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No. 137

## House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. BALDWIN).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
September 25, 2009.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Let us rejoice in the Lord.

In His beauty, we trace our creation. In His compassion and mercy, we claim our salvation.

In profound humility, we offer our works of justice and our public service on behalf of others, and so we find fulfillment.

To the Lord, we commend this Nation, its people, its resources and its leadership.

May all give You, Lord God, glory, praise, honor, and thanksgiving, today and forever.

Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS)

come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

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

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

### NORMALIZING THE RELATIONSHIP BETWEEN THE REPUBLICS OF ARMENIA AND TURKEY

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

Mr. SNYDER. Madam Speaker, I rise today to call attention to recent encouraging developments concerning discussions between the Republic of Turkey and the Republic of Armenia.

On August 31, 2009, Turkey and Armenia, along with Switzerland, which acted as broker for the talks, announced two protocols and a timetable for normalizing relationships between Armenia and Turkey. These protocols have been initialed by both foreign ministries.

While many have seen the longstanding disputes between Turkey and Armenia as intractable, the recent announcement gives hope that these two countries have taken the first tangible steps on the road to reconciliation. The Protocol for the Establishment of Diplomatic Relations between the Republic of Armenia and the Republic of Turkey reinforces the willingness of these two governments to open their shared border and to advance bilateral relations, including trade and economic cooperation.

Although this process still faces a number of hurdles, including ratification by the two countries' respective parliaments, I am encouraged by and applaud the initial important steps Turkey and Armenia have taken to strengthen their relations by beginning an open dialogue on some of the major issues that divide them. I commend Switzerland for its important role.

My four little boys—Penn, Aubrey, Wyatt, and Sullivan—and all of the children of the world, whether Turkish, Armenian or American, benefit when diplomacy succeeds.

### BIG GOVERNMENT IS NOT THE SOLUTION

(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, American families are concerned that the failed solutions they see coming out of Washington all have the same themes: more government, more taxes, more borrowing, and more spending.

At a time when our government is heavily in debt and when our economy is losing jobs, more spending and more taxes are not strategies that will produce jobs or that will protect the value of our currency.

With health insurance reform, we need solutions that are built on strengthening individual choice and on protecting the doctor-patient relationship. We need to expand competition in the health insurance market by letting individuals shop for plans across State lines. Rather than a plan that empowers the government, we can empower individuals and small businesses to band together to secure affordable health care.

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

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

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



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God bless Benjamin Netanyahu as a leader of the free world.

#### HONORING THE LIFE AND SERVICE OF SERGEANT FIRST CLASS SHAWN PATRICK McCLOSKEY

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

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to a fallen American patriot.

Thousands of my constituents lined the streets of Peachtree City, Georgia, this week, waving American flags to honor the late Sergeant First Class Shawn Patrick McCloskey. The sergeant, returning home to his final resting place, died while serving in the U.S. Army in Afghanistan.

Before joining the service, Sergeant McCloskey worked for a construction company in Fayette County. Like many of his fellow soldiers, he was a regular American, going to work every day and providing for his family, when he decided to join the military in 2002. At a great time of anguish for our Nation, he heard the call to duty and answered it.

Sergeant McCloskey became a Green Beret in 2004, and his valor won him many medals and awards, including the Bronze Star, the Purple Heart and the National Defense Service Medal.

Our Nation mourns the loss of each soldier sacrificed on the battlefield. Today, we remember and grieve this great American hero, Sergeant First Class Shawn McCloskey. He died so that we and his fellow Americans could continue to live in freedom.

We thank the McCloskey family for their gift to us. May God bless them during this hour of grief.

#### SCRAPPING NATIONAL MISSILE DEFENSE

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

Mr. SHIMKUS. Madam Speaker, the United States has an operating national missile defense to protect our west coast. Why would we leave our east coast undefended?

In an ABC story today, it reads, "The Obama administration believes Iran has now lied to inspectors three times. In addition to today's news there were revelations in 2002 about a different clandestine plant, and news discovered in 2007 that Iran had been working to design a nuclear warhead."

Our response should be: Don't trust, but defend.

If the Obama administration believes that Iran has lied to the United States on nuclear weapons, why would we drop our defenses on the east coast?

Our national government is constituted to protect our citizens. By scrapping national missile defense for our east coast, we fail in our job.

#### PAYING TRIBUTE TO STAFF SERGEANT SHANNON M. SMITH

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

Mr. JORDAN of Ohio. Madam Speaker, I rise today to honor the life of a brave young soldier, one of American's fallen heroes, Staff Sergeant Shannon Smith of Ohio.

Shannon was a native of Marion, Ohio, and graduated from Marion Harding High School, where he was an accomplished wrestler, winning his weight class in the Ohio Heartland Conference for 3 straight years.

He joined the service in September 1997, serving stateside as well as in Afghanistan, Iraq and Bosnia, before joining the 545th Military Police Company, Arctic Military Police Battalion, based at Fort Richardson, Alaska.

Shannon died on September 8, 2009, in Iraq while serving his country in support of Operation Iraqi Freedom. Aged 31, he is survived by a loving family, including his wife, Cassie, and his parents, James and Deborah.

In the reading of Shannon's life and in speaking with his family members, it was clear that he had a positive impact on the lives of everyone around him. He had the tenacity of a wrestler and a remarkable sense of humor. He was a leader, a family man and a champion in every sense of the word. He was one of the brave few who stood up and volunteered to serve his country.

He fought to protect us. He gave his life in defense of his family, his community, his State, and his Nation. For this, every American owes him and his family a great debt of gratitude.

Shannon will be missed each and every day, but the strength of his character and the courage he demonstrated through his service will live on.

#### NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

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

Mr. POE of Texas. Madam Speaker, this day, we honor the memory of those whose lives are suddenly violently taken by homicide. Everything a person was or ever will be—stolen by the assassin's hands.

Most of us will never lose a loved one to a violent crime. Most of us never even think about murder. Victims don't wake up in the morning knowing they'll be murdered that day, and for their families, it's the most painful and traumatic thing they can ever imagine. Suddenly, their loved one is gone. What takes their place are images of that violent death and of things left unsaid.

Then comes the police investigation—learning more than any layman wants to know about murder—then the trial if the police capture someone, then crime scene photographs; sitting in the courtroom day by day with the one who stole their loved one's life; the

uncertainty, the strain, the verdict. It's not just the one killed who is the victim of murder.

Today, we honor the families who live through the horror of homicide. Families never get over the murder of a loved one. They think about it every day—forever.

And that's just the way it is.

#### ECONOMY

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of New York. Madam Speaker, I stand today to point to upstate New York's leadership and significant accomplishments in partnering education and 21st-century job creation.

This week, the hard work of the capital region's higher education institutions and businesses were highlighted when President Barack Obama lauded Hudson Valley Community College's great work in preparing young professionals and training leaders for the 21st-century economy.

The President spoke about the vital importance of education and about the role community colleges will play in reviving our economy and in preparing a workforce for the future.

I have spent my entire career working to create jobs and high-tech businesses across upstate New York. One of the keys to preparing our economy for success is having a well-educated workforce.

This week, we heard the President lay out three building blocks for innovation: Education, infrastructure and research. This is exactly what we have been working on and developing in upstate New York, and it is what has made our region a leader in the innovation economy.

As our economy becomes more knowledge-based, the continued leadership of our colleges and universities will be ever more important. Twenty-first century jobs will require increasingly knowledgeable workers in the innovative programs, and our Nation's fine higher education institutions are a key to them.

#### HEALTH CARE REFORM

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

Mr. PALLONE. Madam Speaker, I was watching the Senate Finance Committee yesterday, and I was pleased to see that they were moving along in adopting health care reform and in moving it out of committee. It couldn't be too soon.

The bottom line is that we've heard more reports about how more and more people have no insurance in this country and that insurance is increasingly becoming unaffordable. I know that the Democrats in both the House and the Senate and, hopefully, some Republicans, are moving forward with health

care reform. We are trying to get it done by the end of this year, and it really is important.

People need to have affordable insurance. They need to have choices. I think we need a strong public option as well because that will create competition with private insurance. It will bring down costs, and it will allow more people to find affordable insurance.

The problem is not getting any better. It's getting worse every day, and health insurance reform needs to be done here in the House, in the Senate, and it needs to be sent to the President as quickly as possible so we can deal with this major problem that we face in this country. I would like to see it done in a bipartisan way.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2918, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 772 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 772

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes. All points of order against consideration of the conference report are waived. The conference report shall be considered as read. All points of order against the conference report are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

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

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

□ 0915

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

Madam Speaker, this rule provides for consideration of the conference report on H.R. 2918, the Legislative Branch Appropriations Act. I rise in strong support of the rule and of the underlying legislation. The bill before us today includes not only the fy 2010 Legislative Branch appropriations bill

but, more importantly, a continuing resolution to keep the government operating for the next 6 weeks.

With a few important exceptions, the continuing resolution provides level funding. In other words, the bill maintains funding levels passed at the 2009 appropriations process levels.

One of those exceptions is in the vital area of veterans health care, which receives an increase in this bill. The VA estimates that it will treat more than 6.1 million patients in 2010, including more than 419,000 veterans of the Iraq and Afghanistan wars. That number represents an increase of 56,000 more patients than in 2009.

To ensure that the VA can provide our veterans the care that they need and that they deserve, the bill increases the funding for VA health by \$3.85 billion. I would encourage all Members on both sides of the aisle who wish to provide this needed increase in veterans health care to support the bill.

