorious Unit Commendation, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Ribbon, the NATO Medal and the Combat Action Badge.

Today, as we celebrate the life and accomplishments of this exceptional Rhode Islander, my thoughts and prayers are with Sergeant Paranzino's family and friends.

We are all deeply indebted to Sergeant Paranzino for his service and his sacrifice.

HONORING BENJAMIN JAMES PATRICK HUBER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Benjamin James Patrick Huber. Benjamin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop, participating in many scout activities. Over the many years Benjamin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Benjamin has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Benjamin James Patrick Huber for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING DIABETES AWARENESS MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. DAVIS of Illinois. Madam Speaker, I rise today to bring awareness to the disease of diabetes. This month has been set aside to increase awareness of diabetes, its prevention and ways to manage its impact. According to the Centers for Disease Control nearly 24 million Americans have diabetes. It is the seventh leading cause of death in the United States and costs $174 billion in health care expenses. Diabetes disproportionately impacts the African American and Hispanic communities. It is estimated that nearly 3.7 million African Americans aged 20 years or older have

diabetes. African Americans are 1.8 times more likely to have diabetes as non-Hispanic whites.

If diabetes is left untreated it often results in blindness, kidney disease, amputations, nerve damage, heart disease, stroke and ultimately, death. However, diabetes can be managed and prevented. A balanced diet and regular exercise could keep our citizens healthy. I am pleased to have the headquarters for the American Dietetic Association (ADA) in my Congressional District. The ADA is the foremost authority in providing nutrition counseling throughout the country. In fact, the more than 71,000 registered dietitians and nutrition professionals who are members support the ''eat right'' campaign targeted toward young people and older Americans. The work that they are doing is making a difference in the fight against childhood obesity and diabetes and is improving the health of our nation.

We must work to get Medical Nutrition Therapy covered by Medicare for beneficiaries diagnosed with pre-diabetes. Nutrition therapy provided by registered dietitians has a proven track record of preventing diabetes through lifestyle changes than simply cannot be made without this assistance for the majority of those who suffer. There are more than 57 million people diagnosed with pre-diabetes—meaning they are on their way to developing full diabetes. By helping people with pre-diabetes, Medicare will avoid having to pay for the much more expensive treatment of diabetes and its debilitating side effects. It seems prudent to assist our citizens with sound nutrition information and to help them make lifestyle changes at a cost minimal to that of amputations and other treatments.

The real world impact of covering Medical Nutrition Therapy is that we will shift from health insurance to ''health assurance'' in our efforts. Consider that the total cost of diabetes in 2007 was determined to be $218 billion—yes, billion with a ''b''.

I want to commend Jewel-Osco stores for providing free nutrition education from registered dietitians to individuals who shop at the stores in Chicago and throughout the nation. These types of programs which pair pharmacists and registered dietitians with consumers will help in our awareness and education campaign.

Finally, I applaud those churches that have a focus on nutrition and exercise as a part of the well-being of their congregation.

HONORING BILL TIGHE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. MARKEY. Madam Speaker, I rise today to honor and celebrate the coaching career of Mr. Bill Tighe. Coach Tighe is the oldest active high school head football coach in the country at age 86. He will conclude his 52nd year as a head coach when his Lexington High School squad meets their rival Burlington High School on Thanksgiving morning.

Coach Tighe was a standout three-sport athlete at Ashland High School, and upon graduation he served in the United States Air Force for three years as a P-38 crew chief during World War II. After completing his service to our nation, he attended Boston University where he starred for the Terrier football and baseball teams. Known as a selfless teammate with a tireless work ethic, Bill Tighe, the incredible athlete was destined to be Bill Tighe, the legendary coach.

Madam Speaker, Bill began his remarkable career at Wakefield High School in 1949 as an assistant football coach and was elevated to head coach in 1957. During his 52 years as head football coach at Wakefield High School, Malden High School and Lexington High School, Bill won 9 league championships and amassed an overall record of 268 wins, 232 losses and 13 ties. Bill's commitment to excellence is well known throughout Massachusetts and New England, and he has been inducted into the Wakefield High School, Malden High School, Lexington High School, Boston University, Massachusetts Football Coaches and National Federation of Interscholastic Coaches Association Halls of Fame.

Bill Tighe's success on the football field is surpassed only by the enormous impact he has had on his players' lives off the football field. Coach Tighe taught all the young athletes under his tutelage the importance of sacrifice, discipline and commitment. Coach Tighe also stressed the importance of academic achievement and the value of a strong education. He is credited with helping thousands of young scholar athletes continue their education in college.

Madam Speaker, on Thanksgiving morning Bill Tighe will be surrounded by family, friends, professional colleagues and former student athletes in order to celebrate his legendary coaching career. I join them in thanking Coach Tighe for the amazing contributions he has made to the Towns of Wakefield and Lexington, the City of Malden, the Commonwealth of Massachusetts and the United States of America.

HONORING THE BEST OF AMERICA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. RAHALL. Madam Speaker, this Thanksgiving, as we have since the first, Americans will set aside one day to focus on those blessings that have been granted to us.

For the roof over our heads, for the health of our families, for the food on our plates—no matter how simple the meal—for the hand that holds ours as we gather around the table, we will, on this one very American day, bow our heads in prayer and we will be truly thankful.

To me, the best of America is on display at Thanksgiving.

Here we stand, for example: we Americans, facing difficult times, with our economy sluggish, with far too many jobless, and far too many others worrying about the future of their own jobs. Yet, many of us will invite strangers to our tables, or donate food to shelters, or serve up turkey dinners at a local soup kitchen, and we will appreciate even more deeply, the grace of God that has spared us similar trials. Even many of those who are struggling, whose tables may be leaner than usual, will take the time to give of what they have so that others do not go hungry on this day.

Though that generosity, that neighborliness, the kindness, charity, and faithfulness come to the fore most prevalently on this one day of the year, I know—and all West Virginians know, that these qualities live on throughout the year in communities, large and small, urban and rural, throughout our State.

And, I believe that this Nation would be better off if more Americans followed the example set in our State and devoted a greater share of their year, each year, to practicing the kindness and generosity, as well as exercising the grit and determination that comprise the West Virginia character.

I am reminded of our Senator Byrd, who would have marked his 93rd birthday on November 20th, and his regular admonishment to West Virginians to hold on to those ''old values'' and to tap them for the betterment of the Nation. He would have taken to the Senate Floor in the days leading up to Thanksgiving to remind us all of our common history as Americans. He would have talked about the principles upon which this Nation was founded and urged us to set aside those petty differences that undermine our quest for the common good.

Oh, how we could use Senator Byrd's wisdom, his reasonableness, and his guidance today.

Our State has had more than its fair share of economic strife. But we hold tight to our faith and we marshal on, working hard side by side, to create a better future for ourselves and our children.

In the wake of natural disasters, West Virginians reach out to their neighbors to give whatever they can afford, and often more. It has never been the West Virginia way to turn our backs on those in need, and it has never been in the character of West Virginians to throw in the towel when things get tough.

So this Thanksgiving, as we pause to reflect on our blessings and to express our thanks to our Creator for all that we have, I hope that all Americans will also commit to exhibiting the spirit that surfaces on this day throughout the year ahead.

There is no challenge confronting us that we cannot overcome if we join forces and put old-fashioned American know-how to work.

HONORING FRANK PUGH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor the work of Frank Pugh, the outgoing 2010 President of the California School Boards Association. His civic leadership and commitment to education have benefitted students across Sonoma County and California.

Since he began teaching at Santa Rosa Junior College in 1979, Frank Pugh has distinguished himself as a dynamic educator in our community. His passion for electronics and technology has made him not only an effective lecturer, but a respected authority, author of seven textbooks and four magazine articles in his field.

Mr. Pugh has also taken on numerous leadership responsibilities at administrative and advisory levels, contributing a teacher's invaluable perspective to debates on the governance of our schools and the future direction of

public education. He served for two years as the occupational representative to the Santa Rosa Junior College Academic Senate, then went on to serve as the Senate President for six years. Since 1990, Mr. Pugh has also served on the Santa Rosa City Schools Board of Education, holding the office of Board President for a total of four terms.

Most recently, Mr. Pugh has served as President of the California School Boards Association, an organization bringing together California's local K–12 school districts and county offices of education. An active member of the CSBA Delegate Assembly since 1993, Mr. Pugh has worked tirelessly to support the organization's commitment to researching and advocating practices that serve the best interests of students.

During his tenure with CSBA, and throughout his career, Mr. Pugh has remained a vocal advocate for our children. He understands that public education represents a promise to future generations—a promise that knowledge and perseverance can overcome adversity, and that our democratic institutions can deliver opportunity for all—and he has worked to uphold and to strengthen that promise.

Madam Speaker, I ask you to join me in thanking Frank Pugh for his service on behalf of Sonoma County and California. His example reminds us of the value of public education and the importance of continuing to support and protect it.

HONORING BRET MICHAEL BUSSINGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Bret Michael Bussinger. Bret is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Bret has been very active with his troop, participating in many scout activities. Over the many years Bret has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Bret has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Bret Michael Bussinger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

H.R. 6423, THE ''HOMELAND SECURITY CYBER AND PHYSICAL INFRASTRUCTURE PROTECTION ACT 0F 2010''

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, illegal penetrations or ''hacks'' of computer networks have become an increasingly serious homeland security issue. Not only do they threaten the personal fortunes and identities of our citizens but also the effective functioning of our government, our infrastructure, our economy, and our national security. As Americans at all levels of society—from their personal lives to their professional work—grow increasingly reliant on computers and those computers become ever more connected, the scope of this security vulnerability continues to expand at a dizzying rate. Over the past year or so, there has been an active Congressional debate about what should be done to address this significant homeland security vulnerability. The introduction of the ''Homeland Security Cyber and Physical Infrastructure Protection Act of 2010,'' is intended to refocus the debate away from Presidential Internet shut-down authority and other ''what ifs'' and back to the central Federal cybersecurity challenge—the mismatch between the Department of Homeland Security's, DHS, designation, since 2003, as the ''focal point for security of cyberspace,'' and the authorities conferred to DHS to fulfill its cybersecurity mission with respect to networks operated by Federal civilian agencies and critical infrastructure.

The ''Homeland Security Cyber and Physical Infrastructure Protection Act of 2010,'' seeks to enhance DHS' cybersecurity capacity by authorizing the DHS Office of Cybersecurity and Communications and creating a new Cybersecurity Compliance Division to oversee the establishment of performance-based standards responsive to the particular risks to the (1) .gov domain and (2) critical infrastructure networks, respectively. This bill is designed to require DHS to work with network operators to develop tailored security plans that meet risk-based, performance-based standards, as is being done in DHS' Chemical Facility Anti-terrorism program.

''Homeland Security Cyber and Physical Infrastructure Protection Act of 2010,'' is focused on providing the Department of Homeland Security, DHS, with the resources and authority that it needs to fulfill its Federal responsibility as the protector of our Nation's cyberspace. Specifically, the bill seeks to give DHS the resource and authority needed to strengthen the cybersecurity of (1) Federal government networks—the ''.gov'' domain—and (2) critical infrastructure in the private sector.

From a security and good-government standpoint, the way to deliver better cybersecurity is to leverage, modify, and enhance existing structures and efforts, rather than make wholesale bureaucratic changes. To that end, my bill authorizes a cybersecurity operation within the Department of Homeland Security that not only runs parallel to the Department's infrastructure protection work but also leverages, modifies, and enhances existing cybersecurity structures and programs. My bill specifically directs DHS to issue risk-based, performance-based cybersecurity standards for computer networks for systems in the .gov domain and those within the private sector that are within designated critical infrastructure.

For DHS' efforts to succeed, there needs to be ''buy-in'' on the front end and compliance on the hack end. The bill fosters ''buy-in'' from the operators of the civilian Federal networks by establishing a working group comprised of Federal agencies, and chaired by the Secretary of Homeland Security, that is responsible for establishing risk-based, performance-based standards and corresponding remedies, including penalties, for non-compliance with these standards. Similarly, to foster ''buy-in'' for risk-based, performance-based standards for the critical infrastructure firms, DHS is directed to develop the standards in consultation with a wide range of stakeholders—from the Intelligence Community to the heads of sector-specific agencies to councils representing the interests of private sector companies—and subject the standards to the notice and comment regulatory process.

With respect to compliance, my bill directs DHS to look at approaches to foster compliance—such as liability protection under the Safety Act—and grants DHS the authority to delegate enforcement to another Federal department that has an existing regulatory authority over that sector. In some cases, delegation will prevent private sector firms from being subjected to redundant and overlapping regulations.

To ensure compliance, civilian Federal networks will be regularly monitored by DHS to ensure that each agency is in compliance with the standards adopted by the Federal agency working group. The bill requires DHS to report infractions and corresponding remedies to the Office of Management and Budget, who, in turn, is required to execute the corresponding penalty or remedy.

My bill also includes a number of provisions to improve the reporting of cyber incidents, the sharing of information on cyber threats, the capacity of DHS to hire 500 additional cyber professionals and the level of cybersecurity research and development activities.

Taken together, the ''Homeland Security Cyber and Physical Infrastructure Protection Act of 2010,'' will make our Nation more secure and better position DHS—the ''focal point for the security of cyberspace,'' under Homeland Security Presidential Directive 7—to fulfill its critical homeland security mission. I urge Members to join me and cosponsor this important, common-sense homeland security legislation.

IN TRIBUTE TO MAJOR GENERAL POLLY A. PEYER

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. MARSHALL. Madam Speaker, it is with great pleasure that I rise today not only as the Representative of the 8th District of Georgia, but also as a member of the House Armed Services Committee, to honor the exemplary service and accomplishments of Major General Polly A. Peyer on the occasion of her retirement from the United States Air Force.

Maj. Gen. Peyer distinguished herself through exceptionally meritorious service to the Air Force and to the Nation during more than thirty-four years of active military service in peace and war, culminating as the Commanding General, Warner Robins Air Logistics Center, Air Force Materiel Command, Robins Air Force Base, Georgia.