To address the right-wing talk radio target of the week, no funds in this bill may be provided to ACORN or any of its affiliates, subsidiaries or allied organizations.

In terms of process, Madam Speaker, none of us on either side of the aisle are happy with continuing resolutions. They have been used for years under Democratic and Republican majorities, but they are clearly not ideal.

Here in the House, we have completed our work of passing all of the appropriations bills, and I want to commend Chairman OBEY and his colleagues on the Appropriations Committee for their efforts and all of their hard work.

Unfortunately, it seems that these days that you need 60 votes in the Senate to agree that the sun came up this morning. The Senate has not yet passed all of its bills, and this continuing resolution is necessary to ensure that vital programs continue to receive funding.

I urge my colleagues to support the rule and the underlying legislation.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, the end of the fiscal year, as we all know, is just a few days away.

Despite this looming deadline, Congress has not completed action on a single appropriations bill. Let me repeat that, Madam Speaker: we have got within 5 days of the end of the fiscal year, and yet not one single appropriations bill has been completed by this Congress.

As a result, the Democratic majority is scrambling to accomplish two things, two things with this underlying bill that we have. The first is to buy more time to get our work done with the continuing resolution, which will keep the government operating for an additional 38 days beyond the September 30 expiration of the fiscal year. The second is to finally take the first

step towards passing our appropriations conference reports.

Madam Speaker, which spending bill has the honor of being considered first? Which spending bill? Perhaps it's our Homeland Security appropriations bill, which funds our Border Patrol and other Federal agencies charged with protecting our States, cities, and ports from terrorist attacks. Or, perhaps, Madam Speaker it's the very, very important Defense appropriations spending bill, which would provide the funding for our troops.

In fact, the very first spending bill that the House is moving to send to the President is our Congress' own funding bill. The underlying Legislative Branch appropriations bill makes the Democratic majority's funding priorities very, very clear.

Madam Speaker, I describe this as the "putting Congress first" appropriations process. That's really what it is. We remember back in 1992, putting people first was President Clinton's campaign motto. We have now seen this Congress establish a new directive based on what we are doing on this appropriations bill, and that is we are putting Congress first.

As we look at this priority, it is very clear that the continuing resolution will allow for more time to take care of everything else. Now, some would say that we, as Republicans, are just belly-aching. I mentioned President Clinton and his campaign back in 1992 of putting people first, and this now the putting Congress first appropriations process.

Well, back in 1996 after President Clinton had been President for almost 4 years, he vetoed the Legislative Branch appropriations bill when a Republican Congress sent it as the second appropriations bill of that season. Madam Speaker, President Clinton said the following in his veto message: "I believe that it would be inappropriate to fully fund regular funding for Congress and its offices while funding for most other activities of government remains incomplete, unresolved and uncertain. I don't think Congress should take care of its own business before it takes care of the people's business."

Those are the words of President Clinton in his 1996 veto message when the second appropriations conference report sent to him was the Legislative Branch appropriations bill measure. He was right to veto that bill and President Obama would be right to do it now, Madam Speaker, following President Clinton's lead.

Unfortunately, even if the President wanted to veto this bill, there is a problem. A veto, as we all know, would shut down the government, something that no one wants. The Democratic majority has made sure that our offices don't have to worry about working within temporary funding; but our veterans, Homeland Security personnel, the fighting men and women will just have to make do.

Madam Speaker, this is just another example of what I am calling the "putting Congress first" appropriations process. Those who follow the work of the Congress know that continuing resolutions are not unusual, and we recognize that on this side of the aisle. The Federal budget is a very serious responsibility, and our work often, under either party, has extended throughout the fall.

What's different throughout this year is not the necessity of a continuing resolution. What's different, Madam Speaker, is the fact that the Democratic majority shut down debate on our appropriations bills, ostensibly for the sake of completing our spending bills on time.

They said that there was a schedule to keep. They said that there was no time for debate and deliberation while the clock was ticking. With regrets to the American people, we just cannot allow for scrutiny and accountability on the spending of taxpayer dollars because September 30 is fast approaching.

Now, as the fiscal year draws to a close, it would appear that the rights of Democrats and Republicans have been trampled on for the sake of a goal that has not come close to being achieved. Throughout June and July, as debate on bill after bill was shut down, we heard the drum beat of the impending deadline.

On June 10 our friend, whom I am happy to see here on the floor, the distinguished chairman of the Appropriations Committee, announced his "ambitious schedule" saying that his time line would be unworkable as long as we had "procedural cooperation." Of course, we very soon learned that procedural cooperation was a euphemism for closing down the debate.

Now, the distinguished chairwoman of the Committee on Rules, on June 17 on the House floor, said that the Democratic majority was prepared to push forward at all costs to complete the appropriations process on time.

Again, we now know that those costs were the abandonment of what has been the 220-year history of the appropriations process, and that is open to debate and the rejection of amendments to be considered by Democrats and Republicans. On June 19, the distinguished majority leader reiterated this stance saying that the only way to get our work done is if we limit debate time.

Throughout the summer, the Democratic majority did just that. Every single appropriations bill was considered under a restrictive rule. Spending bills have been historically considered, as I said, under a full and open process that allows for all Members, not just committee Chairs or members of the leadership, but all Members of both parties to make their constituencies' voices heard in the Federal spending process. Yet the Democratic majority announced at the outset of this year's process that they were abandoning open debate for the sake of expediency.

Now, Madam Speaker, the Democratic majority did deliver on the issue of closing down debate for the appropriations process. What they haven't delivered on is the timely completion of our constitutional responsibility. They dismantled the open appropriations process, and, for what? So we could pass the "putting Congress first" bill and leaving the rest of our work to be completed at a later date.

We could call this just another broken promise in a never-ending string of broken promises by this Democratic majority; but this is bigger, this is bigger, Madam Speaker, than just broken promises. We have more than a trillion-dollar deficit, and the year isn't over yet. Our national debt has skyrocketed, skyrocketed to nearly unfathomable levels.

The American people are incredibly frustrated about our fiscal state and the crippling debt we have saddled on our future generations. Yet the Democratic majority has shut out accountability of their spending practices for the sake of a deadline that they didn't even try to keep. That's one of the reasons why we are here today, to extend the deadline on appropriations bills that were rammed through the House without the benefit of many thoughtful amendments from both Democrats and Republicans proposed by those who are deeply concerned about runaway spending.

Now, of course, our friends on the other side of the aisle will have great excuses, and they are excuses we have heard regularly from both sides. They will say that the House has done its work; they can't control what happens over in the other body; we can't control what those guys do on the other side of the Capitol. But when the Republicans were in the majority, our colleagues on the other side of the aisle would regularly point out that we had control of both bodies of Congress and the White House. They would say that we were in control, and so we had to shoulder the responsibility.

Madam Speaker, when someone stands up and makes the argument we did our job in the House, but we can't, we can't control what those guys do over on the other side of the Capitol, remember what was regularly said, that when you have supermajority control of the Senate, and now with the appointment of PAUL KIRK, the 60th seat is there in the Senate, when you have control of the White House and a large majority in the House of Representatives, one has to take responsibility.

Now, the situation is such that our friends must take the responsibility. With the impending appointment, as I said, we now have, we now have both Houses of Congress and the White House in complete control of the Democrats. Excuses about blaming the other body for having not done their work really are not acceptable.

Madam Speaker, not one of us, not one of us is interested in a government

shutdown. But this bill makes two things very clear, first, that the Democratic majority is more concerned with padding its own budget for this institution than meeting the rest of the country's needs. Second, the concerns and input of the American people were stifled, we see now, for no good reason at all.

I urge my colleagues to reject this rule.

I reserve the balance of my time.

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

First of all, I don't think we need any lectures by Members of the other side about process. If I recall, when they were in charge here, continuing resolutions were a regular part of the process. If I recall correctly, their last year in power they did a short-term CR. That means they got nothing done and dumped all of their appropriations work on the incoming Democratic Congress, which was a daunting task, to deal with 2 years of appropriations. They had their chance, and I think that they messed it up.

□ 0930

The fact is that the bill before us, the conference report before us, is the Legislative Branch Appropriations bill, which is an important appropriations bill. All appropriations bills are important. I don't think it does anybody any good to diminish the importance of this.

This is important and it needs to be passed. I fully expect that the other appropriations bills will be conferenced, and we will be dealing with more and more conference reports in the coming weeks.

But, look, what we need to do here, Madam Speaker, is not only pass a conference report for the Legislative Branch Appropriations, but we also need to pass a continuing resolution which includes an increase in veterans' health care.

We have thousands and thousands of young men and women who we have sent to Iraq and who we have sent to Afghanistan. They deserve a first-class health care system when they return. All veterans do. They have served our country with great distinction. They not only deserve the best health care, but they have earned it. There is an increase in this CR for veterans' health.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I'm happy to yield.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, let me say that I completely concur with the gentleman. He's actually making our arguments here about the priority of ensuring that our men and women who have sacrificed and fought on behalf of the cause of freedom do have access to quality health care, that we have the funding for those troops there. That is a very important priority. That's why we should be doing those appropriations bills first.

Mr. MCGOVERN. I reclaim my time.

I thank the gentleman for agreeing with me, and hopefully we will have a unanimous vote on this, because there should be no disagreement on that. Again, in this continuing resolution, I will repeat to my colleagues, there is an increase in funding for veterans' health.