Madam Speaker, throughout her career, Maj. Gen. Peyer has been in the forefront of Air Force logistics, serving in all command positions from squadron to wing level and has

held major command and headquarters-level positions. Among her many accomplishments, Maj. Gen. Peyer was directly responsible for ensuring the highest quality support to maintenance programs supporting the C–130, F–15, C–17, and C–5 aircraft, among others. Her commitment to excellence directly led the Warner Robins Air Logistics Center to garner 61 national, Air Force, and command organizational awards, and resulted in the Air Force's ability to achieve goals set for the troop surge in Afghanistan, while simultaneously supporting ongoing operations in Iraq.

Dedicated to the well-being of Team Robins, Maj. Gen. Peyer oversaw the development of the "You Matter" program to raise awareness of suicide and develop understanding, recognition, and skills to proactively prevent it. Maj. Gen. Peyer was also a staunch advocate of workplace safety and implemented the Commander's Safe Site Challenge to implement tenets of OSHA Voluntary Protection Programs. Furthermore, Maj. Gen. Peyer and her husband, Colonel (Retired) Brian Grady, were untiring advocates for various organizations, causes, and issues including one of our Nation's most outstanding gems, the Museum of Aviation.

Madam Speaker, Major General Peyer leaves the United States Air Force, the Department of Defense, the Nation, and the Warner Robins Air Logistics Center stronger through her vision and leadership. Her dedication to excellence and devotion to duty, honor, and country have marked her distinguished service. Her record of achievement and manner of service throughout her long career in positions of enormous responsibility are commensurate with honoring her in the CONGRESSIONAL RECORD. I thank her for her service.

TRIBUTE TO FRANCIS B. GIBBS

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. MACK. Madam Speaker, I rise today to honor one of my most trusted advisors and closest friends, Francis B. Gibbs, who is moving on to new opportunities in the private sector.

Many staffers come and go on Capitol Hill, as many Members can attest, but I've been fortunate to have Francis at my side for over five years. He has been a dedicated public servant and a terrific sounding board for me, and he has been an incredible advocate and mentor for my staff.

Before serving as my Legislative Director and then my Chief of Staff, Francis worked for Congressman ANDER CRENSHAW as his Legislative Counsel. A native Floridian, Francis understands the values and attributes of our great State.

More importantly, Francis shares a strong passion for the ideals of freedom and free markets. He is deeply committed to the Constitution and the principles of federalism, and his work reflects his commitment to limiting the size and scope of an ever-intrusive federal government. A famous man once said, "No man is entitled to the blessings of freedom unless he be vigilant in its preservation." Francis has been, and always will be, a true patriot and defender of freedom.

While I am happy for Francis to begin this next phase of his professional career, make no mistake about it, he will be greatly missed. He has been a valuable member and an irreplaceable part of my team, but I know I can continue to count on his advice and friendship in the years ahead.

Madam Speaker, I would not be where I am today were it not for Francis' dedication, service and hard work. On behalf of the people of Florida's Fourteenth Congressional District, I want to thank Francis for his nearly ten years of service to the people of Florida and the Nation. He is my friend, he is a true public servant in every sense of the word, and I wish him all the best as he begins this new and exciting chapter of his life with his family.

IN HONOR OF ANGELO ROMEO, RESPECTED DIRECTOR OF THE GLOUCESTER COUNTY DEPARTMENT OF VETERANS AFFAIRS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the service of Angelo Romeo as Director of the Gloucester County Department of Veterans Affairs. A resident of Newfield, New Jersey, Mr. Romeo has demonstrated a tireless work ethic and dedication to Gloucester County veterans that deserves recognition.

Mr. Romeo's life shows the strong influence of his mother and political mentor, Virginia Romeo, the first woman elected to the Newfield City Council. Following in her footsteps, Mr. Romeo first ran for a freeholder position in 1972 and was later appointed to fill Lee Ranstrom's seat in 1974 before winning his own election in 1975. He also served as a Captain in the U.S. Army from 1966–1969.

After a 20-year break from politics, Mr. Romeo joined the Department of Veterans Affairs in Gloucester County in 1998, where his part-time position quickly flourished into a full-time leadership role. Mr. Romeo excelled at finding and meeting the needs of veterans in Gloucester County.

Mr. Romeo worked tirelessly to establish the Veterans Affairs clinic and the Williamstown cemetery. Since the beginning of 2010, the VA clinic in Gloucester County has seen over 4,000 individuals with a combined 18,000 appointments. Furthermore, the State of New Jersey Chamber of Commerce and the U.S. Small Business Administration awarded the Veteran Small Business Advocate of the Year to Mr. Romeo.

Mr. Romeo and his wife, Susan, have four children and eight grandchildren whom they plan to take to Disney World after he retires next month.

Madam Speaker, Angelo Romeo's commitment to Gloucester County and its veterans must be recognized. I wish him the best in his future endeavors and thank him for his continued service to the veterans of Gloucester County.

HONORING DAVID S. AMERYUN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize David S. Ameryun. David is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many scout activities. Over the many years David has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, David has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending David S. Ameryun for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN MEMORY OF U.S. ARMY SPECIALIST SHANNON "CHANEN" CHIHUAHUA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to pay tribute to a brave soldier, a dedicated citizen of Thomasville, Georgia, and a great American, U.S. Army Specialist Shannon "Chanen" Chihuahua, who selflessly gave his life while serving his country in Operation Enduring Freedom in Afghanistan.

Specialist Chihuahua was born in 1985, and was raised in Thomasville, Georgia. After graduating from Thomas County Central High School in 2004, he attended Valdosta State University. He met his loving wife, Kristen, in July of 2006 and the two were married November 4, 2006.

Answering the call to service, he enlisted in the U.S. Army. Specialist Chihuahua was assigned to the 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), at Fort Campbell, Kentucky.

His awards and decorations include: Purple Heart; Army Commendation Medal; Army Achievement Medal; National Defense Service Medal; Afghanistan Campaign Medal; Global War on Terrorism Service Medal; Army Service Ribbon; NATO Medal; and Combat Medic Badge.

While deployed to Afghanistan, he was one of several service members tragically killed on November 12, 2010 when insurgents attacked his unit using small arms fire and rocket propelled grenades. He gave the ultimate sacrifice; he died while trying to save a fellow soldier, who was injured.

Specialist Chihuahua's death is a great loss to this country, as he was a man of great promise and honor. He was described as an energetic and positive person with a constant smile. He was well regarded by his peers and known for his congeniality.

His death is also a great loss to his loving family. He is survived by his wife, Kristen; two daughters, Sophia and Annabelle; his mother, Dennice Dinkins of Thomasville, Georgia; and father, Sebastian Chihuahua of Del Rio, Texas.

Madam Speaker, U.S. Army Specialist Shannon "Chanen" Chihuahua made the ultimate sacrifice for his country. His time on this earth was too short. He was a proud American, a brave soldier, and a true family man. In life, he was loved and honored and in death, he will be remembered by a grateful nation.

COMMEMORATING THE PERSIAN GULF WAR

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. BERMAN. Madam Speaker, I would ask that this exchange of letters between myself and Chairman FILNER and Chairman SKELTON regarding H. Res. 1672 be submitted.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H. Res. 1672, commemorating the Persian Gulf War and reaffirming the commitment of the United States toward Persian Gulf War veterans. This measure was referred to the Committee on Foreign Affairs, in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

I agree that the Committee on Armed Services has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 1672 in the interest of expediting consideration of this important measure. I understand that by agreeing to waive further consideration, the Committee on Armed Services is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included for the record.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HOUSE COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 2010.

Hon. HOWARD BERMAN;
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing to you concerning H. Res. 1672, commemorating the Persian Gulf War and reaffirming the commitment of the United States towards Persian Gulf War veterans. This measure was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, and Veterans' Affairs, 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.

Our committee recognizes the importance of H. Res. 1672, and the need for the resolution to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H. Res. 1672. I do so with the understanding that by waiving consideration of the resolution, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the resolution which fall within its Rule X jurisdiction.

Please submit this letter and a copy of your response during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Very truly yours,

IKE SKELTON,
Chairman.

COMMITTEE ON VETERANS' AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2010.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On September 28, 2010, H. Res. 1672, commemorating the Persian Gulf War and reaffirming the commitment of the United States towards Persian Gulf War veterans, was introduced in the House of Representatives. This measure was sequentially referred to the Committee on Veterans' Affairs.

The Committee on Veterans' Affairs recognizes the importance of H. Res. 1672 and the need to move this resolution expeditiously. Therefore, while we have valid jurisdictional claims to this resolution, the Committee on Veterans' Affairs will waive further consideration of H. Res. 1672. The Committee does so with the understanding that by waiving further consideration of this resolution it does not waive any future jurisdictional claims over similar measures.

I would appreciate the inclusion of this letter and a copy of your response during consideration of H. Res. 1672 on the House floor.

Sincerely,

BOB FILNER,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 15, 2010.

Hon. BOB FILNER,
Chairman, Committee on Veterans' Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H. Res. 1672, commemorating the Persian Gulf War and reaffirming the commitment of the United States toward Persian Gulf War veterans. This measure was referred to the Committee on Foreign Affairs, in addition to the Committee on Veterans' Affairs, 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.

I agree that the Committee on Veterans' Affairs has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 1672 in the interest of expediting consideration of this important measure. I understand that by agreeing to waive further consideration, the Committee on Veterans' Affairs is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the Congressional Record.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HONORING JOEL LEIGHTON RONEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Joel Leighton Roney. Joel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Joel has been very active with his troop, participating in many scout activities. Over the many years Joel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Joel has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Joel Leighton Roney for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF DR. W. HENRY MAXWELL

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to mourn the loss of one of the Commonwealth of Virginia's finest public servants, a great man of faith and a trusted friend, former State Senator Dr. W. Henry Maxwell. This past Saturday, Dr. Maxwell passed away, and I would like to take a brief moment to celebrate his life and legacy.

A lifelong resident of Newport News, Dr. Maxwell was born on April 3, 1935, and graduated from Carver High School in 1951. Having been raised in the church, Dr. Maxwell nurtured a deep and abiding faith that eventually led him into the ministry. In 1967, he was ordained into gospel ministry and he formalized his calling, receiving both a bachelor of theology degree and a doctorate of divinity from Virginia Seminary and College.

It is hard to separate the life and legacy of Dr. Maxwell from the history of Ivy Baptist Church, the institution that Dr. Maxwell faithfully led for 37 years. Under his leadership, the church grew in size, purchased a new house of worship, and established a child care and learning center. As a fitting tribute to his years of dedicated service, Ivy Baptist erected the W. Henry Maxwell Family Life Center in 1999.

If Dr. Maxwell's only contribution to his community was as a pastor, he would have had a lasting legacy. But Dr. Maxwell was a civic activist and a public servant who was fond of saying: "If one was to be concerned about

man, he should be concerned about the laws that govern man.'' Dr. Maxwell was an effective and hard-working legislator and a strong voice for the downtrodden. When I first became involved in community activities and politics in my hometown of Newport News, I was following in Dr. Maxwell's footsteps. Dr. Maxwell was serving as President of the Newport News branch of the NAACP when I came back to Newport News after finishing law school, and I was honored to step into his shoes in 1975 as President of the branch. Dr. Maxwell ran for Newport News City Council in 1976. Although his campaign was unsuccessful, the work of his campaign served as a foundation for my successful run for the Virginia House of Delegates in 1977. During my tenure in the Virginia House of Delegates, Dr. Maxwell was a trusted advisor and friend. When I was elected to the State Senate in 1983, Dr. Maxwell was elected to my House of Delegates seat. We served as colleagues in the Virginia General Assembly, until I was elected to the U.S. House of Representatives in 1992. Following my election, Dr. Maxwell was successfully elected to the State Senate.

Dr. Maxwell's tenure in the Virginia General Assembly as both a member of the House of Delegates and the State Senate, was characterized by a deep tie to the needs of his community. He was critical in obtaining state funds to restore the historic Newsome House and support its use as a community cultural center. He was an advocate for the continued operation of the Virginia School for the Deaf and Blind. He was also instrumental in ensuring that judges in Virginia properly reflected the community they served. In addition to his formal duties as a member of the House of Delegates and a State Senator, Dr. Maxwell was engaged in many civic organizations. He was a Life Member of the NAACP, member of the board of trustees of the Peninsula Economic Development Council, the United Way of the Peninsula, and the Newport News Alliance for Youth.

Madam Speaker, the city of Newport News has lost a great public servant and I have lost a dear friend. I want to extend my deepest sympathies to Dr. Maxwell's wife of 53 years, Gladys, their children Walter, Ronald, and Angela, great-grandchildren, sisters Pauline, Sallie, Shirley and Gwendolyn, brothers Wesley and Thomas, nieces, nephews, other family and friends and the Ivy Baptist Church community.

IN HONOR OF THE VIETNAM WAR VETERANS FROM THE OAK CLIFF LIONS CLUB

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SESSIONS. Madam Speaker, I rise today to recognize the Vietnam War Veterans of the Oak Cliff Lions Club. It is my great privilege and pleasure to honor these individuals.

On November 3, 2010, the Oak Cliff Lions Club paid special tribute to its members that served in the Vietnam War. This group of distinct individuals includes Captain Stan Altschuler, USA; Petty Officer 2nd Class Robert Bown, USN; Airman First Class Danny Boyce, USAF; Colonel Rich Buickerood, USAF, Ret.; Major Durhl Caussey, USA, Ret.; 1st Lieutenant Scott Chase, USA; Colonel Ken Cordier, USAF, Ret.; Lt. Colonel Stoney Green, USA; Captain Ray Morey, USAF; 1st Lieutenant Edwin Strom, USA; Sgt. Joe Wells, USAF; Captain David Mills, USA, USAF; and Spec. 4 Jim Foster, USA.

These veterans deserve our deepest gratitude for their great sacrifice made in defense of liberty, freedom, and democracy. No words can ever fully express our gratitude for all they have done for our country. Their patriotism, courage, and selflessness is commendable and deserves our highest regard.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our gratitude for their service to this great Nation.