I think we should move forward. Get this conference report done. There will be more conference reports down the road. This is not an easy process. I think I've come to learn that the House of Representatives does not control the United States Senate. I wish we did. We would get a lot more done. But that's not the way our system works.

At this time, Madam Speaker, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I thank the gentleman for yielding me time, Madam Speaker.

The Constitution prohibits Congress from passing a bill of attainder, a bill that, no matter what its form, punishes either a named individual or an easily ascertainable group of people.

Last week, to the great shame of this House, we passed a bill of attainder, a bill stating that no Federal funds shall go to a specifically named organization, ACORN.

Now, in this conference report, we are about to do it again. Why? Because of a desire to punish ACORN. And yet, as ACORN's lawyer wrote to us recently, this is, "to my research, unprecedented in congressional history. Never before has one corporation or entity been the subject of such broad reaching punishment by congressional mandate.

"The punishment here did not follow some criminal or administrative process with basic due process protections. It flowed out of a Fox News network-led call for a public lynching. There was no statement of charges and no reference to a judicial or administrative finding of wrongdoing by ACORN. All that occurred was a Member of Congress making a motion supported with a speech full of negative and largely inaccurate observations about ACORN, followed by a vote."

The fact is ACORN has never been convicted of anything. Lots of charges. So far, no proof in any court or any administrative proceeding. But some charges may be true. And they may or may not—I think not, but that's just a personal opinion—indicate substantial misfeasance. But that's why we have courts and administrative agencies and congressional investigating committees.

It may be that ACORN is guilty of various infractions, and, if so, it ought to be vetted or maybe sanctioned by the appropriate administrative agency or by the judiciary. But Congress must not be in the business of punishing individual organizations or people without trial, and that is what the provision in this conference report does. It

prohibits any Federal funds from going to ACORN for any purpose, clearly as a punishment for alleged misdeeds. This is a classic bill of attainder, and as such, it is flatly prohibited by the Constitution.

We must not ignore the Constitution. Whatever one may think of the subject matter or the organization, the Constitution and the ban on bills of attainder are there for the protection of all our liberties. And we ignore the constitutional provisions at our peril.

This bill of attainder should not be in this conference report, and I will, therefore, vote against the conference report.

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

Let me respond to some of the remarks that have been made so far, Madam Speaker. First, I have to say that, in addressing the issue of ACORN, the gentleman from Worcester said that ACORN was the target of right-wing radio this week. The fact of the matter is there is a Justice Department investigation that, at this moment, is being undertaken to address this issue. So to argue that somehow this is just a product of right-wing radio is silly.

Mr. NADLER of New York. Will the gentleman yield?

Mr. DREIER. Of course. I'm happy to yield.

Mr. NADLER of New York. There is an investigation, and let it proceed and let it come to a conclusion, but there is no conclusion yet.

Mr. DREIER. If I can reclaim my time, let me say that I was simply responding to the gentleman from Worcester, who was saying that somehow the ACORN concerns that have been raised are nothing but developed from right-wing radio, as he described it.

It is true that a number of very, very smart investigative journalists have come forward and brought to the forefront some of the most outrageous abuses of taxpayer dollars, and we have seen these reports carried on television. The gentleman mentioned Fox News. We've heard it reported on the radio.

I believe that it is a great service, as we see hardworking Americans, hardworking Americans trying to make ends meet, and that kind of abuse of their tax dollars is outrageous, as has been reported. That kind of abuse is outrageous.

Mr. NADLER of New York. Will the gentleman yield?

Mr. DREIER. Of course, I'm happy to yield to my friend.

Mr. NADLER of New York. The point is, of course, as I said—and, by the way, it was I who talked about right-wing radio, not the gentleman from Worcester.

Mr. DREIER. If I could reclaim my time, Madam Speaker, the gentleman was not on the floor when Mr. MCGOVERN began his opening statement. The gentleman did, in fact.

So now I will say both my friends from Massachusetts and New York are now saying that right-wing talk radio is somehow responsible for this, when, in fact, it has been some very shrewd investigative journalists. And we have seen talk radio and some of the cable television networks bring us to the forefront. Unfortunately, it's taken quite a while for the so-called mainstream media to begin the kind of coverage of ACORN that we are finally seeing.

Mr. NADLER of New York. Will the gentleman yield?

Mr. DREIER. Of course, I'm happy to yield to my friend.

Mr. NADLER of New York. Thank you.

The point is, of course, I'm not going to debate the merits of the charges against ACORN. Charges have been made. As I said, some of them may be valid. They may be not valid. And if they're valid, they may indicate pervasive corruption; they may indicate minor errors. We don't know. We'll find out.

But the point is the Constitution prohibits Congress from acting on that information by punishing an organization. They should be punished, if indeed they should be punished, by an administrative agency, by cutting off funds, by HUD or whatever.

Mr. DREIER. Madam Speaker, if I could reclaim my time, let me say to my friend that the American people get it. They understand that ACORN is responsible for its own actions. They have seen what has taken place. It has been outrageous behavior. And the notion of somehow standing here and defending that when we are dealing with the funding bills themselves, the appropriations process, is just plain wrong.

Let me also say to my friend from Worcester managing this measure that he responded to my remarks by saying that he didn't want to have lectures given and he was tired of excuses being made. You know, the American people get it, too. The notion of pointing the finger of blame back and forth is not what they want.

Children make excuses and get slapped down by their parents. That has happened to me as a kid. It happens to everybody. And the idea of standing here saying, Well, we were lectured here and excuses are being made, so we somehow can continue to do what it is that we want to do. Well, Madam Speaker, I have to tell you that we didn't do things perfectly, but the fact of the matter is we didn't shut down the appropriations process. We did not shut down the appropriations process, denying Democrats and Republicans the opportunity to participate, as has been the case throughout the history of our country, and I think it's just plain wrong to do that. And the American people get that, too.

So we're not providing any lecturing. We're just saying regular order. The rules of the House should be followed, and they have been ignored consistently.

When one looks at the statements that have been made by many of our colleagues on the other side of the aisle who were critical of us when we were in the majority, it's incredible to see that they have taken and ramped up, ramped up the kind of behavior that they criticized on our part.

In fact, on the fiscal year 2000 measure, the fiscal year 2000 measure, as the Legislative Branch Appropriations bill was moving through, the ranking member of the Committee on Appropriations, the now chairman of the Committee on Appropriations, Mr. OBEY, said, in talking about the Legislative Branch bill, This bill should not be passed until we know how deep the cuts that are being made contemplated for veterans, for education, for health care, and other areas of major responsibility to our people. Because, in the end, if this bill is one of the first out of the gate and signed into law before the other cuts are made, then the American people are really going to have a right to ask whether we are more concerned with taking care of ourselves than we are with taking care of their own problems.

Those are the words of the chairman of the Appropriations Committee today, who is utilizing the "putting Congress first," the Legislative Branch Appropriations bill, as the first measure for tying the continuing resolution to that. And I think that it's a very, very unfortunate thing.

When we had an exchange up in the Rules Committee, I asked the distinguished Chair, As we look at our priorities—homeland security, veterans, our men and women in uniform who are in Iraq and Afghanistan—and we have now chosen that the priority for passage is the funding for the Congress of the United States, the distinguished Chair's response was, Uh-huh. Right. She said, That's it.

And so here we are, putting Congress first, when the American people believe we should be focusing on our border security, the threat of terrorism, funding for our troops. Those should be the priorities that we have. And the notion of standing here, Madam Speaker, having subverted the opportunity for the American people, Democrats and Republicans alike, to be heard in this appropriations so that we could get everything done by September 30, when we failed to meet that, is just plain wrong.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 30 seconds to the gentleman from New York.

Mr. NADLER of New York. The gentleman from California says the American people get it. They know what terrible things ACORN has done. That's not the point.

We do not punish people by referendum or by unpopularity. Congress should not punish people. That's why the Constitution says we cannot pass a bill of attainder. We have courts. We

have due process. We have administrative agencies to punish people or organizations for doing wrong things.

Mr. DREIER. Will the gentleman yield?

Mr. NADLER. Not for the moment.

Once Congress passes a bill of attainder and undertakes to punish an organization for doing whatever it did, we sacrifice our liberties, we sacrifice our due process protections, and that's why it's not up to us to punish. It's up to the court to punish.

Mr. DREIER. Madam Speaker, would the gentleman yield?

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

Mr. DREIER. Madam Speaker, would the gentleman yield? I yielded repeatedly to the gentleman from New York.

Mr. MCGOVERN. I yield 15 seconds to the gentleman from California.

Mr. DREIER. I thank the gentleman for being so generous with the 15 seconds.

Let me just say that article 1 of the United States Constitution very clearly, with section 9, points to us as being responsible for funding. We have the power of the purse here, and the notion of saying that ACORN somehow has a right to U.S. taxpayer dollars is just plain wrong.

I thank my friend for yielding.

Mr. MCGOVERN. Madam Speaker, so nobody is confused here—and I appreciate the opinion of the gentleman from New York, but so nobody is confused here—the bill before us, there are no funds in this bill that may be provided to ACORN or any of its affiliates, subsidiaries, or allied organizations. None.

□ 0945

We can talk about this all we want, but the facts are the facts, and there's no money in this bill for ACORN.

The gentleman earlier talked about shutdowns of the process. What I recall is when the Republicans were in charge, they shut down the government in 1995. We all know the adverse impacts of that.