IN RECOGNITION OF THE HORACE WELLS CLUB OF CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LARSON of Connecticut. Madam Speaker, I rise to recognize the Horace Wells Club of Connecticut. For over 100 years, this organization has been dedicated to promoting the field of anesthesiology. This remarkable breakthrough in the field of medicine and dentistry has dramatically improved the comfort of patients during surgery and transformed once painful experiences into routine procedures.

The Horace Wells Club of Connecticut was founded in 1894 by a group of dedicated dentists on the 50th anniversary of the discovery of anesthesia. Since then, they have held an annual dinner and given out the Horace Wells Anesthesia Award to an individual who has contributed to the advancement of the field of anesthesiology. The event has been held at the historic Harford Club for the last 75 years. This year's event will be held on December 11th, exactly 166 years to the date of anesthesia's discovery.

The Horace Wells Club of Connecticut is named after the Hartford dentist who discovered that nitrous oxide could be used as anesthesia. Horace Wells pioneered this medical advancement by first experimenting on himself during a tooth extraction. After his own successful use of anesthesia, he worked tirelessly to spread and advance this technology to improve the lives of people everywhere. He is famously quoted as wanting to see anesthesia become ''as free as the air we breathe.'' Horace Wells has been recognized multiple times by the American Dental Association and the American Medical Association. Additionally, the State of Connecticut and the City of Hartford commissioned a bronze statue in 1874, which sits at Bushnell Park in Hartford, CT to this day.

Anesthesia's abundant availability has contributed greatly to the relief of pain and suffering and Horace Wells was instrumental in this important medical breakthrough. I commend the Horace Wells Club of Connecticut for honoring his contribution to medicine and wish that they have a successful gala on December 11th.

HONORING SCOTT DAVIS GEISINGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Scott Davis Geisinger. Scott is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Scott has been very active with his troop, participating in many scout activities. Over the many years Scott has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Scott has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Scott Davis Geisinger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PROTECTING HOMEOWNERS AND FORECLOSURE STABILIZATION ACT OF 2010

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. McDERMOTT. Madam Speaker, in the midst of this recession, the American people face impossible job prospects, decreased wages, and the continuing decline in the value of their homes. Reports show that 23 percent of all residential properties are underwater and the foreclosure rates are only rising. Underwater homeowners are often ineligible for refinancing, and are kept from restructuring the mortgage debt on their primary home in bankruptcy. With banks being largely ineffective in modifying loans, homeowners are left with little choice but foreclosure. The American people deserve better, and fixing this problem will help the economy and American families.

The ''Protecting Homeowners and Foreclosure Stabilization act of 2010'' will give homeowners the ability to restructure the debt on their primary residence in bankruptcy. Furthermore, homeowners will receive increased protection from foreclosure by the automatic stay in bankruptcy, and increased time to file a plan in Chapter 13. Homeowners facing foreclosure have the additional benefit of waiver of the pre-filing counseling requirement to ensure minimal delay in accessing the court. As a condition of filing, homeowners must certify that they requested a loan modification from their bank.

The ability to restructure the debt of all assets in bankruptcy has long been enjoyed by businesses. There is no reason that the American people should receive fewer protections than businesses do in bankruptcy. The ''Protecting Homeowners and Foreclosure Stabilization act of 2010'' will help put American homeowners on equal footing with the banks when working to save their homes.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol for all votes on Thursday, November 18, 2010. However, had I been present, I would have voted as follows: ''yea'' on the Motion to Suspend the Rules and Pass S. 3774, Extending the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008; ''yea'' on the Motion to Suspend the Rules and Pass H. Con. Res. 329, Recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; ''yea'' on the Motion to Suspend the Rules and Pass H. Res. 1677, Condemning the Burmese regime's undemocratic upcoming elections on November 7, 2010.

HONORING SURFING LEGEND ANDY IRONS

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. HIRONO. Madam Speaker, I rise today to pay tribute to surfing legend Andy Irons, who passed away suddenly on November 2 at the age of 32. A kama'aina from Hanalei on the island of Kauai, Andy Irons was one of the sport's most recognized athletes with three world championship titles, an accomplishment that no other male surfer from Hawaii has been able to achieve. In all, Andy won 32 professional surfing contests, including 20 elite Association of Surfing Professionals World Tour tides and four Triple Crown tides. Currently ranked 16th in the world, Andy remains the highest-ranked professional surfer from Hawaii.

Known for his powerful, fluid style and ability to excel in all types of surf conditions, Andy Irons was not only highly respected by surfers in Hawaii but also served as an ambassador for Hawaii and the sport as he competed in events all over the world. Andy always made it a point to mentor local surfers and promote the sport in Hawaii, including hosting the Irons Brothers Pine Trees Classic with his brother Bruce for up-and-coming surfers on Kauai over the past nine years.

Although he went on hiatus from competing professionally in 2008 and 2009, Andy made a comeback this year, winning the Billabong Pro Teahupoo in Tahiti in September. He was also expected to be a top contender in the Vans Triple Crown of Surfing this month on the North Shore of Oahu, a three-event series that he won from 2002 to 2006.

Andy is survived by his wife, Lyndie, who is expecting their first child next month; father, Phil; mother, Danielle; and brother, Bruce. In addition to the thousands of people who paid tribute to Andy at a memorial ''paddle out'' service at Hanalei Bay on the North Shore of Kauai on November 14, thousands of fans, friends, and competitors around the world held similar memorials in solidarity.

Andy served as an inspiration to the people of Hawaii and to the surfing community around the world. He will be greatly missed.

A TRIBUTE TO CALVIN ''CAL'' WORTHINGTON

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to pay tribute to Calvin ''Cal'' Worthington, a great American entrepreneur who is turning 90 years old this week.

When I think of Mr. Worthington, the first thing which comes to mind is that he is a true ''Renaissance Man.'' He proudly served our country in the United States Army Air Corps in World War II as a B–17 Bomber pilot, and because of his heroic skills during the military campaign in Germany, he was awarded the Air Medal five times, as well as the Distinguished Flying Cross.

When Mr. Worthington returned to the States, he eventually became one of the most successful car salesmen in the country. With his dealerships in five States, Cal quickly demonstrated an aptitude for drawing in customers. His name today still evokes memories of tantalizing jingles as well as images of zoo animals and stunts, as he is best known for his lively commercials with his ''dog'' Spot. His advertisements were received with high national acclaim, due to the fact that Spot was never a dog. Instead, Spot was always an exotic animal, such as a tiger, chimpanzee, lion, bear, goose, rhinoceros, skunk, water buffalo, snake, elephant or seal.

Mr. Worthington's sense of humor, tremendous business skills, love of music and the arts, and his desire to continually improve his community will be his legacy. It is an honor to recognize Cal Worthington for his immense dedication to improving the quality of life for so many individuals and for his commitment to excellence. He has served our Nation proudly and I am privileged to say that he will always be my friend. Happy 90th birthday, Cal; in dog years you are now officially 630 years old!

HONORING TIMMOTHY HANS-ROBERT HILLER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Timmothy Hans-Robert Hiller. Timmothy is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Timmothy has been very active with his troop, participating in many scout activities. Over the many years Timmothy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Timmothy has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Timmothy Hans-Robert Hiller for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRESSIONAL RECOGNITION FOR PUEBLO DEL SOL ELEMENTARY SCHOOL

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to recognize Pueblo Del Sol Elementary School in Sierra Vista, Arizona which has been designated a 2010 National Blue Ribbon School.

This is a significant honor for the students, parents, teachers, staff and administrators of Pueblo Del Sol, which is in Arizona's 8th Congressional District. Pueblo Del Sol was among just four schools in the State of Arizona and 304 in the Nation to receive this prestigious award.

Principal Jim Sprigg as well as former Principal John Wilson, who retired last year, played major roles in leading the school to this award. I extend my congratulations to both of them for establishing and maintaining an outstanding tradition of educational excellence.

It also is important to note that this award would not have been possible without the dedication of Pueblo Del Sol students who come to school each day ready to learn and anxious to apply themselves to their education. The success of the students would not have been possible without the support and guidance given to them by their parents.

We have, unfortunately, become accustomed to hearing discouraging educational news. We are encouraged, however, that those affiliated with Pueblo Del Sol Elementary School have shown that even with tight financial constraints, schools with students and teachers who are determined to succeed will excel.

The people of Sierra Vista and the members of the Sierra Vista Unified School District should be very proud to have such a stellar school in their community. I share their pride and am pleased to have Pueblo Del Sol Elementary School in my Congressional District as an example of the excellence that is possible in our public education system.

I am honored to recognize the students, parents, teachers, staff and administrators of Pueblo Del Sol on this outstanding national award. It is a testament to their dedication, perseverance and an unwavering commitment to learning.

NATIONAL HISPANIC HERITAGE MONTH 2009

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. TOWNS. Madam Speaker, I rise today in support of the DREAM Act.

We are a nation built by the hard work and personal achievements of immigrants. We

must take strides to move immigration reform forward and now is the time to do it. Now is the time to help millions of young people achieve the American Dream.

Improving access to education for immigrants is an important piece of reform. Education has always been a priority of mine and, in order to build a stronger nation, we should encourage those who want to become Americans to pursue their education.

The DREAM Act also allows for permanent resident status to be given to those who served for two years in the military. It is only fitting that we afford this status to individuals who are willing to lay down their lives if need be for the protection of this great nation.

My esteemed colleagues, I urge you to uphold the ideals of the American Dream; vote in favor of the DREAM Act. Thank you.

NATIONAL AWARD CENTER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. RAHALL. Madam Speaker, for the last several decades multi-billion dollar trade deficits have continued to disadvantage American industries and manufacturing, and that means American jobs. Businesses, like the National Award Center, are working with employers and employees to promote critical economic priorities of higher productivity, more innovation and a strong, competitive work ethic. I commend these national priorities to all companies, organizations and related government agencies, federal, state and local which are trying to level the playing field for the United States in the global marketplace. I congratulate the National Award Center in its inaugural year.

HONORING ALBERT BURSTEIN'S APPOINTMENT AS CHEVALIER OF THE FRENCH LEGION OF HONOR

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize my dear friend Mr. Albert Burstein upon his appointment as Chevalier of the Legion of Honor by the President of the French Republic, Mr. Nicolas Sarkozy. This prestigious distinction was conferred upon Mr. Burstein on November 11, 2010 to express the deep appreciation and gratitude of the French people for his contribution to the liberation of their country during World War II.

Mr. Burstein joined the United States Army on May 8, 1943 in Fort Dix, New Jersey. He became a member of the 44th Infantry Division and was soon shipped overseas, where his outfit was quickly engaged in combat in the south central region of France. Having received Army specialized training in the German language, Mr. Burstein was placed in charge of troops at the front lines in order to watch for oncoming German counter attacks. Following his honorable discharge from the Army, Mr. Burstein was awarded both the Combat Infantryman Badge and the Bronze Star Medal.

Albert Burstein's extraordinary accomplishments and steadfast devotion to public service continued after his departure from the military. Al served as a member of the New Jersey General Assembly from 1971 to 1981, during which he held several leadership positions, including Chairman of the Assembly Education Committee and Assembly Majority Leader. He remained committed to improving the quality of schools in the State of New Jersey and across the country, serving as a member and chairman of numerous education commissions and boards. On the federal level, Mr. Burstein was appointed by the Secretary of Health, Education and Welfare to serve as Chairman of the Model Adoption Legislation and Procedures Advisory Panel from 1978 to 1979.

Mr. Burstein continues to provide his expertise and leadership to the people of New Jersey as partner in a distinguished law firm in Hackensack, New Jersey—Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, L.L.C. He is an active member of his community and has been recognized for his legal work in Bergen County. Mr. Burstein is a great source of pride and admiration for his loving family, including his wife Ruth; his children Jeff, Diane, and Laura; and his grandchildren Alexandra, William, and Julia.

Madam Speaker, today I would like to congratulate Albert Burstein on being honored by the people of France and thank him for both his military heroism and his lifelong commitment to serving our great Nation. I am grateful to have had such a dedicated and outstanding individual as an honored friend and role model for over 30 years.

HONORING THOMAS ANDREW GEISINGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Thomas Andrew Geisinger. Thomas is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Thomas has been very active with his troop, participating in many scout activities. Over the many years Thomas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Thomas has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Thomas Andrew Geisinger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF GENERAL C. ROBERT KEHLER, COMMANDER, AIR FORCE SPACE COMMAND

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LAMBORN. Madam Speaker, let me take this opportunity to pay tribute to General C. Robert Kehler. The President of the United States nominated him to be the next Commander of United States Strategic Command. General Kehler became Commander of Air Force Space Command in October 2007 and he leads the world's greatest space and cyberspace force.

General Kehler entered the Air Force in 1975 as a distinguished graduate of the Pennsylvania State University Air Force Reserve Officer Training Corps program. His exemplary Air Force career is marked by command at the squadron, group and wing levels, and a broad range of experience in intercontinental ballistic missile (ICBM) operations, space launch, space operations, missile warning, and space control.

General Kehler began his illustrious career as a Minuteman Combat Crewmember. His Air Force journey would take him and his wife, Marjorie, through a series of Air Force and Joint assignments. As the Chief of the Strategic Missile Branch in the Secretary of the Air Force's Office of Legislative Liaison, he was the Secretary's point man on Capitol Hill for matters regarding the President's ICBM Modernization Program. As Director of the National Security Space Office, he integrated the activities of a number of space organizations on behalf of the Under Secretary of the Air Force and Director, National Reconnaissance Office. Prior to assuming his current position, General Kehler was the Deputy Commander, U.S. Strategic Command.

In his current assignment as Commander, Air Force Space Command, General Kehler is responsible for organizing, equipping, training and maintaining mission-ready space and cyberspace forces and capabilities for North American Aerospace Defense Command, U.S. Strategic Command, and other combatant commands around the world. He provides inspirational leadership to more than 46,000 personnel responsible for mission areas ranging from assured access to space to on-orbit space operations, space situational awareness, and cyberspace operations. General Kehler's dynamic leadership capabilities were vital to the transfer of the ICBM mission to the newly established Air Force Global Strike Command and in standing up the 24th Air Force to execute the Air Force's cyberspace mission. His decisive and visionary leadership of Air Force Space Command earned National Defense Industrial Association recognition as the 2009 Hartinger Award winner for ''Outstanding Achievement in the Military Space Mission of the United States.''