For the record, I want to make clear to people that the Legislative Branch appropriation bill does not include Members' salaries. So this notion that we're somehow padding our pockets here is a little bit off the mark. The fact of the matter is, included in the Legislative Branch appropriation bill are moneys to help fund CBO so that it will be easier for Members to obtain PAYGO analyses of their proposals. We're all talking about the need to be more conscious of our debt and our deficit. That's one way to do it.

The other thing is that in this bill is money to protect the people who come and visit the United States Capitol. In this conference report, there are moneys that ensure that the Capitol Complex is as secure and as safe as possible, providing a 7 percent increase in funding for the Capitol Police, covering all mandatory spending and maintaining FY09 force levels. The bottom line here

is that the men and women who protect us in the Capitol Police deserve more gratitude than they're getting the way this Legislative Branch appropriation bill is being described.

This is an important bill. All appropriations bills are important. We're going to hopefully pass all of our appropriations bills and not do what my friends on the other side did when they were in power, and that is just pass it off to another year. I think that we should move forward on this.

Again, in the continuing resolution there is an increase in funding for veterans health care. I think that is important. We owe our veterans more, quite frankly, than we are giving them. I hope that all my colleagues will support not only the rule but the final passage of this conference report.

I reserve the balance of my time.

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

This has been a fascinating debate, and I know that we want to move to consideration of the measure. I hope that we'll be able to defeat the rule. As I listened to my friend from New York talk about ACORN, to follow the logic that the gentleman has put forward basically is saying that ACORN is an entitlement; ACORN is entitled to these taxpayer dollars. We don't believe that, Madam Speaker. We happen to believe that the outrageous reports that have come forward are very clear and the admissions that have been made by ACORN, and the changes that they are attempting to make now that this kind of behavior has come to light is very important.

So my friend from New York is criticizing the fact that this continuing resolution does not provide funding for ACORN, but only for 30 days. The continuing resolution is 30 days. Basically 30 days following September 30, the end of the fiscal year, funding goes right back up. So I guess his entitlement will be able to be continued.

The notion of somehow saying that the United States House of Representatives, which under Article I, Section 9 of the U.S. Constitution, is empowered with spending the taxpayer dollars, cannot cut off funding for ACORN, and for that reason, we're going to see the gentleman from New York voting against the continuing resolution is, to me, absolutely incomprehensible.

Madam Speaker, I've got to say that we've got a process here which is putting Congress first. My friend has just outlined the priorities. I guess I would inquire of him how often he gets calls from his constituents saying, Are you keeping the Capitol Complex safe so that you can move in and out of your office? That is not what the American people are concerned about. I recognize it's important to keep this great Capitol Complex safe, and I'm not saying that we shouldn't pass the Legislative Branch appropriation bill.

I'll tell you what I do believe. I believe that border security and dealing with the threat of terrorism by funding

Homeland Security and I believe that passing the Defense appropriation bill so that our men and women in uniform have the resources that they need through the appropriations process is more important right now, and the American people get that.

With that, if my colleague is prepared to close, Madam Speaker, I will simply say to my colleagues that this measure does, as I said, put Congress first, and we should not put Congress first, ahead of the priority spending for national security, which is priority number one. We continue to have statements made by our friends on the other side of the aisle, including the veto message from President Clinton in 1996. He vetoed a measure because we were passing the Legislative Branch appropriations bill for saying that there are many other priorities that should be ahead of it.

Madam Speaker, I urge my colleagues to vote against this rule so that we can move ahead in a very, very responsible way.

I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, the gentleman described this debate as fascinating. I would describe it as kind of bizarre. The Legislative Branch bill that President Clinton threatened to veto, if I remember correctly, the gentleman from California voted for. And I will stress again that there is no money in this bill for ACORN, none, or its affiliates or its subsidiaries. Huge majorities in both the House and the Senate are on record as opposing funding ACORN. This notion that somehow when the CR runs out that the money for ACORN is going to go up, I don't get that. There will either be another CR or we will have passed relevant appropriation bills that will continue the prohibition. So that is kind of a nutty debate, and it is not relevant to this bill because this bill bans Federal funding for ACORN.

The other thing that I will say is that all appropriations bills are important, and we are going to get to all of them. But I think it is wrong to diminish the Legislative Branch appropriation bill, and I think it's wrong to kind of brush aside the importance of funding for the Capitol Police. We have had members of the Capitol Police lose their lives in the line of duty, protecting not only us but protecting our constituents who come here. They deserve to be supported, and they deserve to be thanked. This bill does that.

Again, I will remind my colleagues that in the CR there is an increase in funding for veterans health. Now if you don't want to fund the Capitol Police and you don't want to increase funding for veterans health, then vote against the rule and vote against the final passage of the bill. But I think the vast majority of our constituents are saying, This is a no-brainer. Move this forward. Continue your business. Continue to work on the other appropriations bills, and get your work done. And we are going to do that.

Let me finally say again in support of Chairman OBEY and the members of the Appropriations Committee, they did all of their work in this House. Every single one of the appropriation bills has been passed. It is now up to the Senate to pass their bills, and then we will conference them and bring them back here for a final vote.

Mr. Speaker, in a moment I will be offering an amendment to this rule, and I want to briefly explain the amendment. The amendment will provide for adoption of an enrollment resolution that corrects a technical error made by the Senate in the continuing resolution. After the Senate struck a section in the continuing resolution, internal cross-references in the conference report became incorrect. This mistake could block contracting authority for any surface transportation programs, a result that I am certain that no Member of this House, Republican or Democrat, would support. The enrollment resolution corrects the cross-references.

I hope all my colleagues will vote "yes" on the amendment, the rule and the previous question.

AMENDMENT OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Madam Speaker, I have an amendment to the rule at the desk.

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

The Clerk read as follows:

Amendment offered by MCGOVERN:

At the end of the resolution, add the following:

"SEC. 2. Upon the adoption of the conference report the House shall be considered to have adopted the concurrent resolution (H. Con. Res. 191) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2918."

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

The previous question was ordered.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Mr. DREIER. 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, further proceedings on this question will be postponed.

MOTION TO GO TO CONFERENCE ON H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. PASTOR of Arizona. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of Committee on Appropriations, I move to take from the

Speaker's table the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

MOTION TO INSTRUCT

Mr. FRELINGHUYSEN. Mr. Speaker, I have a motion to instruct conferees.

The SPEAKER pro tempore (Mr. HASTINGS of Florida). The Clerk will report the motion.

The Clerk read as follows:

Mr. Frelinghuysen moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3183 be instructed as follows:

(1) To not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of House rule XXII) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 48 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentleman from Arizona (Mr. PASTOR) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

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

Mr. Speaker, I voted for the House Energy and Water bill. It was a good bipartisan compromise. It was my pleasure to work closely with the chairman, Mr. PASTOR, as we put it together. I and many of my colleagues are increasingly concerned that we don't have the level of information that we need to make wise decisions on the legislation. Our jobs require that we read and fully understand complex pieces of legislation that we vote on, and that takes time.

It is for this reason that I am making this motion to instruct House conferees not to sign the final conference agreement until the text has been available to the conferees in an electronic, searchable and downloadable form at least 48 hours prior to conferees' approval.

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

Mr. PASTOR of Arizona. Mr. Speaker, I first of all want to congratulate the ranking member for the work he has done on this bill. I want to thank him for the cooperation he has given and thank him again for his cooperation in working on this conference.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The motion was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. VISCLOSKEY, EDWARDS of Texas, PASTOR, BERRY, FATTAH, ISRAEL, RYAN of Ohio, OLVER, DAVIS of Tennessee, SALAZAR, OBEY, FRELINGHUYSEN, WAMP, SIMPSON, REHBERG, CALVERT, ALEXANDER, and LEWIS of California.

There was no objection.

□ 1000

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 772, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 209, nays 189, not voting 34, as follows:

[Roll No. 738]

YEAS—209

Adler (NJ)	DeGette	Kind
Altmire	DeLauro	Kissell
Andrews	Dicks	Klein (FL)
Arcuri	Dingell	Kosmas
Baldwin	Doggett	Larsen (WA)
Barrow	Donnelly (IN)	Larson (CT)
Becerra	Edwards (TX)	Levin
Berkley	Ellison	Lewis (GA)
Berman	Ellsworth	Lipinski
Berry	Eshoo	Lofgren, Zoe
Bishop (GA)	Etheridge	Lowe
Bishop (NY)	Farr	Lujan
Blumenauer	Fattah	Lynch
Boccieri	Filner	Maffei
Boren	Foster	Maloney
Boswell	Frank (MA)	Markey (CO)
Boucher	Giffords	Markey (MA)
Boyd	Gonzalez	Marshall
Brady (PA)	Gordon (TN)	Massa
Brady (TX)	Grayson	Matheson
Brale (IA)	Green, Al	Matsui
Brown, Corrine	Green, Gene	McCarthy (NY)
Butterfield	Grijalva	McColum
Capps	Gutierrez	McDermott
Carnahan	Hall (NY)	McGovern
Carney	Halvorson	McIntyre
Carson (IN)	Hare	McMahon
Castor (FL)	Harman	McNerney
Chandler	Hastings (FL)	Meeks (NY)
Childers	Heinrich	Melancon
Chu	Herse	Sandlin
Cleaver	Himes	Michaud
Clyburn	Hinche	Miller (NC)
Cohen	Hirono	Miller, George
Connolly (VA)	Hodes	Mollohan
Cooper	Holden	Moore (KS)
Costa	Honda	Moore (WI)
Costello	Hoyer	Moran (VA)
Courtney	Inslee	Murphy (CT)
Crowley	Jackson (IL)	Murphy, Patrick
Cuellar	Johnson (GA)	Murtha
Cummings	Kagen	Napolitano
Dahlkemper	Kanjorski	Neal (MA)
Davis (AL)	Kaptur	Oberstar
Davis (CA)	Kennedy	Obey
Davis (IL)	Kildee	Olver
Davis (TN)	Kilpatrick (MI)	Ortiz
DeFazio	Kilroy	Pallone
		Pascrell