Madam Speaker, the American people have been fortunate to have General Kehler serving as the Commander of Air Force Space Command for the past three years. Marjorie, and their two sons, Matt and Jared, can be proud of his fine character and dedication to service. He will be greatly missed in Colorado Springs, but the community's loss is the country's gain. I know my fellow Members of the House of

Representatives will join me in thanking him for his continued commitment to his country.

HONORING DR. GRACIELA SARMIENTO OF ARROYO GRANDE, ROGER LYON OF CAYUCOS, DR. JAMES THORTON OF ARROYO GRANDE AND CAL POLY SAN LUIS OBISPO STUDENT AND PARAMEDIC ANDREW THIEL

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mrs. CAPPS. Madam Speaker, I rise today with a heavy heart. Last month, four cherished members of my community on the California Central Coast died when their plane carrying medical supplies crashed in Mexico. All four were participating in a humanitarian mission with the Flying Samaritans aid organization.

The tragic loss of Dr. Graciela Sarmiento of Arroyo Grande, Roger Lyon of Cayucos, Dr. James Thorton of Arroyo Grande and Cal Poly San Luis Obispo student and paramedic Andrew Thiel has been of tremendous shock and heart-ache to our close community. That these four selfless and dedicated individuals would pass on so suddenly and in an act of such generosity is all the more painful.

As our community grieves, we have pledged to honor the work of Graciela, Roger, James and Andrew in our own lives. In death, these remarkable people have reminded us in the most powerful and tragic of ways that life is short, and that genuine generosity knows no bounds.

While they were at different stages in life, all four were known to their families, friends and neighbors as bighearted, intellectually curious and passionate about contributing to the community and world around them. In leading through example, Graciela, Roger, James and Andrew demonstrated that there are no limits when working to make this world a better place.

I urge all my colleagues to celebrate the lives of Graciela, Roger, James and Andrew with their own acts of generosity and to pray for their surviving families and friends. Thank you and I yield back.

A TRIBUTE TO REVEREND DAVID K. BRAWLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Rev. David K. Brawley.

Reverend David K. Brawley's commitment to the call and demands of ministry is evidenced in his leadership and his availability.

At the age of sixteen, Rev. Brawley responded to God's will and was ordained by Rev. Winifred Pippen of First Baptist Church in Deer Park, New York. He became the Youth Minister at First Baptist, where he maintained his membership for thirteen years.

In 1994, Rev. Brawley began his full time career in ministry at St. Paul Community Baptist Church in Brooklyn, New York, where Rev. Dr. Johnny Ray Youngblood has served as Senior Pastor for the past thirty-five years. Rev. Brawley served as Dr. Youngblood's Assistant Pastor beginning in 1995, and in January 2008, was named Pastor Successor of St. Paul Community Baptist Church.

During his tenure at St. Paul, Rev. Brawley has served in a large number of roles, including: Coordinator of the Men-in-Training program for the St. Paul Community Board of Elders, pastoral counseling, officiating at sacred events such as weddings, baby dedications, and home going services, community organizing, leading worship services, and as an on-call teacher to the congregation. His organizing efforts play a dynamic role in the church's community development activities where he serves as a member of the Governance Board and Strategy Team of East Brooklyn Congregations, EBC, an organization which has been at the forefront of construction projects that have resulted in over 3000 affordable homes in Brooklyn. Rev. Brawley has been an outspoken advocate for public school reform and has addressed issues such as public safety, housing, and quality of life concerns on behalf of neighborhood residents. Rev. Brawley's community involvement also includes his role as Vice President of E.D.I.F.Y. Communities of East New York. E.D.I.F.Y., which stands for Empower, Develop and Improve Families and Youth, seeks to increase the vitality and value of urban communities by pooling resources and charitable funds.

Rev. Brawley's four principles for a strong, productive ministry are: creating a thriving worship experience; actively engaging in community organizing; edifying God's people; and becoming a beacon of economic development for the community the ministry serves. As a pastor, Rev. Brawley possesses the gifts of exhortation, inspiration, motivation, and encouragement, which he shares in worship services and across the nation at men's conferences, revivals, and youth group programming.

In 2004, Rev. Brawley earned his Master's degree in Theological Studies from the Faith Seminary of Tacoma, Washington. He is currently pursuing his doctorate in ministry at Faith Seminary.

Rev. Brawley resides in Brooklyn, New York with his wife Debra and their two children, Rhonesha and Michael.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Rev. David K. Brawley.

HONORING THE LIFE AND SERVICE OF LIEUTENANT GENERAL ROBERT P. KELLER, USMC (RET.)

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. MILLER of Florida. Madam Speaker, it is with great honor that I rise to recognize the life and service of Lieutenant General Robert P. Keller, USMC (Ret.).

Robert Keller was born in Oakland, California, on February 9, 1920. As part of the Greatest Generation, he joined the United States Marine Corps and answered his call to duty during World War II. Robert Keller became an exceptional Naval aviator, serving in World War II, Korea, and Vietnam. He further distinguished himself as an aviator by flying both fixed-wing aircraft and helicopters. In Vietnam, he flew with his son, Bob, Jr., on a helicopter mission as well as a fixed-wing aircraft mission. Through the course of his career, General Keller earned the Silver Star Medal, three Distinguished Flying Crosses, and three awards of the Legion of Merit. He retired as the Commanding General, Marine Corps Development and Education Command, Quantico, on July 1, 1972.

Over the course of his distinguished career and his various billets, General Keller served our nation with great pride and dedication. He continued to uphold the Marine Corps values of honor, courage, and commitment throughout the rest of his life.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Lieutenant General Robert P. Keller's immense contributions to our national security through his lifelong leadership and service to the United States Marine Corps and this great nation. General Keller was preceded by his wife Lucille and is survived by children, Ronald, Robert, Anne, and Joan, grandchildren, and great-grandchildren. I would like to offer my sincere condolences. Northwest Florida mourns the loss of a respected patriot. To his family and friends, he will forever be remembered as a loving husband, father, grandfather, great-grandfather, and friend; to all, he will forever be remembered as a great American hero.

RECOGNIZING BREESE MATER DEI FOR WINNING THE VOLLEYBALL STATE CHAMPIONSHIP

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SHIMKUS. Madam Speaker, I rise today to recognize the achievements of a talented group of student-athletes from Breese, Illinois.

The Breese Mater Dei Knights volleyball team recently captured the Illinois High School Athletic Association Class 3A State Title and finished the season with an outstanding 41-1 record. The Knights lost the first set of the championship match to Joliet Catholic 25-15, but fought back and captured the last two sets 25-18 and 26-24 to secure the state championship.

I would like to congratulate Head Coach Fred Rakers and Assistant Coach Chad Rakers for all of their hard work with the team. But most of all, I want to congratulate the 2010 state champion volleyball team from Breese Mater Dei: Samantha Bedard, Kaley Boeckmann, Chelsea Crocker, Kayla Eversgerd, Alyssa Hitpas, Bailey Kampwerth, Emily Koelling, Alison Lampen, Abby Luebbers, Mallory Mensing, Alison Mueller, Ashley Rakers, Brooke Schulte, Nicole Strieker, Abbey Winter.

These young ladies have represented themselves, their school and their community in an exemplary fashion and I want to join with all the members of this House in wishing them continued success in their athletic and academic endeavors.

RECOGNIZING THE BUILDING REDEDICATION AND RIBBON CUTTING OF VIENNA ELEMENTARY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the rededication of Vienna Elementary School. Founded in 1872, Vienna Elementary is the oldest continually operational school in Fairfax County. Today, we are celebrating the completion of upgrades that will improve the classroom experience for educators and children in our community.

Vienna Elementary School is one of the finest public schools in the country. Its mission is to challenge and support individual excellence by setting high academic standards and empowering students to become successful citizens. As a sign of its success, Virginia Governor Tim Kaine and the State Board of Education awarded Vienna Elementary the Board of Education Excellence Award. The award recognizes a school's ability to successfully meet benchmark standards in academic performance, and it also recognizes progressive improvement over time.

Vienna Elementary School is strengthened by its superb staff and also by an engaged and active public. The strong support of parents and area organizations teamed with the dedication of the school educators and administration provides an atmosphere that enables children to have new opportunities and access to robust academic support.

Madam Speaker, I ask that my colleagues join me in recognizing the rededication of Vienna Elementary School. I extend my congratulations and appreciation to the teachers, administrators, staff, parents and community partners who understand that quality education is the key to a bright future for our children.

DR. MILDRED JEFFERSON INSPIRED AN ENTIRE GENERATION OF PRO-LIFE LEADERS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SMITH of New Jersey. Madam Speaker, today, I want to recognize and honor the life of Dr. Mildred Jefferson, who passed away on October 15, 2010, at the age of 84.

Dr. Jefferson was a trailblazer of her time. She was the first African-American woman to graduate from Harvard Medical School, the first female surgical intern at Boston City Hospital and the first woman admitted to membership in the Boston Surgical Society.

Dr. Jefferson was born in Pittsburg, Texas, on April 6, 1926, to Gurthie Jefferson, a minister, and Millard Jefferson, a schoolteacher. She graduated from Texas College in Tyler and earned a master's degree from Tufts University in Medford, Massachusetts before attending Harvard Medical School. In her lifetime she also was the recipient of 28 honorary degrees.

Her life was historic in many ways, yet she will be remembered not only for the lives she saved as a physician but also for the lives she saved as an advocate for the unborn.

From the earliest years of the right to life movement, she dedicated herself to the cause, always beautifully articulating the humanity of unborn children. Poised and passionate, always focused and extremely devoted, she made history and inspired an entire generation of pro-life leaders.

Dr. Jefferson was among the founders of the National Right to Life Committee (NRLC) and from 1975–1978 she served three terms as President of NRLC. She also served as director of Massachusetts Citizens for Life and a board member of American Life League. She was also a founding member of the board and a past president of the Value of Life Committee of Massachusetts and was active in Black Americans for Life.

Among all of her accolades and accomplishments, she should be best known for her own eloquent description of why she stood in solidarity with the unborn fighting day in and day out for their first right, the right to life. In her own words,

"I became a physician in order to help save lives. I am at once a physician, a citizen, and a woman, and I am not willing to stand aside and allow the concept of expendable human lives to turn this great land of ours into just another exclusive reservation where only the perfect, the privileged, and the planned have the right to live."

Dr. Jefferson was always graceful. She embodied compassion. Her life is an example to us of the impact of faithful devotion to the sanctity of human life. Dr. Jefferson knew that you cannot speak of human and civil rights, while precluding virtually all protection to the most persecuted minority in the world today: unborn children.

She reminded us all, "The right-to-life cause is not the concern of only a special few but it should be the cause of all those who care about fairness and justice, love and compassion and liberty with law."

Dr. Jefferson is correct when she said,—the cause for the right to life concerns all of us. Someday, when our goal of ending abortion is finally realized, future generations of Americans will look back on us and wonder how and why such a rich and seemingly enlightened society, so blessed and endowed with the capacity to protect and enhance vulnerable human life, could have instead permitted, and even promoted, death to children and exploitation of women by abortion.

It was an honor to work alongside Dr. Jefferson to fight the injustice of abortion, and I know her legacy and memory will live on in the lives of those who knew her and in the lives of the unborn children she helped save.

HONORING REVEREND DEFOREST B. SOARIES

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. HOLT. Madam Speaker, Reverend DeForest B. Soaries has dedicated his life to improving the lives of others. Whether it was organizing a campaign in college to stop drug use on campus, starting non-profit groups to improve the lives of his church community or working for the Federal Government to improve the voting system, he has been and will continue to be a true asset to the state of New Jersey. And while we were once adversaries in a political campaign, I am honored now to call him a good friend.

Reverend Soaries' leadership positions within our community, State and Federal Governments show the commitment he has to helping people move forward. As the Secretary of State for New Jersey, he was the first African-American male to serve as a constitutional officer and worked across party lines to achieve progress in the government, including increased funding for the arts.

His time as a Secretary of State and his years of ministry prepared him to be the first chairman for the Federal Election Assistance Commission. The agency was created to help improve the election system in America and to stay ahead of the curve on technological advancements in voting. Reverend Soaries' character was tested as he helped get the agency off the ground without the resources originally promised. While not all of the plans were accomplished during his time as chairman, Reverend Soaries did lay the ground work for the operation of the EAC.

I have appreciated Reverend Soaries insight and collaboration with my efforts to enact election reform. His contributions have strengthened my election reform legislation, and I greatly value his efforts.

Reverend Soaries has also made significant contribution to his community and the congregation of the First Baptist Church of Lincoln Gardens over the last twenty years. He has and is continuing to help create better family units by encouraging people to become foster parents or adopt. He is also creating new homes for low and moderate income families, while providing numerous financial and employment support groups to meet the needs of the community. Recently, he hosted a program that allowed those who had run into trouble with the law to come to church and deal with their pending arrest warrants or other legal issues in a safe environment.

The First Baptist Church of Lincoln Gardens has grown from a parish of a few to over 6,000 people. However the goals of improving the community have not changed. Reverend Soaries has helped the church maintain their goals of "spiritual growth, educational excellence and economic empowerment" through his continuous dedication to creating a debt free parish. He has created a four part program called "dfree" that teaches people how to live a financially responsible life and get out of debt. Reverend Soaries facilitated the construction of the inspirational $17 million church complex that makes possible a number of church programs and has greatly benefited the surrounding community and Central New Jersey.

Reverend Soaries is a valued pastor of his parish and I congratulate him on the celebration of his 20th anniversary with the First Baptist Church of Lincoln Gardens, and look forward to the accomplishments yet to come in the next 20 years.

THE SOCIAL SECURITY WIDOWS AND SPOUSAL PROTECTION ACT

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. PINGREE of Maine. Madam Speaker, I am here today to introduce a bill that addresses a serious problem that affects many retired federal and state employees in Maine and across the nation.