Pastor (AZ)	Sanchez, Loretta
Perlmutter	Sarbanes
Peters	Shakowsky
Peterson	Schauer
Pingree (ME)	Schiff
Polis (CO)	Schwartz
Pomeroy	Serrano
Price (NC)	Sestak
Quigley	Shea-Porter
Rahall	Sherman
Rangel	Sires
Reyes	Skelton
Richardson	Slaughter
Rodriguez	Smith (WA)
Ross	Snyder
Rothman (NJ)	Space
Roybal-Allard	Spratt
Ruppersberger	Stark
Rush	Stupak
Ryan (OH)	Sutton
Salazar	Tanner
Sanchez, Linda T.	Thompson (CA)
	Thompson (MS)

NAYS—189

Aderholt	Gallegly	Murphy (NY)
Akin	Garrett (NJ)	Murphy, Tim
Alexander	Gerlach	Myrick
Austria	Gingrey (GA)	Nadler (NY)
Bachmann	Gohmert	Neugebauer
Bachus	Goodlatte	Nye
Baird	Granger	Olson
Barrett (SC)	Griffith	Paul
Bartlett	Guthrie	Paulsen
Barton (TX)	Hall (TX)	Payne
Bean	Harper	Pence
Biggart	Hastings (WA)	Perriello
Bilbray	Heller	Petri
Bilirakis	Hensarling	Pitts
Bishop (UT)	Herger	Poe (TX)
Blackburn	Hoekstra	Posey
Boehner	Holt	Price (GA)
Bonner	Hunter	Putnam
Bono Mack	Inglis	Radanovich
Boozman	Jackson-Lee	Rehberg
Boustany	(TX)	Reichert
Bright	Jenkins	Roe (TN)
Broun (GA)	Johnson (IL)	Rogers (AL)
Brown (SC)	Johnson, Sam	Rogers (KY)
Brown-Waite,	Jordan (OH)	Rogers (MI)
Ginny	King (IA)	Rohrabacher
Buchanan	King (NY)	Rooney
Burgess	Kingston	Ros-Lehtinen
Burton (IN)	Kirk	Roskam
Buyer	Kirkpatrick (AZ)	Royce
Calvert	Kline (MN)	Ryan (WI)
Camp	Kratovich	Scalise
Campbell	Kucinich	Schock
Cantor	Lamborn	Scott (VA)
Cao	Lance	Sensenbrenner
Capito	Latham	Sessions
Carter	LaTourette	Shadegg
Cassidy	Latta	Shimkus
Castle	Lee (CA)	Shuler
Chaffetz	Lee (NY)	Shuster
Clarke	Lewis (CA)	Simpson
Coble	Linder	Smith (NE)
Coffman (CO)	LoBiondo	Smith (NJ)
Cole	Lucas	Smith (TX)
Conaway	Luetkemeyer	Souder
Crenshaw	Lummis	Stearns
Davis (KY)	Lungren, Daniel E.	Taylor
Deal (GA)	Mack	Teague
Dent	Diaz-Balart, L.	Terry
Diaz-Balart, M.	Diaz-Balart, M.	Thompson (PA)
Dreier	Dreier	Thornberry
Driehaus	McCaul	Tiahrt
Duncan	McClintock	Tiberi
Edwards (MD)	McCotter	Turner
Ehlers	McHenry	Upton
Emerson	McKeon	Walden
Fallin	McMorris	Wamp
Flake	Rodgers	Westmoreland
Forbes	Miller (FL)	Whitfield
Fortenberry	Miller (MI)	Wilson (SC)
Fox	Miller, Gary	Wittman
Franks (AZ)	Minnick	Wolf
Frelinghuysen	Mitchell	Young (FL)
Fudge	Moran (KS)	

NOT VOTING—34

Abercrombie	Conyers	Higgins
Ackerman	Culberson	Hill
Baca	Delahunt	Hinojosa
Blunt	Doyle	Israel
Capuano	Engel	Issa
Cardoza	Fleming	Johnson, E. B.
Clay	Graves	Jones

Langevin	Platts	Sullivan
Loeb sack	Schmidt	Waters
Meek (FL)	Schrader	Young (AK)
Mica	Scott (GA)	
Nunes	Speier	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1027

Messrs. OLSON, TIM MURPHY of Pennsylvania, NADLER of New York, SCOTT of Virginia, PAYNE, HOLT, Ms. EDWARDS of Maryland, Ms. LEE of California, Ms. JACKSON-LEE of Texas changed their vote from “yea” to “nay.”

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote No. 738. Had I been present, I would have voted “yea.”

Stated against:

Mr. BRADY of Texas. Madam Speaker, it was my intention to vote against adoption of H. Res 772, a rule waiving points of order against consideration of the Conference Report to accompany H.R. 2918, Legislative Branch Appropriations and Continuing Resolution. I inadvertently recorded a “yea” vote.

□ 1030

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

Ms. WASSERMAN SCHULTZ. Madam Speaker, pursuant to House Resolution 772, I call up the conference report on the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 772, the conference report is considered read.

(For conference report and statement, see proceedings of the House of September 24, 2009, at page H9924.)

The SPEAKER pro tempore. The gentleman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Alabama (Mr. ADERHOLT) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Ms. WASSERMAN SCHULTZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2918.

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

There was no objection.

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



Madam Speaker, the conference agreement which we present to the House today for the fiscal year 2010 Legislative Branch Appropriations bill authorizes a total of \$4.6 billion for the operations of the House and the Senate and for the operating budgets of the legislative branch support agencies. The overall amount is \$254 million above the 2009 enacted level and \$500 million below the request. The net increase over the enacted level is 3.5 percent.

This is the first freestanding conference agreement for the Legislative Branch bill since 2005, and the first since I became Chair of the subcommittee. I am pleased to report that the agreement preserves all of the priorities of the House, and that the Legislative Branch bill is on time and under budget. Madam Speaker, this package was developed in full cooperation with the minority and represents a fully bipartisan agreement.

The principal responsibility of our subcommittee is to serve as stewards of the legislative branch, its institutions, and its employees. In fulfilling these goals, the 2010 Legislative Branch bill provides funding for the routine and recurring costs of paying our hard-working staff, maintaining and repairing the buildings in which we work here in Washington and in our districts, securing the Capitol complex from threats, and for the technologies which we depend on to communicate among ourselves and with our constituents.

Key investments in this category include \$1.369 billion for the operations of the House. This includes basic pay and benefits for employees as well as a number of technology improvements, including funds to replace the aging electronic voting system in the House Chamber. It includes \$328 million for the Capitol Police to protect the Capitol, the Members, and our visitors; \$602 million for the Architect of the Capitol to support ongoing operational costs to the Capitol complex and to fund key initiatives to repair and upgrade these facilities; \$643 million for the Library of Congress, which is an increase of \$36 million over 2009, or 6 percent. This includes \$15 million, as requested, to accelerate improvements in the Library's IT infrastructure, the Librarian's top priority for 2010.

Madam Speaker, this bill is about more than just maintaining the status quo; it includes a number of new investments intended to provide for the long-term health of the Congress, and especially for the House of Representatives. It includes important security funding to protect the employees, visitors, and the institution itself. Let's not forget that one of the planes piloted by terrorists on September 11, 2001, was purported to be headed for the Capitol. A few weeks ago, a brave Capitol Police Officer engaged in a shootout with an individual brandishing a gun. Last year, a bomb was found in a car confiscated by the Capitol Police in

the underground garage of the Government Printing Office. The legislative branch budget may seem trivial and unimportant, but it funds the greatest democratic institutions in the world.

Madam Speaker, the Legislative Branch bill also funds our most important assets: the dedicated employees who staff our offices, committees, and support teams. We have endeavored to provide adequate funds for their compensation and benefits, but must do more if we are to continue to be able to recruit and retain the high-quality workforce which each Member depends upon. I am pleased that this conference agreement retains a House priority—funding for new childcare and tuition assistance programs which are currently being considered by the Committee on House Administration.

We also must take care of and preserve for future generations the grand buildings of the Capitol complex, many of which are aging and badly in need of repair. I am pleased that the conference agreement retains \$50 million of the \$60 million approved by the House in June to initiate a long-term effort to provide for the revitalization of the iconic buildings of the Capitol complex.

The new House Historic Buildings Revitalization Trust Fund will allow us to spread the cost of very expensive renewal projects, such as the 100-year-old Cannon House Office Building rehabilitation, evenly over the next decade. It allows the Congress to deal with these requirements in a more thoughtful and deliberate way. I am very proud that this bill steps up Congress' effort to deal with its aging infrastructure in a more forward-thinking manner.