Public servants have performed incredibly important services for their communities and country, but sadly many are being driven into poverty because of the Government Pension Offset, GPO. Of the 5,300 workers in Maine subject to this provision, 3,700 lose all of their Social Security widows or spousal benefits to the GPO. I just don't think that's fair for people who have devoted years to public service.

The effects of the current Government Pension Offset formula are most dramatic on lower income women—79% of beneficiaries affected by the GPO are women. After raising their families and serving the public, these women are devastated by losing most or all of their Social Security benefits after the already overwhelming loss of their spouses to death or divorce.

The legislation I am proposing is targeted at lifting out of poverty those hardest hit by the GPO. It would eliminate the GPO for beneficiaries whose combined monthly pension and Social Security widows or spousal benefits before offset is less than half the maximum Social Security benefit. Others would see a graduated Government Pension Offset. Under this formula, no one would see a reduction in their Social Security benefits and those in the lower incomes would have benefits raised to a livable rate.

I am pleased that the legislation has earned the support of both the Maine Education Association and the Maine State Employees Association. Lorraine Noel, President of the Maine Federation of Chapters for the National Active and Retired Federal Employees Association, states, ''This legislation is a good first step in addressing the injustices caused by the Government Pension Offset.''

Make no mistake, I remain committed to completely repealing the GPO and the Windfall Elimination Provision, and have cosponsored a bill to do so. But in a struggling economy, measures to overturn these offsets are difficult. I hope this incremental reform will alleviate the worst effects on those most damaged by the Government Pension Offset and bring our vulnerable public servants out of poverty.

Please join me in supporting the Social Security Widows and Spousal Protection Act of 2010. We should not have someone's years of public service be the cause of their poverty.

RECOGNIZING NOVACO AND THE RECIPIENTS OF THE 2010 VOLUNTEER OF THE YEAR AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor NOVACO and to recognize the recipients of the 2010 Volunteer of the Year Awards.

NOVACO is committed to helping homeless victims of domestic violence become healthy, secure, and self-sufficient. Victims of domestic violence often feel that they have no safe place to turn. Fear, financial uncertainty, and the feeling of isolation often imprison these victims in abusive environments. When a victim breaks free, he or she can too easily end up homeless and alone.

Domestic violence affects every racial, ethnic, and socio-economic group. Many of us know a friend, neighbor, or family member who has been victimized. More than 15 million children in the United States live in families in which partner violence occurred at least once in the past year. Each day, 3 women die as a result of domestic violence. More than 1 in 4 women will be the victim of domestic abuse in her lifetime; more than 3 of 4 Americans know someone who has been victimized.

For more than a decade NOVACO has provided critical services to homeless families who have escaped domestic abuse and who are seeking to rebuild their lives and become self-sufficient. Assistance is provided in many areas including transitional and permanent housing, counseling, childcare, education, job training, and life skills classes. Through the robust support of area businesses and churches, NOVACO has grown into a leader in breaking the cycle of domestic violence.

NOVACO has initiated a number of innovative programs that have resulted in significant advancements for those in need. Their ''Good Neighbor'' program connects client families with sponsors to assist them in transitioning to self sufficiency. Through the financial management courses, women have learned how to manage their financial affairs, addressing one of the most daunting aspects of escaping domestic abuse.

NOVACO is strengthened by the dedication of its volunteers. I am honored to recognize the following 2010 Volunteers of the Year:

Volunteer of the Year: Joen Schultz

Volunteer Group of the Year: Gracing Spaces

Volunteer Business of the Year: Brookfield Homes

Outstanding Community Support Award: King of Kings Lutheran Church

Madam Speaker, I ask that my colleagues join me in recognizing NOVACO, its volunteers and other supporters for their tireless work on behalf of so many who feel stranded and powerless. NOVACO is making a difference in our community, and I pledge to continue working with NOVACO and similar organizations to put an end to domestic abuse.

TRIBUTE TO SPENCER C. DISHER, JR. M.D.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to an outstanding physician and community leader as he retires and enters a new phase of his life. Dr. Spencer Disher of Orangeburg, South Carolina, has served the medical profession and his community admirably for half a century.

Spencer Disher was born in Darlington, South Carolina, and graduated as Salutatorian of his class at Mayo High School. He earned a Bachelor of Science degree in Chemistry from South Carolina State College, now University, and entered Meharry Medical College in Nashville in 1956. Following graduation, he trained for a year at Kate B. Reynolds Hospital and served two years in the U.S. Army. While serving as an Army Captain, Dr. Disher was the Chief Physician for the Pentathlon athletes on the U.S. Olympic Team.

In 1963, Dr. Disher returned to South Carolina and began his medical practice in Orangeburg. He has also served as the college physician at Voorhees College, Denmark Technical College and Claflin University, where he currently serves as Medical Director of Student Health Services. He also holds the position of State Grand Medical Director for the Masons of South Carolina.

In addition to practicing medicine, Dr. Disher has been very involved in organizations that support and advance the profession. He has served as the Chair of the Grants and Proposal Committee of the Board of Trustees of the National Medical Association, and is a member of South Carolina Board of Medical Examiners. He was the Chief of Staff at The Regional Medical Center in Orangeburg. For eleven years, Dr. Disher served as chair of the Executive Board of the Palmetto State Medical Dental Pharmaceutical Association, PMDPA. He also served as president of the PMDPA in 1975. He chaired the Public Health and Consumer Affairs Committee of the National Medical Association, NMA, for over a decade.

Dr. Disher is currently a member of the Meharry Medical College Board of Trustees, and has been a staunch advocate of the school. Two of his sons have graduated from Meharry. He has established the Spencer C. Disher, Jr., M.D. Endowed Scholarship to enable students from South Carolina to pursue their dream of studying for Medical, Dental or a Doctorate Degree in the Biomedical Sciences at Meharry Medical College.

Dr. Disher has been recognized by many organizations including Alpha Phi Alpha and Omega Psi Phi Fraternities. He is a member of the New Mount Zion Baptist Church. In addition to his many professional affiliations, he is a 33rd Degree Mason, a Shriner, and a member of the NAACP. Dr. Disher is married to the former Annette Moorer, and is the father of eight children.

Madam Speaker, I ask you and my colleagues to join me in celebrating the wonderful professional contributions of Dr. Spencer Disher. He has distinguished himself as doctor who cares not only for the patient but for the community as a whole. He has been a tremendous leader and a consummate professional throughout his career, and I am proud to call him a friend. I wish him Godspeed in retirement and know that he will continue to play an important part in the Orangeburg community for years to come.

HONORING THE REPUBLIC OF TURKEY'S 87TH REPUBLIC DAY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, as a co-chair of the Congressional Caucus

on Turkey and Turkish Americans, I would like to offer my warmest congratulations to the people of Turkey, as they recently observed the 87th anniversary of the founding of the Turkish Republic on October 29.

Under the visionary leadership of Mustafa Kemal Ataturk and his successors, Turkey transformed itself into a modern, secular state allied with the democracies of Europe and the Americas. This alliance is enshrined in Turkey's NATO membership, as evidenced in the logistical and reconstruction efforts Turkey has undertaken in Iraq and Afghanistan.

In light of changing geopolitical developments, there have been questions about Turkey's commitment to its friends in recent years. While there may be bumps in the road in any friendship, differences that may exist between Turkey and the United States on certain issues are evidence of mature and healthy democracies having differences of opinion. The bilateral relationship is still undergirded by the same long-term goals of peace, security and prosperity.

I am confident that the relationship between our two peoples will stand the tests of time, given our shared ideals. Moreover, our ties are cemented by the presence and contributions of over 150,000 Turkish Americans, whose ranks are growing every year. Through diverse fields ranging from music to science—and increasingly through politics—Turkish Americans contribute to the vibrancy, health, and advancement of our society. We are fortunate to have them as our fellow citizens.

In closing, my congratulations again to all Turks everywhere on the commemoration of the 87th Turkish Republic Day.

IN HONOR OF BRIGADIER GENERAL KENNETH W. NORTH

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor Brigadier General Kenneth W. North, who passed away on September 21, 2010. Kenneth North fought for his country and survived seven years in a Vietnamese POW camp, and I am honored to stand in tribute to him.

General North was born in 1930 in Rockville, Connecticut, and graduated from the University of Connecticut in 1953. In 1974, he completed studies at the Naval War College at Newport, Rhode Island. In Vietnam, North served as a fighter pilot and flew 33 combat missions before being downed by enemy fire on August 1, 1966.

Kenneth North repeatedly faced down his tormenters during his seven years at the Hanoi Hilton. North was often beaten and tortured; he endured guards jacking his bound arms behind his back until the shoulder joints split. He suffered through these torturous sessions and defied his captors through bouts of solitary confinement.

North, the son of a Vernon mill worker, was released with 100 other POWs in August 1973 and was the first man off the plane on March 7 when he reunited with his family.

General North's military decorations and awards include the Silver Star, Defense Superior Service Medal, Legion of Merit with oak leaf cluster, Distinguished Flying Cross, Bronze Star Medal with "V" device and two oak leaf clusters, Meritorious Service Medal, Air Medal with two oak leaf clusters, Air Force Commendation Medal, Purple Heart with oak leaf cluster and several unit citations.

North was buried in Wellfleet, Massachusetts. During the ceremony, Air Force fighter jets streaked over Pleasant Hill Cemetery in a final salute. I now ask my colleagues to rise with me so that we too may honor Brigadier General Kenneth North, a true American hero.

HONORING PAUL KELLEY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague Congressman MIKE THOMPSON to recognize Paul Kelley who is retiring after 16 years as a member of the Sonoma County Board of Supervisors. Congressman THOMPSON and I have the distinct privilege of representing Sonoma County and both of our tenures in the House have coincided with Mr. Kelley's tenure on the Board of Supervisors.

Supervisor Kelley represents the northernmost supervisorial district in Sonoma County, which is home to one of the finest wine grape-growing and wine-producing regions in the world. His support of agriculture and agriculture-related industries is deep seated. He grew up on a small farm outside of Santa Rosa and spent his summers as a youth working on neighboring ranches and farms in the area. As a supervisor, his work included helping to bridge the gap between the water needs of farmers and fisheries, in supporting measures that guaranteed that 22,000 acres in his district would be protected under the county's Agricultural Preservation and Open Space District acquisitions and encouraging businesses and farmers to embrace green technology.

Supervisor Kelley also helped create new parks and recreational facilities throughout his district, including the Boys & Girls Club in Windsor, and renovate existing youth facilities in Cloverdale, Healdsburg and Larkfield-Wikiup.

He was the key proponent of returning commercial air service to the Charles M. Schulz/Sonoma County Airport. The regional airport now has daily flights to four western cities.

Supervisor Kelley's special assignments on the board included membership on the Sonoma County Transportation Authority, the North Coast Rail Authority, the Water Agency Committee, the Local Agency Formation Commission (Chair), the Eel Russian River Commission (Chair), the Redwood Empire Association, the North Coast Air Pollution Control District, the North Coastal Counties Supervisors' Association, the Public Policy Facilitating Committee, the Sonoma County Advertising Program, the Sonoma County Indian Gaming Local Community Benefit Program and the Association of California Water Agencies (President).

Madam Speaker, after 16 years of public service to the people of Sonoma, Paul Kelley deserves to enjoy the riches of this new phase of his life as a water and transportation consultant. We wish him well.

RECOGNIZING ST. AMBROSE CATHOLIC SCHOOL, RECIPIENT OF THE 2010 BLUE RIBBON OF EXCELLENCE AWARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize St. Ambrose Catholic School for being named by the United States Department of Education as a recipient of a 2010 Blue Ribbon School of Excellence Award.

The Blue Ribbon School award honors public and private elementary, middle and high schools that have helped close the achievement gap and whose students attain and maintain high academic goals. The program is part of a larger Department of Education effort to identify and disseminate knowledge about best school leadership and teaching practices. Each year since 1982, the U.S. Department of Education has sought out schools where students attain and maintain high academic goals, including those that beat the odds. This year St. Ambrose is one of only 314 schools nationwide, public and private, to receive this award and is the only school in the 11th Congressional District of Virginia to be so honored this year.

Quality education is an important component to our community in Northern Virginia, and it gives me great pride to represent a school as committed and effective at attaining high achievement goals. St. Ambrose is committed to teaching faith and life skills to students from kindergarten through 8th grade. Through rigorous academic programs, robust activities, excellent staff, and a committed community, St. Ambrose exemplifies the strong fabric of our shared community here in Northern Virginia.

Madam Speaker, I ask that my colleagues join me in recognizing and congratulating Principal Barbara Dalmut, her staff, and the St. Ambrose Catholic school community for their efforts toward earning this prestigious award.

TRIBUTE TO CAROLYN E. DALLINGER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Carolyn E. Dallinger of Huxley, Iowa, as the recipient of the 2010 Iowa Professor of the Year award. She was honored at a reception in Washington, D.C., on November 18.

The U.S. Professors of the Year program, which is sponsored by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching, is the only national program to recognize excellence in undergraduate teaching and mentoring.

Carolyn is currently an Assistant Professor of Social Work and Criminal Justice at Simpson College. She enjoys incorporating service learning components within her classroom teaching whenever possible. An example of

this includes having her social policy students serve meals to hungry or homeless people.

Besides being involved in sporting events and extracurricular activities at Simpson College, Carolyn also serves as a junior/senior high school youth group leader for her church. The youth group has taken several mission trips across the country to serve less fortunate people. She is also a member of the church choir and participates as a church accompanist.

Carolyn Dallinger is an incredible teacher, and her dedication to her profession and to her students should make every Iowan proud. It's an honor to represent her in the United States Congress, and I know that my colleagues in the House join me in congratulating Carolyn on this well-deserved award and thanking her for her dedicated service to her community and America's young adults.

CELEBRATING THE GROUNDBREAKING FOR THE ROUGH AND READY FIRE STATION

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. McCLINTOCK. Madam Speaker, I rise today to celebrate the groundbreaking for the Rough and Ready Fire Station in Nevada County, California.

Since its founding in 1963, the Rough and Ready Fire Department has served to protect the homes and businesses in their community. In the early years, the department consisted of a phone-tree-style call list that would spring into action when needed, using whatever assortment of equipment the group could afford to buy, maintain and house in local barns. In 1970, the current fire station was constructed on Rough and Ready Road to house two fire engines and serve as the headquarters for the 16 volunteer fire fighters. As the town continued to grow, so did its need for fire protection and the department acquired two additional engines, but with room in the station to house only two vehicles. As a result, the department went back to housing some fire engines in barns, including the Davison Barn, where chickens began roosting in the engine and going on fire calls.

As the years wore on, it became increasingly clear that the fire station on Rough and Ready Road would not be able to meet the needs of the city indefinitely. Without a training area large enough to accommodate all firefighters, lacking sleeping quarters or any space to service vehicles, an absence of ventilation, air conditioning and insulation, and a hopelessly leaky roof, the need to build a new facility was more than evident. Beginning in 1995, the department saved a little money each year towards a new station and by 2004 the land had been acquired and the department officers were finalizing design plans. Finally, in 2009, having raised just under one million dollars through department savings and private donations, Rough and Ready secured a federal matching grant to allow for construction to move forward. At over 8000 square feet and complete with five engine bays, living quarters and up-to-date infrastructure, the new station will greatly increase the department's capacity to serve the 2,200 citizens in their immediate district and the over 52,000 people in the surrounding area.

Madam Speaker, it is impossible to overestimate the necessity of fire protection or to measure to countless contributions these firefighters make to our community. It is has been my privilege to work with the Rough and Ready Fire Department in competing for a merit-based federal grant and it is with great pleasure that I rise today to join the city of Rough and Ready to celebrate this joyous occasion.

IN HONOR OF TERRY SULLIVAN, PRESIDENT AND CEO, COLORADO SPRINGS CONVENTION & VISITORS BUREAU

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LAMBORN. Madam Speaker, let me take this opportunity to pay tribute to Mr. Terrance W. Sullivan. Mr. Sullivan has served as leader of the Colorado Springs Convention & Visitors Bureau for 20 years. In this role, Mr. Sullivan has helped support and expand the tourism industry in Colorado Springs and the Pikes Peak region. He has previously been awarded Outstanding Individual Contribution to Colorado Tourism by the Governor of Colorado in 2005, and was elected to serve as President of the Tourism Industry Association of Colorado (TIAC).

Mr. Sullivan has also served in leadership roles in numerous civic and business organizations and has contributed significantly to the economic development of the Pikes Peak region. His exemplary career is marked by his chairmanship of the Tourism Industry Association of Colorado (TIAC) and the Colorado Association of Destination Marketing Organizations (CADMO), organizations that work cooperatively to promote travel to our state, region, and city. Mr. Sullivan is also a co-founder and board member of the Southern Colorado Business Partnership and has served and continues to serve on many other community boards and committees. He continually supports community parks, museums, historic sites, and open spaces.

In addition to his achievements in the tourism industry, Mr. Sullivan was an Army aviator in Vietnam followed by service in the National Guard and Army Reserves. He is rated as a Master Aviator with approximately 3,000 flying hours. In March 2004, Mr. Sullivan participated as an organizer and crew member in the Smithsonian Museum of History's "America's Huey, The Final Journey Home." Mr. Sullivan continues to support the military community by founding the Mountain Post Historical Association, serving as an honorary board member of the Peterson Air & Space Museum, and serving as an active member of the Chamber of Commerce Military Affairs Council.

Mr. Sullivan will retire from the Colorado Springs Convention & Visitors Bureau on December 31, 2010, leaving a lasting legacy of hospitality and tourism promotion for all that follow. Mr. Sullivan's future hopes for the Convention and Visitors Bureau include bringing further credibility and recognition to the Colorado hospitality industry, proactively pursuing an increased air service network, creating valuable and effective partnership marketing opportunities, attracting more sports-related events to the Pikes Peak region, and assuring the development of a community infrastructure. These will meet the future needs of a growing and healthy tourism industry.

Madam Speaker, residents and visitors of Colorado have been fortunate to have Mr. Sullivan serve as leader of the Colorado Springs Convention & Visitor Bureau for the past 20 years. His involvement in Colorado tourism and civic engagement has provided economic development to Colorado Springs and the Pikes Peak region as well as a richer experience to visitors of our beautiful state. I know my fellow Members of the House of Representatives will join me in thanking him for his lasting contribution to the community and for his commitment to our country.

NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SCOTT of Georgia. Madam Speaker, I rise in recognition of National Alzheimer's Disease Awareness Month. This year marks the 27th anniversary of National Alzheimer's Disease Awareness Month, which has brought awareness to the 5.3 million Americans living with Alzheimer's and the over 200,00 living with Alzheimer's in my own state of Georgia. More than half of all Americans now know someone with Alzheimer's and approximately thirty percent of Americans have a family member with the disease.

It is of immense magnitude that all Americans become aware of what they can do to support those who live with the disease. This month should serve as a time to reflect on the struggles faced by those with the disease and to commemorate how far we have come and all we have accomplished in the fight for a cure.

I would also like to express immense gratitude to the Georgia Alzheimer's Association for their advocacy throughout the state of Georgia. Under their incredible leadership they have been able to help over 124,000 Georgians through their programs and services. It is important that we acknowledge this month as a time of support for all affected with the disease and reaffirm that as a nation it should be our mission to eliminate Alzheimer's disease through the advancement of research, and to provide and enhance care and support to those individuals affected with the disease, their families and caregivers.

I encourage everyone to join me in recognizing November as the National Alzheimer's Disease Awareness Month.

BENEDICTION DELIVERED BY RABBI ISRAEL ZOBERMAN AT THE DEDICATION OF THE JEWISH WAR VETERANS MONUMENT IN VIRGINIA BEACH ON VETERANS DAY, NOVEMBER 11, 2010

HON. GLENN C. NYE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. NYE. Madam Speaker, I submit the following.

Adonai Eloheinu, Adonai Our God, M'kor Chayim U'vracha, Infinite Source of Life's Blessings,

Dear Veterans, Families, Donors, Friends, Zeh Ha'Yom Asa Adonai, Nagila V'nismecha Vo! This is the awaiting day the Lord has granted us, that we may find joy and meaning in it!

Tenderly, tearfully and triumphantly we recall our very own fighting Jewish men and women in uniform who alongside fellow Americans from all backgrounds and walks of life, and to the last full measure of devotion, borrowing a phrase from President Abraham Lincoln's Gettysburg Address—served and sacrificed, secured and saved on behalf of our great and grateful nation, a flourishing democracy which has been a tower of strength to a weary and vulnerable world as well as a steadfast beacon of Shalom's flickering lights of hope, harmony and healing.

Our cherished kin, some with their long-loving and supportive families here on this festive Veterans Day of the Jewish War Veterans Monument Dedication, have proudly, patriotically and profoundly responded to freedom's far-reaching sacred call from these golden shores to the most noble of duties in defense of all we hold precious. Their selfless acts of unflinching heroism and exemplary conduct under harrowing circumstances brought genuine honor and lasting glory, sanctifying God's holy name.

This significant monument is an essential addition to the beautiful grounds of the Reba and Sam Sandler Campus of the Tidewater Jewish Community in the unique region of Hampton Roads, home to the nation's largest cluster of military installations. The monument, linked by design to the Helen G. Gifford Holocaust Memorial Garden, is forever an inspiring testimony to unforgettable brethren, the dead and the living, who participated in the monumental liberation of the surviving remnant, myself included, of European Jewry from the threat of total extinction by humanity's foes.

At the approaching Chanuka celebration, we salute our veterans who like the Maccabees of old, through wondrous deeds and abundant sacrifices of a faithful spirit, have bequested unto us all the inseparable twin gifts of life and liberty.

''Minesharing Kalu
M'arayot Gaveru
They were swifter than eagles,
They were stronger than lions!
Eich Naflu Giborim
B'tock Hamilchama—
How have the mighty fallen
In the thick of battle''
Second Samuel 1:23, 25
And humbly let us say, Amen.

Rabbi Israel Zoberman is the spiritual leader of Congregation Beth Chaverim in Virginia Beach and president of the Hampton Roads Board of Rabbis and Cantors. He was born in Kazakhstan in 1945 to Polish Holocaust survivors.

IN HONOR AND RECOGNITION OF REVEREND DR. ROLAND HAYES CROWDER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Reverend Dr. Roland Hayes Crowder on the occasion of his 45th anniversary as pastor of the Second Calvary Missionary Baptist Church in Cleveland, Ohio and his 60th anniversary of ministering to those in need.

Reverend Crowder was educated in the Jefferson County Schools in Birmingham, Alabama. He was raised with the values of faith, family, hard work and service to community. He graduated from Malone College and Ashland Theological Seminary, where he earned a doctoral degree in theology.

After college, Reverend Crowder accepted the call to ministry, and on November 8th, 1950, he preached his first sermon at East Mount Zion Baptist Church in Cleveland, Ohio. In 1965, Reverend Crowder accepted the position of pastor of the Second Calvary Missionary Baptist Church. His leadership led to an increase in church membership, the creation of new outreach programs and the construction of a multi-purpose church facility.

Madam Speaker, please join me in honor and recognition of the Reverend Dr. Roland Hayes Crowder, whose 60-year ministry and 45 years as a pastor reflect missions of healing, hope and faith. Reverend Crowder's compassionate service and dedicated leadership continues to bring light and strength to countless individuals and families.

HONORING MR. JAMES KLUTTZ, THE FORMER PRESIDENT OF THE BOARD OF DIRECTORS OF THE TYBEE ISLAND HISTORICAL SOCIETY

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. KINGSTON. Madam Speaker, I rise today to honor Mr. James Kluttz, the former President of the Board of Directors of the Tybee Island Historical Society. During his twenty years of leadership, the Tybee Island Historical Society's membership grew from two hundred to over one thousand, and the Society raised funds to restore the entire seven building Tybee Island Light Station and surrounding plots of land essential to preserving historic views from the Station. Due to Mr. Kluttz's efforts, the Station received local, state, and national awards as well as international publicity. The increased spotlight and the strengthening of the Tybee Island Light Station's historical preservation bona fides resulted in the transfer of the Station from the Federal Government to the Tybee Island Historical Society—one of the first to occur under the National Historic Lighthouse Preservation Act of 2000.

Moreover, due to Mr. Kluttz's twenty-year dedication, the Tybee Island Lighthouse was included in the Southeast Lighthouse Stamp series and the Station was been nominated for National Landmark Status. Visitation to the Station and Museum has gone from several thousand annual visitors to over 170,000, greatly benefitting the local economy.

Mr. Kluttz's work did not end with the Lighthouse. Under his direction, the Historical Society helped acquire and restore buildings and historic field guns at Fort Screven, as well as a ''raised cottage'' that reflects Tybee Island's unique social, cultural, and architectural heritage.

Mr. James Kluttz is a model citizen, having served on countless boards and committed hundreds of personal hours towards the preservation of the atmosphere of Tybee Island, and I believe that no one could have done a better job. The citizens of Tybee Island owe him much thanks and gratitude, and on this day we wish him the best in all his future activities and endeavors.

CELEBRATING THE 35TH ANNIVERSARY OF THE RAYMOND AND MIRIAM KLEIN JCC

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor the Raymond and Miriam Klein JCC on its milestone 35th anniversary. Located in Northeast Philadelphia, the Raymond and Miriam Klein JCC is a multifaceted community center committed to a strategic mission of serving the versatile needs of the surrounding Jewish community. The Klein JCC is a living example of Tikkun Olam—repairing the world—right here in our community.

Since 1975, when the Klein Branch opened its doors, it has been a community center, an educational center, and a constant source of support and enrichment for the Jewish community. Located on a 20 acre lot and featuring a theatre, 2 swimming pools, a gym, and classrooms, the JCC provides childcare, immigration counseling, and summer camp, as well as athletic and aquatic fitness programs.

But Klein JCC is much more than a center that provides entertainment and recreation. Throughout the decades, the Klein JCC has adapted its mission to meet the changing needs of its neighbors and has reemerged as a fully functioning social services agency. Today, the Klein JCC provides critical quality services to our youngest members of the community through pre-school and kindergarten while providing a lifeline to our most seasoned senior citizens. Education for the very young as well as courses for those over the age of 90 are all available in the same facility. And through the Mitzvah food project, volunteers deliver food and other necessities to those in the community who are in need, reaching out to help regardless of religion, race, gender, or age.

Madam Speaker, I am so proud to represent in congress an institution that has so faithfully and ably served the Jewish community for so many years. I am honored that the Raymond

and Miriam Klein JCC has always welcomed me with open arms. I ask that my colleagues join me in wishing a heartfelt Mazel Tov to the Raymond and Miriam Klein JCC Board of Directors both past and present, supporters, clients and friends on an impressive 35 year history and for continued success in a new century.

IN HONOR OF DIANNE CHURCH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. FARR. Madam Speaker, I rise today to recognize the remarkable public service career of Dianne Church. After forty-two years with the Federal Government, Dianne is retiring from her position as an Economic Development Administration, EDA, regional representative. Over the course of the past eighteen years, Dianne has played an instrumental role in helping the communities of the Monterey Bay Area recover from earthquake, flood, recession, and the largest military base closure in U.S. history. During that time, I have had the great fortune of working with Dianne and developing a wonderful working friendship with her. So it is with particular pleasure that I join my colleagues on the floor of the House today to recognize Dianne's work to make my constituents' corner of the world a better place.

Dianne was born on April 22, 1944, in Winston-Salem, North Carolina, to Francis and Violet Church. She attended local public schools, discovered a love for music through her church choir, and spent summers with her family at the beach on the North Carolina's Outer Banks. She later attended the George Washington University in Washington, D.C.,

While in Washington, D.C. she began a ten year career on Capitol Hill, working for a number of distinguished lawmakers, including: Rep. FLOYD HICKS (WA), Sen. MIKE GRAVEL (AK), Rep. DON YOUNG (AK), Rep. JOHN CONYERS (MI), and the Senate Labor Committee. She helped staff Senator Gravel when he read the Pentagon Papers on television and met Daniel Ellsberg.