Madam Speaker, this conference agreement also includes the fiscal year 2010 continuing resolution. I fully support this action. There are just 5 days until the start of the new fiscal year, and a continuing resolution is necessary to continue basic government services. It is a clean continuing resolution which follows the same pattern used in previous years, in particular, the fiscal year 2007 continuing resolution which was added to the Defense Appropriations bill by our friends on the other side of the aisle when they were in the majority. The only differences that have been added above the current rate are important increased investments in veterans' health care and funding in preparation for the 2010 census.

Before concluding, Madam Speaker, I want to take a minute to thank the minority, particularly my friend and ranking member, Mr. ADERHOLT from Alabama, for their very strong contributions to this conference agreement. I also want to thank my colleagues on the subcommittee, Vice Chairman MIKE HONDA, Representative BETTY MCCOLLUM, Representative TIM RYAN, Representative DUTCH RUPPERSBERGER, Representative CIRO RODRIGUEZ, Representative STEVEN LATOURETTE, and Representative TOM

COLE. They all made important contributions to this product, and I truly appreciate their friendship and their effort.

I also want to thank our staff for the work that they have done throughout the year. They have put in long hours and have been very helpful to the Members. This includes Mike Stephens, our subcommittee clerk; Liz Dawson, the minority clerk; Shalanda Young, who has just joined the subcommittee staff; Jenny Kisiah, from the minority; Dave Marroni; and Matt Glassman, from the Congressional Research Service. And I want to thank my own associate staff, Ian Rayder, and the associate staff of all the Members on the subcommittee.

Madam Speaker, I am pleased to present this conference agreement to the House and urge the support of all Members.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I am privileged to have had an opportunity to work this year with the chairman of this subcommittee, Ms. WASSERMAN SCHULTZ. And let me just echo what she was saying about all the staff that has helped on the majority and minority this year in putting this bill together. It is a good bill. We have worked very well together, all the subcommittee members on the minority and the majority side. So I am very happy to report that she has worked in a very open manner through this entire process, been very responsive to the concerns and input of all the members of the subcommittee.

We have worked very closely, and we have worked in a spirit of what I consider real bipartisanship for the needs of the legislative branch. I think it would be fair to say that Ms. WASSERMAN SCHULTZ has actually gone beyond the call of duty to make sure that this has been a fair process, along with all of her staff on the majority side. So I again want to especially thank the majority and the minority staff for all their work in putting this together, because certainly they do great work in making sure that what we need is put before us.

Division A of this conference report represents the efforts of the conferees to bring back to the House an agreement which was comprised in a bipartisan manner and continues the priorities of the House of Representatives. The conference provides a total of \$4.656 billion, which is an increase of \$155 million, or 3.4 percent, over fiscal year 2009.

Among the highlights of the agreement are:

\$1.369 billion for the House of Representatives. This provides an appropriate level of funding for the Members' representational allowance;

\$328.3 million for the Capitol Police. This amount supports the current level of 1,799 officers and completes the Library of Congress Police merger;

\$602 million for the Architect of the Capitol. This includes a special emphasis on funding life safety and rehabilitation of critical infrastructure. Also, there is \$50 million for a new House Historic Buildings Revitalization Trust Fund to more evenly spread out the cost of repairing and revitalizing the historic icon buildings such as the Cannon House Office Building.

Also included in the bill is \$643 million for the Library of Congress. This amount includes \$15 million to fund the first year of the Library's 5-year information technology initiative.

There is \$147 million for the Government Printing Office. This amount includes \$7.8 million to continue the development of the Federal Digital System.

Funds are also provided for additional workforce to meet the congressional demands for the Congressional Budget Office and the Government Accountability Office.

Our conferees did their work and addressed many of the competing priorities and individual agency challenges that come with this particular piece of legislation. I know that the chairman of the committee, Ms. WASSERMAN SCHULTZ, feels as I do, that it is nice to have this piece of legislation behind us so that we can move forward. We have been working on this legislation since the very first part of the year, and I know it will be a great birthday present for the chairman, as she celebrates her birthday this weekend, to have this bill behind us. But I am very thankful for the work that we have put in together.

That being said, I think it is important that I stress the point that I am disappointed that the process has brought us to where we are on this Legislative Branch Appropriations bill because it has turned out to be the vehicle for the continuing resolution. This is simply not a reasonable or responsible kind of governing that our constituents sent us here to Washington to do.

As the ranking member of the Legislative Branch Subcommittee, I believe, of course, this bill is very important; but moving this bill forward first, even before Homeland Security and the security of the Nation, is not the proper way to prioritize funding or to meet the critical needs that face the American people.

Madam Speaker, we need a clean continuing resolution and a clean Legislative Branch Appropriations bill, which is what this committee was prepared to do. And while I support the underlying bill and the underlying work that is in this bill, I regret that because of the attachment of the continuing resolution to this conference report I am unable to support this agreement in the House this morning.

Madam Speaker, I reserve the balance of my time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, at this time, I will continue to reserve.

Mr. ADERHOLT. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. LEWIS), the ranking member of the full committee.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Thank you very much, Mr. ADERHOLT.

I want to congratulate both Ms. WASSERMAN SCHULTZ and my colleague for a fabulous job on their bill working together.

I know that the House realizes that I have serious reservations about some of the procedure involving this bill, but because of the fact that we discussed so much of that on the rule, I choose to submit the balance of my statement for the RECORD and revise and extend my remarks.

Madam Speaker, the House finds itself in a peculiar place today. I'm probably not the only Member in this body surprised by the fact that the majority leadership is putting the budget for the Legislative Branch ahead of the budget for our homeland security, our veterans, and our national defense.

Indeed, many Members on both sides of the aisle are scratching their heads over the fact that the Legislative Branch funding bill has been hijacked by adding to it a 4-week continuing resolution. The CR is necessary because of the absence of any approved spending bills for the fiscal year that begins less than a week from now.

Attaching the CR to the Legislative Branch bill makes a mockery of the legislative process. It's not the CR that I object to but rather that it's being attached to legislation funding the internal operations of Congress rather than higher priority legislation that is ready to go.

Members who are concerned about approving their staff's budget before approving budgets for our veterans, our troops, or the homeland are left with a dilemma of the leadership's making. House Members are faced with the Hobson's choice of either approving their own budget or shutting down the government. Nothing could be more cynical.

To say the least, this is a most unusual precedent. The bipartisan staff of the Homeland Security subcommittee has been working day and night and weekends since August preparing its conference report. My understanding is that the Homeland Security conference report is ready to go. Any remaining issues can and should be resolved at an open conference involving Members and Senators. The whole point of convening a conference committee is to reconcile differences between the bodies.

And yet, even as our law enforcement officials investigate a potential terrorist threat in New York City and Denver, the budget for protecting our homeland has been put on a shelf. How can this Congress possibly justify providing funds for its own use and give less priority to protecting our homeland? I don't get it.

In this case, to put congressional staff salaries ahead of medical care for Veterans, ahead of funding for law enforcement and homeland security, ahead of funding for our troops—is a signal to me that this Congress has its priorities out of order.

Lastly, it's astonishing to me that several commonsense amendments were defeated on

straight party-line votes during yesterday's conference committee meeting. The distinction between the Republican and Democrat positions on these issues could not be clearer.

House Republicans believe that the scandal-plagued organization known as ACORN should be denied funding through the next fiscal year because of recently disclosed efforts, caught on videotape, proposing the use of taxpayer dollars to support prostitution. Mr. ADERHOLT offered an amendment to deny ACORN funding for 1 year. Chairman OBEY and his colleagues voted against the amendment.

House Republicans believe that terrorists captured in the field should not be afforded the same rights as American citizens and therefore should not receive "Miranda Rights." I joined with my colleagues to offer an amendment to deny terrorists these rights. Again, Chairman OBEY and his colleagues voted against the amendment.

House Republicans believe that TARP funds should not continue to be used to bail out banks and other financial institutions even after existing loans have been paid back to the government. Congressman COLE offered an amendment to stop TARP from becoming a permanent, reusable, \$700 billion slush fund for private corporations. Again, Chairman OBEY and his colleagues voted against the amendment.

The priorities of this House majority leadership are clearly misplaced and out of the mainstream where most Americans work and live. I feel badly for Ms. WASSERMAN-SCHULTZ and Mr. ADERHOLT, and their fine staff, for they have worked very well together this year. I want to commend both of them for their work and extend my sympathy for the shameful manner in which their conference report is being brought to the floor today.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentlewoman for the time.

Madam Speaker, our principal obligation on this bill is simply to keep the government open. We've got enough problems in the economy right now without adding to people's uncertainty. We had concluded that the least disruptive way to do that and the way with the least delay was to attach this continuing resolution to the one appropriation bill that was ready to be conferred, the Legislative Branch Appropriation bill.

This is a relatively straightforward and unadorned CR. As far as funding levels are concerned, we are simply allowing agencies to continue fiscal 2009 levels, with three exceptions:

First, we are following the House's lead when it voted 388-32 to allow the postal service to cover a budget shortfall by postponing a payment intended to prefund its retiree health benefits;

Second, we're funding the census at a somewhat higher rate to allow it to ramp up activities so the 2010 census can proceed. The calendar is not going to change to suit congressional convenience;

Third, we are providing additional funding for the Veterans Health Administration. The VA expects to treat

over 6 million patients in 2010, including almost 420,000 veterans of Iraq and Afghanistan.