In 1977, Dianne left Capitol Hill to go to work in the EDA Congressional Liaison office. In 1980, she took a job as a public works project officer in EDA's Seattle Regional Office. Dianne quickly gained a reputation for volunteering for projects in the most remote and out of the way places, especially in Alaska. During those early years in Seattle, Dianne completed her B.A. degree at Western Washington University and later an MPA degree at Seattle University, taking classes at night while working full time for EDA. While working in Seattle, she met Steve Johnston, a fellow EDA employee. Dianne and Steve married in 1987.

In 1997, she began the best job of her career as EDA's economic development representative for California's Central Coast. She initially represented fourteen Central California counties, including the Monterey, Santa Cruz, and San Benito Counties that form the core of my district. She had already been working on the redevelopment of Fort Ord following its 1994 closure. In all, Dianne helped steer over $95 million towards infrastructure and other key redevelopment needs, including over $60 million for the creation of a new California State University in the heart of Fort Ord.

Madam Speaker, I know I speak for the whole House in honoring Dianne Church for her years of visionary public service. At a time when it is fashionable to cast doubt on the federal role in economic development, Dianne's legacy of roads, buildings, revitalized downtowns, a whole new university, and all the jobs to build and fill them, bears witness to the vital role that our collective investment in civilization can play.

HONORING THE LIFE AND ACHIEVEMENTS OF TENNESSEE STATE REPRESENTATIVE ULYSSES JONES, JR.

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. COHEN. Madam Speaker, I rise today to honor Ulysses Jones, Jr. A public servant throughout his career, Mr. Jones worked as a paramedic with the Memphis Fire Department for 37 years, where he rose to the rank of battalion chief. Ulysses continued to serve by becoming Tennessee's 98th District State Representative representing the North Memphis community for 23 years. He was born in Memphis, Tennessee on June 7, 1951 to the late Ulysses Jones, Sr. and Marjorie Nicholas Jones. Ulysses Jones, Jr. graduated from North Side High School and went on to attend the University of Memphis and Tennessee State University.

Ulysses Jones, Jr. was oftentimes faced with challenging moments during his tenure as a paramedic. On August 16, 1977, Ulysses and a colleague were called to Graceland to revive Elvis Presley, but to no avail. Ulysses later noted that he identified with the legendary entertainer who despite living in public housing projects, worked hard to make a better life for himself. Ulysses thought nothing of putting his life on the line to save others and he took that same attitude of public service to the state legislature when he was elected to the Tennessee House of Representatives.

Ulysses Jones, Jr. was first elected to the Tennessee General Assembly in 1986. For nearly a quarter of a century, he was a voice for working men and women in Shelby County. He stood by his convictions on issues that mattered most to him, including improving schools, expanding college scholarships and equal pay for all. Ulysses aspired to do the right thing for all people regardless of race, creed or political affiliation.

Mr. Jones was an effective lawmaker for Tennessee. His vocal and active opposition to the "Tiny Towns" bill led to one of his most notable accomplishments in the Tennessee legislature. This legislation, which initially passed and was signed into state law, allowed small communities, and in one contested battle, an apartment building, to incorporate to avoid paying property taxes. Less than a year after being signed into law, the Tennessee Supreme Court struck down the law citing constitutional violations.

Ulysses worked hard on not just his legislative agenda but on other Members' bills including mine. He cosponsored the "Tennessee Lottery for Education," a bill I sponsored and worked on for nearly 20 years. After being signed into law, Ulysses took the reins and served as the Co-Chair of the Joint Lottery Oversight Committee and was a member of the House Tennessee Education Lottery Corporation.

While in the Tennessee House of Representatives, Ulysses Jones served as the Chair of the House Ethics Committee, Chair of the House State and Local Government Committee and the 2nd Vice President of the National Black Caucus of State Legislators. He was a member of the House Education Committee, K–12 Subcommittee, Local Government Subcommittee, Joint Select Education Oversight Committee and the Tennessee Commemorative Women's Suffrage Commission. Ulysses also co-authored state Enterprise Zone legislation for Tennessee.

Mr. Jones was also actively involved in his community. He served as Chairman of both the Tennessee African-American Male Task Force and the Governor's Minority Business Development Advisory Committee. He sat on the Board of Directors for the Fire Fighter Investment Group and was the President of the Pioneer Black Fire Fighters. Ulysses was a member of the YMCA Black Achievers and was a catalyst for the Development of the North Memphis Inner City Community Development Corporation.

Ulysses Jones, Jr. passed away on November 9, 2010 at the age of 59. Ulysses Jones, Jr. is survived by his daughter Victoria and son Ulysses III. His commitment to helping people throughout his life will be remembered by the countless number of lives he touched. His was a life well lived.

REMEMBERING JANICE BALL FISHER

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. PENCE. Madam Speaker, I rise today to honor a kind-hearted and generous woman who will forever be remembered by the community in my home state of Indiana. The snow fell quietly on an early November morning as a community gathered at First Presbyterian Church to remember the first lady of east central Indiana, Janice Ball Fisher. She was the daughter of the distinguished Edmund B. and Bertha Ball who founded Ball Corporation, and whose generous donations significantly benefited Ball State University and Ball Memorial Hospital.

Janice was raised in Muncie and later graduated from Mount Vernon College in Washington, D.C. In 1940 she married John Fisher in Leland, Michigan, though they later moved back to Janice's hometown. The Fishers will always be remembered for their leadership in the community and their giving hearts. Together, they donated millions of dollars to further educational institutions around the state such as Ball State University, DePauw University, and Indiana University.

Those who knew Janice will remember her most for her dedication to faith and family. Her greatest joy was to be surrounded by loved ones, and she greatly enjoyed bringing her children and grandchildren along on adventures across the country and throughout the

world. She was an active member of her church, as well as civic organizations such as the Mayflower Society, Daughters of the American Revolution, and the Mount Vernon Society. Janice also supported numerous philanthropies in Michigan and Indiana such as the Fishtown Preservation Society, Leelanau Conservancy, Leelanau Community Cultural Center, Leelanau Historical Museum, Leland Township Library, Interlochen School of Music, Minnetrista, Cornerstone Center for the Arts, Muncie YMCA and YWCA, Camp Crosley, Muncie Symphony Orchestra, and many other organizations that thrived thanks to her leadership.

The Good Book tells us that ''whatever you did for one of the least of these brothers and sisters of mine, you did for Me,'' and that embodies the way Janice lived her life. Though the community will deeply feel the loss of Janice Fisher, I am confident that she will be richly rewarded for her decades of service and sacrifice for others. I offer my sincere condolences to her beloved family: daughters Joan F. Woods and Judith F. Oetinger; sons Michael J. Fisher, James A. Fisher, Jeffrey E. Fisher, John W. Fisher III, and Jerrold M. Fisher; 19 grandchildren; and 29 greatgrandchildren.

A TRIBUTE TO MR. FRANK SHAFFERY

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor Mr. Frank Shaffery, who has virtuously served the United States and the Commonwealth of Kentucky.

Mr. Shaffery has served as a civilian employee within the U.S. Army Recruiting Command Headquarters G3 at Fort Knox, KY, since 1994. Mr. Shaffery will retire after 46 years of dedicated service to the United States Army.

A native of Newark, N.J., Frank Shaffery enlisted in the Army in 1965. His Army career included assignments in Fort Dix, N.J., Korea and Vietnam before he became an Army recruiter.

Mr. Shaffery has held several positions as an Army recruiter including field recruiter, station commander, senior guidance counselor and battalion sergeant major. The Baltimore Recruiting Battalion was the second largest recruiting battalion during his tenure and he ensured its success as one of the top battalions in the command.

Mr. Shaffery retired after 30 years of active Army service at the rank of Command Sergeant Major. His dedicated service resulted in his awarding of a Legion of Merit, Bronze Star, and several Meritorious Service Medals. He wears his Recruiter Ring still today, the highest honor for a recruiter when he was an NCO.

Upon retirement from active duty in 1994, Mr. Shaffery accepted a civilian position with the U.S. Army Recruiting Command HQ as the Chief of Plans and Policy for the Operations Directorate. He was promoted to the position of Deputy Director in 1999.

Frank lives in Elizabethtown, Ky., with his wife, Connie. He is the father of two sons, Mark and Michael, and the proud grandfather to 6 year old Madison.

I ask my colleagues to join me today in honoring Mr. Frank Shaffery today because of his dignified and steadfast commitment to the U.S. Army, U.S. Army Reserve, his Soldiers, the citizens of this country and the Commonwealth of Kentucky.

RECOGNIZING VIBRANT GUJARAT 2011 SUMMIT FOR PROMOTING U.S.-INDIA TRADE

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAOMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I would like to recognize Chief Minister Narendra Modi for his visionary leadership in drawing attention to Gujarat as a leading investment destination, and for promoting U.S.-India trade.

On September 15, 2010, it was my honor to welcome the Gujarat delegation to Washington, D.C. as prelude to the Vibrant Gujarat 2011 Summit scheduled to be held on January 12–13, 2011 in Gandhinagar, Gujarat. Many of my colleagues joined me for this event.

As I noted then, Gujarat is one of the most prominent States on the western coast of India and has contributed significantly to India's growth story with consistent double digit GDP growth for almost a decade and, since 2003, the Vibrant Gujarat Global Investors Summit has attracted investment agreements worth more than USD 370 billion.

The State is now gearing up for the 5th Vibrant Gujarat Summit and, while many of us were hopeful that we would be able to attend the Summit, the January 2011 schedule for the U.S. Congress will not permit Congressional participation. But, in recognition of the importance of the Gujarat Summit, I wanted to offer this statement as a show of support for this Summit.

Today, as a result of the Chief Minister's efforts, Gujarat is a replicable model of development with the highest GDP growth rate in India. Consequently, the potential for U.S. trade and investment in Gujarat is significant, and I stand with the Government of Gujarat as it seeks to improve the lives of its people and ours.

I have every confidence that our mutual cooperation will lead to more jobs in the U.S. and India, and I extend my best wishes to Chief Minister Modi for a successful Vibrant Gujarat 2011 Summit.

CORRECTION

Daily Digest

HIGHLIGHTS

Senate agreed to H. Con. Res. 332, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S8001–8110

Measures Introduced: Twelve bills and six resolutions were introduced, as follows: S. 3964–3975, S. Res. 682–685, and S. Con. Res. 75–76.

Pages S8062–63

Measures Reported:

S. 2991, to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, with an amendment in the nature of a substitute. (S. Rept. No. 111–350)

S. 3167, to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, with amendments. (S. Rept. No. 111–351)

S. 1183, to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, with an amendment in the nature of a substitute. (S. Rept. No. 111–352)

S. 3650, to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

S. 3804, to combat online infringement, with an amendment in the nature of a substitute. **Page S8062**

Measures Passed:

Physician Payment and Therapy Relief Act: Senate passed H.R. 5712, entitled ''The Physician Payment and Therapy Relief Act of 2010'', after agreeing to the following amendments proposed thereto: **Page S8046**

Reid (for Baucus/Grassley) Amendment No. 4711, in the nature of a substitute. **Page S8046**

Reid (for Baucus) Amendment No. 4712, to amend the title. **Page S8046**

Longline Catcher Processor Subsector Single Fishery Cooperative Act: Senate passed S. 1609, to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector. **Pages S8105–06**

Authorizing Use of Capitol Rotunda: Senate agreed to S. Con. Res. 75, authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy. **Page S8106**

Recognizing Military Families: Senate agreed to S. Con. Res. 76, to recognize and honor the commitment and sacrifices of military families of the United States. **Pages S8106–07**

National Adoption Day and Month: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 647, expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children, and the resolution was then agreed to. **Page S8107**

Recognizing the People and Government of Moldova: Senate agreed to S. Res. 683, recognizing the recent accomplishments of the people and Government of Moldova and expressing support for free and transparent parliamentary elections on November 28, 2010. **Pages S8107–08**

35th Anniversary of the Education for All Handicapped Children Act: Senate agreed to S. Res. 684, recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975. **Pages S8107–08**

100th Anniversary of the Discovery of Sickle Cell Disease: Senate agreed to S. Res. 685, commemorating the 100th anniversary of the discovery of sickle cell disease by Dr. James B. Herrick.

Pages S8107–08

Adjournment Resolution: Senate agreed to H. Con. Res. 332, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Pages S8108–09

Measures Considered:

FDA Food Safety Modernization Act—Agreement: Senate began consideration of S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply, withdrawing the committee reported amendment in the nature of a substitute, and taking action on the following amendment proposed thereto:

Pages S8010–14, S8014–49

Pending:

Reid (for Harkin) Amendment No. 4715, in the nature of a substitute. **Page S8049**

A motion was entered to close further debate on Reid (for Harkin) Amendment No. 4715 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, November 18, 2010, a vote on cloture will occur at 6:30 p.m., on Monday, November 29, 2010. **Page S8049**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of Reid (for Harkin) Amendment No. 4715 (listed above).

Page S8049

During consideration of this measure today, Senate took the following action:

By 57 yeas to 27 nays (Vote No. 251), Senate agreed to the motion to proceed to consideration of the bill. **Page S8031**

A unanimous-consent-time agreement was reached providing that the cloture vote on Reid (for Harkin) Amendment No. 4715 (listed above), occur at 6:30 p.m., on Monday, November 29, 2010; and that if cloture is invoked on Reid (for Harkin) Amendment No. 4715, then all post-cloture time be yielded back except for the time specified in this agreement; and that the only amendments or motions in order be those specified in this agreement, with debate limitations as specified: Johanns motion to suspend with respect to amendment no. 4702; Baucus motion to suspend with respect to amendment no. 4713; with a total of 60 minutes of debate with respect to these 2 motions with the time equally divided and controlled between Senators Baucus and Johanns; Coburn motion to suspend with respect to amendment no. 4696—substitute; Coburn motion to suspend with respect to amendment no. 4697—earmarks; that there be a total of 4 hours of debate with respect to the Coburn motions; equally divided and controlled between Senators Coburn and Inouye, or their designees; that upon the use or yielding back of time specified here, Senate vote on or in relation to the motions to suspend in the order listed: Johanns 1099; Baucus 1099; Coburn earmarks; Coburn substitute; that upon disposition of the motions, and if any motion is successful, then the Senate vote immediately on the amendment; that no further motions or amendments be in order; the substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read a third time, that after the reading of the paygo statement with respect to the bill, Senate vote on passage of the bill, and that the cloture motion with respect to the bill be withdrawn. **Page S8049**

Nomination Confirmed: Senate confirmed the following nomination:

Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.