□ 1045

The CR also extends a number of authorizations that would otherwise expire: transportation programs, child nutrition, stop-loss payments to our troops, E-Verify, and various other programs.

So, as I said, this is a relatively routine CR which keeps the government open for the next 30 days.

Outside of those items, we make no policy judgments. We change no existing policy except that, in accordance with the House vote last week, we also say no more funds for this 30-day period for ACORN. There have been some objections by the minority to this process. They claim it is procedurally outrageous because we are attaching the continuing resolution to a specific appropriations subcommittee bill. This is certainly not out of the ordinary.

In fact, in September of 2006, our friends on the other side of the aisle, when they controlled this House, attached the continuing resolution to the defense bill. I have the roll call on that if anyone cares to take a look at it. If you do, you would find out there were only two Members of the other party who voted against it, and in the Senate, the vote was 100 to nothing in support of it.

So there is no difference in what we are doing today, but there is a difference in how we do it. We are up front with what we are doing. We included this action in the conference notes, and voted on it in the conference. That was certainly not the case in 2006 when the action of adding the CR was not flagged or noticed in any way during the conference or in the conference notes. I have a copy of those conference notes here if anyone wishes to see them. So the action that was taken then was simply taken after the fact in contrast to our doing it up front and in full view. So I believe that, in comparison to that, this action is, certainly, totally transparent.

Now I need to take this opportunity to note one other point: Until last night, we were not in a position to move other appropriations bills because of a dispute between the House and the Senate over how to deal with for-profit earmarks. As I think the membership knows, we have put in place in the last few years significant reforms to the earmark process. When we took over control of the Congress in 2007, we put in place a moratorium on earmarks for that year until we could reform the process and make it much less susceptible to wasting taxpayers' money. Since then, including this year's bills, we have cut the dollar amount of earmarks by 50 percent. We require every Member to request earmarks publicly, ending the practice of anonymous earmarks in the House, and to certify that they have no financial interest.

This year, we have gone one step further. Recognizing the potential for abuse in sole-source contracting, we have insisted that all House earmarks designated for for-profit entities must undergo a competitive bidding process. We still allow those entities to be named so we can help, for instance, small businesses get a foot in the door so that they can be noticed by Federal agencies, which all too often simply notice people with whom they are familiar in their inside processes, but we nonetheless require that those entities still submit a bid and compete in a fair competition.

The Senate did not do that this year, and up until last night, was objecting to even allowing the House to follow this policy. Last night, we reached an agreement that will allow us to proceed with House earmarks subject to that new policy.

There is still one small area of disagreement that remains. There are a small number of projects, approximately 5 percent, which have been included in both the House and Senate bills. Until last night, the other body was refusing to allow those to be competed. Under the agreement we reached this year and this year only, those projects will be dealt with according to Senate policy. Next year and thereafter, they will be managed by House policy. So they, too, will be subjected to competition next year.

We reached this agreement because the other body insisted that, because they had proceeded all year under their policies, it was too late to change the rules of the game for them. We recognize that changing policies at this point would be a procedural problem for the other body. We do appreciate their agreement that, starting next year, we can all agree on how to handle for-profit projects and that they will be handled in accordance with the House procedures.

This will enable us to now proceed to conference on a number of other appropriations bills which have been passed by the Senate: We have had a motion to go to conference on energy and water. We expect next week, after two small matters are resolved, to also be able to go to conference on the Agriculture bill. We hope that, within a week, we will be able to resolve a few remaining differences on the Homeland Security bill and to also go to conference on that and other bills as the Senate grinds through them in their processes.

So, having reported that to the House, I would simply urge an "aye" vote for the legislation before us, and would simply note that, given the calendar, a vote against this proposition would be a vote to shut down the government.

With that, I thank the gentlewoman for the time.

Mr. ADERHOLT. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Kentucky (Mr. ROGERS), who is the ranking member of the Homeland Security subcommittee.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding me the time.

Madam Speaker, I have no problem with the bill that is before us, the Legislative Branch appropriations bill. I think the chairman and the ranking member have done an excellent job with that bill.

However, I have to register my objection to considering the funding bill for Congress and for putting off the bill that funds our homeland security and including it in the continuing resolution.

For almost 7 years, we've had a near-perfect track record of getting the Homeland Security appropriations bill done before funding for the rest of the government. It has taken bipartisan wrangling and compromise, but we've always produced a bill that the President could sign almost unanimously before the other bills.

Why? Because Congress considered the security of the Nation as paramount. This year should be no different.

We've preconference the Homeland Security bill with our Senate counterparts. We could produce a bill for the President to sign in a matter of days. Yet the leadership says no. Include Homeland Security in a continuing resolution, and put it off. Instead, first pass funding for the Congress. Our pay is more important than defending our country.

Mr. OBEY. Would the gentleman yield for a question?

Mr. ROGERS of Kentucky. Not at the moment. I will later.

On June 24 of this year, the House wrapped up consideration of the Homeland Security bill, and passed it with 389 votes in this body. Three weeks later, the Senate passed their version of the bill with a near unanimous vote. So it has been more than 2 months since both bills were passed. Since August, staff has been diligently reconciling these two bills, reaching bicameral, bipartisan agreements. We could have produced a finished bill for this body to consider a month ago. Yet leadership refused to allow it to happen.

So I stand here today very concerned, Madam Speaker. There is virtually no excuse to punt this vital security spending bill and to fund the Department of Homeland Security under a continuing resolution. Instead of actually doing our work and fulfilling the security needs of our Nation, we are placing a priority on Congress' own budget, putting Homeland Security spending on ice, taking the next few Mondays and Fridays off, and basically waiting around until October until we get further direction from on high.

That is as indefensible, Madam Speaker, as it is dangerous. The security and safety of our citizens should be our number one priority. Look around you. We face complex cybersecurity challenges, emerging threats from overseas, terrorist cells operating

on our soil, and increasing violence along the southwest border, which is already claiming U.S. lives.

The fiscal 2010 Homeland Security bill will infuse much needed increases to our efforts to bolster our border security, to track down illegal immigrants, to protect our critical infrastructure, to replace the aging Coast Guard fleet, and to improve the preparedness of our first responders.

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

Mr. ADERHOLT. I yield the gentleman an additional 2 minutes.

Mr. ROGERS of Kentucky. Why must our brave Homeland Security professionals wait while we bicker and delay here in the House? Real security demands commitment—commitment from this body and commitment from the Nation's leadership.

I know my subcommittee chairman, DAVID PRICE, and I are ready to finish the work of our bill, and we could do it in a matter of hours, if not days. So I am disgusted, Madam Speaker. I apologize for that, but I think we should reconsider the decision that has been made by leadership to put off funding for the Nation's homeland defense and, instead, to take up funding for this body.

So I will have to vote "no" on the bill, although, I think the Legislative appropriations is okay.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I would simply note, in light of the gentleman from Kentucky's comments, there are at least seven outstanding issues on homeland security that, to my knowledge, have yet to be resolved. One is the border fence. Another is the National Bio and Agricultural Defense Facility. There is an argument about where that's supposed to go. We have the Gitmo issue. We have immigration issues. We have FEMA.

If the gentleman wants to resolve those by agreeing with our position on each of them, I would be happy to see them go to conference right now.

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

Ms. WASSERMAN SCHULTZ. I yield the gentleman an additional 2 minutes.

Mr. OBEY. The fact is that no one has suggested that they delay the Homeland Security bill in any manner whatsoever. We are noting that there are significant substantive differences. Under the rules of the body, we can't bring a conference bill back to this House until we've reached agreement on all of those differences.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. OBEY. So I think it's patently preposterous to suggest that this bill is being delayed in any way.

The only thing that is delaying it is honest disagreement and, until last night, the disagreement that we had with the Senate which precluded us

from bringing up virtually any other bill. Thankfully, that is now gone.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. OBEY. No, I will not. The gentleman would not yield to me. I don't see any reason to yield to him.

Mr. ADERHOLT. I yield the gentleman from Kentucky an additional 2 minutes.

Mr. ROGERS of Kentucky. Well, in response to the distinguished chairman of the Appropriations Committee, if the gentleman would have allowed the Homeland Security conference to proceed—I mean we passed these bills 2 months ago, the House and Senate. We've had 2 months. Yet the gentleman has not allowed conferees to be appointed to consider the Homeland Security bill. In the meantime, staff and Members have been working with our Senate counterparts. We are in agreement. There are no remaining issues. We're ready to go. Ready to go.

□ 1100

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself 1 minute just to point out that with the greatest respect to the gentleman from Kentucky, the Legislative Branch appropriations bill before us being used as a vehicle for the continuing resolution was the most ready to go. There were no outstanding issues at all.

The gentleman from Wisconsin has just indicated a number of issues remaining on the Homeland Security bill. We are 5 days from the end of the fiscal year with an intervening weekend included in those 5 days. It is simply a matter of making sure that we are not shutting the government down.

I appreciate the good work of my colleague, Mr. ADERHOLT, and the members of the minority on getting this bill, the Legislative Branch appropriations bill, in the best possible position to serve as a vehicle to keep the government open.

I reserve the balance of my time.

Mr. ADERHOLT. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING), who is a senior member of the Budget Committee.

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, we have a continuing resolution well hidden in a Legislative Branch conference report. Why are we voting on a continuing resolution, Madam Speaker? We are voting on a continuing resolution because this Congress and this President have spent too much money, and now they want more.