Pages S8048, S8110

Nominations Received: Senate received the following nominations:

Routine lists in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, and Navy.

Pages S8109–10

Messages from the House: **Pages S8056–57**

Measures Referred: **Page S8057**

Measures Placed on the Calendar: **Pages S8001, S8057**

Measures Read the First Time: **Pages S8057, S8108**

Executive Communications: **Pages S8057–62**

Executive Reports of Committees: **Page S8062**

Additional Cosponsors: **Pages S8063–64**

Statements on Introduced Bills/Resolutions: **Pages S8064–66**

Additional Statements: **Pages S8054–56**

Amendments Submitted: **Pages S8066–93**

Notices of Intent: **Pages S8093–94**

Authorities for Committees to Meet: **Page S8094**

Privileges of the Floor: **Page S8094**

Record Votes: One record vote was taken today. (Total—251) **Page S8031**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 10:06 p.m., until 10:30 a.m. on Friday, November 19, 2010. (For Senate's program, see the

remarks of the Majority Leader in today's Record on page S8109.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of General Claude R. Kehler, USAF, for reappointment to the grade of general and to be Commander, United States Strategic Command, and General Carter F. Ham, USA, for reappointment to the grade of general and to be Commander, United States Africa Command, after the nominees testified and answered questions in their own behalf.

INTERNATIONAL TRADE IN THE DIGITAL ECONOMY

Committee on Finance: Subcommittee on International Trade, Customs, and Global Competitiveness concluded a hearing to examine international trade in the digital economy, after receiving testimony from Catherine L. Mann, Brandeis University International Business School, Concord, Massachusetts; Edward J. Black, The Computer and Communications Industry Association (CCIA), Washington, D.C.; Daniel Burton, Salesforce.com, Chevy Chase, Maryland; Mike Sax, Sax Software, Eugene, Oregon; and Greg S. Slater, Intel Corporation, Phoenix, Arizona.

IMPROVISED EXPLOSIVE DEVICE

Committee on Foreign Relations: Subcommittee on Near Eastern and South and Central Asian Affairs concluded a hearing to examine jamming the improvised explosive device (IED) assembly line, focusing on impeding the flow of ammonium nitrate in South and Central Asia, after receiving testimony from Mary Beth Goodman, Senior Economic Adviser to the Special Representative to Afghanistan and Pakistan, Department of State; John P. Woods, Deputy Assistant Director, Homeland Security Investigations, Immigration and Customs Enforcement, Department of Homeland Security; and David S. Sedney, Deputy Assistant Secretary for Afghanistan, Pakistan, and Central Asia, and Brigadier General Michael H. Shields, Deputy Director, Operations and Requirements, Joint Improvised Explosive Device Defeat Organization, both of the Department of Defense.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Eugene Louis Dodaro, of Virginia, to be Comptroller General of the United States, Government Accountability Office, after the nominee testified and answered questions in his own behalf.

RECONSTRUCTION CONTRACTS IN AFGHANISTAN

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight concluded a hearing to examine the need for effective oversight of reconstruction contracts in Afghanistan, after receiving testimony from Jon T. Rymer, Inspector General, Federal Deposit Insurance Corporation, and Richard W. Moore, Inspector General, Tennessee Valley Authority, both of the Office of the Inspector General; Arnold Fields, Special Inspector General for Afghanistan Reconstruction; Gordon S. Heddell, Inspector General, Department of Defense; Harold W. Geisel, Deputy Inspector General, Department of State, and the Broadcasting Board of Governors; Michael Carroll, Deputy Inspector General, United States Agency for International Development; and Stuart W. Bowen, Jr., Inspector General, Office of the Special Inspector General for Iraq Reconstruction.

STATE OF AMERICAN CHILDREN

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families concluded a hearing to examine the state of the American child, focusing on securing our children's future after receiving testimony from Jennifer Garner, Save the Children, Los Angeles, California; David Satcher, Morehouse School of Medicine Satcher Health Leadership Institute and Center of Excellence on Health Disparities, Atlanta, Georgia; and Helen Blank, National Women's Law Center, Peter Edelman, Georgetown Law Center, Michael Casserly, Council on Great City Schools, and Marian Wright Edelman, Children's Defense Fund, all of Washington, D.C.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S. 3648, to establish a commission to conduct a study and provide recommendations on a comprehensive resolution of impacts caused to certain Indian tribes by the Pick-Sloan Program, with an amendment in the nature of a substitute;

S. 3903, to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo, with an amendment;

H.R. 4445, to amend Public Law 95–232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico;

H.R. 5811, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo

Tribe to determine blood quantum requirement for membership in that tribe;

S. 2956, to authorize the Pechanga Band of Luiseno Mission Indians Water Rights Settlement, with an amendment in the nature of a substitute;

S. 1264, to require the Secretary of the Interior to assess the irrigation infrastructure of the Pine River Indian Irrigation Project in the State of Colorado and provide grants to, and enter into cooperative agreements with, the Southern Ute Indian Tribe to assess, repair, rehabilitate, or reconstruct existing infrastructure; and

S. 980, to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, with an amendment in the nature of a substitute.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Committee on Indian Affairs: Committee concluded a hearing to examine H.R. 4347, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, after receiving testimony from George Skibine, Acting Principal Deputy Assistant Secretary of Indian Affairs, Sharee Freeman, Director, Office of Self-Governance, W. Ron Allen, Chairman, Self-Governance Advisory Committee, all of the Department of the Interior; Geoffrey Strommer, Hobbs, Strauss, Dean and Walker, Portland, Oregon; and Will Micklin, Central Council of Tlingit and Haida Indian Tribes of Alaska, Juneau.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 3804, to combat online infringement, with an amendment in the nature of a substitute; and

The nominations of Frank Leon-Guerrero, to be United States Marshal for the District of Guam and concurrently United States Marshall for the District of the Northern Mariana Islands, Kenneth F. Bohac, to be United States Marshal for the Central District of Illinois for term of four years, William Conner Eldridge, to be United States Attorney for the Western District of Arkansas, Charles Thomas Weeks II, to be United States Marshal for the Western District of Oklahoma, Ripley Rand, to be United States Attorney for the Middle District of North Carolina, and Charles M. Oberly III, to be United States Attorney for the District of Delaware, all of the Department of Justice, and Wilfredo Martinez, of Florida, Chase Theodora Rogers, of Connecticut, and Isabel Framer, of Ohio, all to be a Member of the Board of Directors of the State Justice Institute.

DISCRIMINATION AGAINST WOMEN

Committee on the Judiciary: Subcommittee on Human Rights and the Law concluded a hearing to examine women's rights, focusing on United States ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), after receiving testimony from Melanne Verveer, Ambassador-at-Large, Office of Global Women's Issues, Department of State; Samuel R. Bagenstos, Principal Deputy Assistant Attorney General, Civil Rights Division, Department of Justice; Geena Davis, Geena Davis Institute on Gender in Media, Marina Del Ray, California; Wazhma Frogh, Afghan Women's Network, Kabul, Afghanistan; and Marcia D. Greenberger, National Women's Law Center, and Steven Groves, Heritage Foundation Margaret Thatcher Center for Freedom, both of Washington, D.C.

AMERICA'S SMALL BUSINESSES

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine assessing the regulatory and administrative burdens on America's small businesses, including tax compliance benefits and opportunities to mitigate costs on third parties of miscellaneous income reporting requirements, after receiving testimony from Winslow Sargeant, Chief Counsel for Advocacy, Office of Advocacy, Small Business Administration; James R. White, Director, Strategic Issues, Government Accountability Office; Larry Nannis, Levine, Katz, Nannis and Solomon, PC, Needham, Massachusetts, on behalf of the National Small Business Association (NSBA); Roger Harris, Padgett Business Services, Athens, Georgia; and Andrew Langer, Institute of Liberty, and James Gattuso, The Heritage Foundation, both of Washington, D.C.

DISABILITY EVALUATION SYSTEM

Committee on Veterans' Affairs: Committee concluded a hearing to examine the Veterans' Affairs and Department of Defense's integrated disability evaluation system, after receiving testimony from John R. Campbell, Deputy Under Secretary of Defense for Wounded Warrior Care and Transition Policy; Daniel Bertoni, Director of Education, Workforce, and Income Security Issues, Government Accountability Office; and John Medve, Executive Director of Veterans Affairs/Department of Defense Collaboration Service, Office of Policy and Planning, Department of Veterans Affairs.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 23 public bills, H.R. 6425–6447; and 10 resolutions, H.J. Res. 99; and H.Res. 1725–1733 were introduced.

Pages H7613–14

Additional Cosponsors: **Page H7615**

Reports Filed: Reports were filed today as follows:

H.R. 5866, to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes, with an amendment (H. Rept. 111–658) and

H.R. 5498, to enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes, with an amendment (H. Rept. 111–659, Pt. 1). **Page H7613**

Telework Enhancement Act of 2010: The House concurred in the Senate amendment to H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, by a yea-and-nay vote of 254 yeas to 152 nays, Roll No. 578.

Pages H7560–69, H7575

H. Res. 1721, the rule providing for consideration of the Senate amendment, was agreed to by a recorded vote of 235 ayes to 171 noes, Roll No. 577, after the previous question was ordered by a yea-and-nay vote of 239 yeas to 171 nays, Roll No. 576.

Pages H7553–59, H7560S

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

Emergency Unemployment Compensation Continuation Act: H.R. 6419, amended, to amend the Supplemental Appropriations Act, 2008 to provide for the further extension of emergency unemployment benefits, by a 2/3 yea-and-nay vote of 258 yeas to 154 nays, Roll No. 579. **Pages H7569–75, H7575–76**

Oath of Office—Twenty-Ninth Congressional District of New York: Representative-elect Tom Reed presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from Mr. Todd D. Valentine and Mr. Robert A. Brehm, Co-Executive Directors of the Board of Elections, State of New York, indicating that, according to the unofficial returns of the Special Election held November 2, 2010, the Honorable Tom Reed was elected Representative to Congress for the Twenty-Ninth Congressional District, State of New York. **Page H7577**

Whole Number of the House: The Speaker announced to the House that, in light of the administration of the oath to the gentleman from New York, Mr. Reed, the whole number of the House is adjusted to 435. **Page H7577**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, November 17th:

Extending the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008: S. 3774, to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008, by a 2/3 yea-and-nay vote of 366 yeas to 40 nays, Roll No. 580. **Pages H7577–78**

Order of Procedure: The House agreed by unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and agree to the following resolution to the end that the resolution be considered as adopted in the form considered by the House on Tuesday, November 16th:

Recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975: H. Con. Res. 329, to recognize the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

Page H7578

Order of Procedure: The House agreed by unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the

rules and agree to the following resolution to the end that the resolution be considered as adopted in the form considered by the House on Wednesday, November 17th:

Condemning the Burmese regime's undemocratic elections: H. Res. 1677, amended, to condemn the Burmese regime's undemocratic upcoming elections on November 7, 2010. **Page H7578**

Agreed to amend the title so as to read: "Condemning the Burmese regime's undemocratic elections on November 7, 2010.". **Page H7578**

United States-China Economic and Security Review Commission—Reappointment: The Chair announced the Speaker's reappointment of the following member on the part of the House to the United States-China Economic and Security Review Commission, effective January 1, 2011: Mr. Michael Wessel of Falls Church, VA. **Page H7578**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at noon on Monday, November 22nd, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 332, in which case the House shall stand adjourned pursuant to that concurrent resolution. **Pages H7581, H7600**

Board of Visitors to the United States Air Force Academy—Appointment: The Chair announced the Speaker's appointment of the following member to the Board of Visitors to the United States Air Force Academy: Mr. Alfredo A. Sandoval of Indian Wells, CA. **Page H7582**

Senate Message: Message received from the Senate today appears on page H7551.

Senate Referral: S. 1421 was held at the desk. **Page H7600**

Quorum Calls—Votes: Four yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H7559, H7560, H7575, H7575–76, H7577–78. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 5:53 p.m., the House stands adjourned until noon on Monday, November 22nd unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 332, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Committee Meetings

ISSUES IN MORTGAGING SERVICING

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "Robo-Signing, Chain of title, Loss Mitigation and Other Issues in Mortgage Servicing." Testimony was heard from the following officials of the Department of the Treasury: Phyllis Caldwell, Chief Homeownership Preservation; and John Walsh, Acting Comptroller of the Currency; Elizabeth A. Duke, Governor, Federal Reserve System; David Stevens, Assistant Secretary for Housing and Commissioner, Federal Housing Administration, Department of Housing and Urban Development; Edward J. DeMarco Acting Director, Federal Housing Finance Agency; and public witnesses.

CIVILIAN TRANSITION IN IRAQ

Committee on Foreign Affairs: Held a hearing on the Transition to a Civilian-Led U.S. Presence in Iraq: Issues and Challenges. Testimony was heard from Jeffrey D. Feltman, Assistant Secretary, Bureau of Near Eastern Affairs, Department of State; and Colin Kahl, Deputy Assistant Secretary, Middle East, Department of Defense.

COMMUNITY PARTNERSHIP ISSUES

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on Faith-Based Initiatives: Recommendations of the President's Advisory Council on Faith-Based and Community Partnerships and other Current Issues. Testimony was heard from public witnesses.

IN THE MATTER OF REPRESENTATIVE CHARLES B. RANGEL

Committee on Standards of Official Conduct: The Committee recommended censure in the Matter of Representative Charles B. Rangel.

OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE REPORT

Permanent Select Committee on Intelligence: Adopted a report on Congressional Notification.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 19, 2010

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

10:30 a.m., Friday, November 19

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 p.m., Monday, November 22

House Chamber

Program for Monday: To be announced.

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