Already this President and this Congress have passed into law a \$1.1 trillion stimulus plan which, by the way, since it was passed, we have had almost 3 million more join the unemployment ranks, the highest unemployment rate in almost a quarter of a century. But that stimulus plan weighed in at \$9,746 per household.

Next this Congress and this President signed into law, passed into law an om-

nibus costing \$410 billion, \$3,511 per household.

The bailouts continue. Madam Speaker, another \$30 billion for AIG, almost \$30 billion for Fannie Mae and Freddie Mac, not to mention \$60 billion for GM and Chrysler. The serial bailouts continue.

What has all this spending brought us, Madam Speaker? It has brought us the Nation's first, first trillion-dollar deficit, and a deficit that increased 10 fold, 10 fold, in just 2 years.

On top of this now the President and the Congress want a \$3.6 trillion budget and a trillion-dollar nationalized health care plan that we cannot afford, meaning that the national debt will triple, triple in the next 10 years.

Madam Speaker, under this spending plan, we are borrowing 43 cents on the dollar, mainly from the Chinese, and sending the bill to our children. If the spending, if the borrowing, if the deficits do not stop, this will be a Congress that will ensure that it's just a matter of time before the Chinese initiate foreclosure proceedings on our Nation. We cannot let that stand.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, what we just heard came from a Member of the then-majority party, which turned \$6 trillion in inherited projected surpluses into a \$2 trillion deficit. We heard that from a Member of the party that provided \$2 trillion in tax cuts primarily aimed at the wealthiest people in the country, all paid for with borrowed money, from the same folks who gave us almost \$1 trillion in spending on the most ill advised war in the country's history, also paid for with borrowed money.

They ran the country's economy into the ditch with record collapse of consumer spending and record collapse of unemployment. Then they are now complaining when Mr. Obama and the majority party are now trying to pull the country out of the ditch.

Someone else can take that seriously if they want, but I won't be one of them.

Mr. ADERHOLT. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. NEUGEBAUER), who is a senior member of the Financial Services Committee.

Mr. NEUGEBAUER. Madam Speaker, I rise today on behalf of the taxpayers of the 19th Congressional District and all across America. They are angry, Madam Speaker, about the spending and the borrowing that's going on in Washington.

At a time when they are cutting back to make ends meet, paying down their credit cards, saving more, working hard to provide for their families, they don't understand why their government isn't doing the same thing. They don't understand why the government is not only spending all of their tax dollars, but also borrowing almost 50 cents for every dollar that they spend.

This bill before us increases spending for the legislative branch by 5.7 percent. I don't know about other Members in the House, but I think it's pretty hard to explain to the taxpayers why we are increasing our budget by 5.7 percent and the American people are cutting their budgets.

The only explanation I can think of is that Congress doesn't get it. Well, the American people get it. Like them, I don't understand why we are increasing the legislative branch budget when the deficit is going to hit \$1.6 trillion this year, projected to be \$1.3 trillion next year.

This bill includes provisions to continue funding for programs as we complete the remaining annual spending bills, but I would advocate that Congress go ahead and finish the job that it started.

The problem is that these annual spending bills are set forth to increase our spending by 8.9 percent this year. This spending increase would come on top of an 8.6 percent increase last year, a nearly \$1 trillion economic stimulus package, and a \$700 billion financial bailout.

Instead of passing bills to increase spending at a time when we have added \$1 trillion to our national debt this year, Congress should, at a minimum, freeze spending at this level.

Had we gone through normal order, I offered an amendment that would have frozen spending for the coming year and saved the American taxpayers \$43 billion. It's a start, Madam Speaker.

I urge members to vote against this bill.

Mr. ADERHOLT. Madam Speaker, I yield back the balance of our time.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I want to again thank the gentleman from Alabama and my colleagues on the other side of the aisle, as well as the members of our subcommittee, for the good work that they have done on developing this Legislative Branch appropriations bill.

We have a good solid product to make sure that we can move the legislative branch institutions forward and to preserve the legacy of the Capitol complex and its institutions for future generations. We also are going to make sure that we keep the government running.

I am hopeful that my colleagues, both on the other side of the aisle as well as on my side of the aisle, will vote for this bill. A vote against this bill would jeopardize the security and safety of our citizens. Shutting the government down is not a responsible action.

Mr. LATHAM. Madam Speaker, here we are on the Floor of the House again, with less than a week to go before the end of the fiscal year, and the majority is not prepared to send a single, finalized appropriation bill to the President for signature. Where is the change that was promised?

In addition to the legislative bill before us today, we have four significant funding bills that have passed both the House and Senate,

and are ready to go to conference or whatever we call conferences these days: Agriculture, Energy and Water, Homeland Security and Transportation/HUD. These are bills that contain important funding for all of our districts, including monies for new and important initiatives that might help the economy.

Over the course of this FY-2010 funding cycle, the majority has run a process that has prevented spending bills from being perfected through the amendment process, primarily to avoid tough votes.

That stunted process has allowed the funding bills to be rammed through the House. Yet, with closed Rules, an 80-seat majority in the House and a 20-seat majority in the other Body, the congressional leadership still cannot manage to move the appropriation bills. As my children used to say, "what's wrong with this picture?"

Ladies and gentlemen, I suggest that what is wrong with this picture is a continuation of what has been going on for the last several months and it is not about the last administration.

Right now, we are: sitting on a 9.6% unemployment rate; struggling with CBO deficit projection numbers that are off the charts for the next several years; suffering the fiscal effects of a gross misallocation of Stimulus bill funds that mostly went to expanding 73 existing government programs and adding 30 new ones for select constituencies; and procrastinating over a healthcare situation about which all agree something must be done, but which the majority refuses to consult the minority or produce a product.

And today, the majority is determined to perpetuate this craziness with a "cooked" appropriation process to temporarily fund the government because the House and Senate cannot get their respective acts together.

No wonder, we heard noisy demonstrations at town hall meetings and in Washington. Folks, the noise from outside the Washington Beltway is not just a response to the healthcare fiasco though that is certainly a part of it.

The noise is part of a steadily growing response to what people rightly perceive to be those running the government in Washington not paying attention to their concerns and fears about spending and the paths we are taking.

This continuing resolution exercise today is just one more example that the majority intends to keep ignoring those concerns.

Mr. HOLT. Madam Speaker, I rise today in support of the Legislative Branch Appropriations bill for Fiscal Year 2010, which will also allow for continuation of government functions through October 31, 2009.

Through this spring and into the summer, the House has worked diligently to approve all 12 regular appropriation bills. Yet, our colleagues on the other side of the rotunda have not finished their work and so today we must approve continued funding for all government operations which are scheduled to expire on September 30, 2009. I hope that we will be able to reach agreement with our Senate colleagues and complete all regular appropriations bills and need no more continuing resolutions.

I regret that the Legislative Branch Appropriations bill does not include funding for the revival of the Office of Technology Assessment, OTA. When OTA operated it provided

Congress with assistance in identifying and assessing the consequences of science and technology in a very useful manner and timeframe.

While I was unsuccessful this year reinstating funding for the OTA, I will continue to fight for the revival of OTA because it would strengthen Congress as an institution, elevate the discourse on matters affected by science and technology, and allow Members to more effectively carry out their duties as the people's representatives.

Another point troubles me greatly. This bill contains in Section 163 a provision to deny funding to ACORN or its allied organizations. I must note that a number of questions have been raised about the constitutionality of this section, and I share these concerns. Article I Section 9 of the Constitution of the United States is explicit that, "No Bill of Attainder or ex post facto Law shall be passed." Thus, it is unconstitutional for Congress to pass legislation declaring an individual or a group guilty and sanctioning them without benefit of a trial. Without doubt, the revelations about ACORN presented on the internet and television recently are cause for concern and indicate possible illegality and misuse of funds. Reports on television, however, are not cause for Congress suddenly to become a part of the judicial branch of government and declare guilt and mete out punishment without any legal proceedings. The Congressional Research Service has been asked to look into this question, and concluded that a court would most likely "find that it violates the prohibition against bills of attainder."

Mr. TOWNS. Madam Speaker, I would like to thank Chairman OBEY for his assistance, and Representative WASSERMAN SCHULTZ of Florida and the members of the conference committee for their hard work in putting together this conference report. Included is a provision of great importance to the Postal Service, over 600,000 postal employees, and 300 million postal customers, who are also our constituents. This conference report includes language from H.R. 22, the United States Postal Service Financial Relief Act of 2009, a bill reported out of the Oversight and Government Reform Committee on July 10 and passed by the full House on September 15.

This provision will allow the United States Postal Service to lower its 2009 payment into the retiree health benefits fund from \$5.4 billion to \$1.4 billion. It does not provide any taxpayer funds to the Postal Service. The language was originally included in H.R. 22, a bill that has been properly vetted and amended by the House Oversight and Government Reform Committee. In line with calls for a more fiscally responsible government, the provision lowering the Postal Service payment does not score. For these reasons, the House passed H.R. 22 by an overwhelming margin of 388 to 32.

The Postal Service faces an unprecedented crisis. Mail volume is projected to drop to 175 billion pieces in fiscal year 2009, from a high of nearly 213 billion pieces. The Postal Service anticipates a loss of more than \$7 billion by end of fiscal year 2009. The losses were driven by the nationwide economic recession, diversion of mail to electronic alternatives, and also by the aggressive payment schedule for retiree health benefits required by the Postal Accountability and Enhancement Act. Its fiscal year 2008 payment total for current and future

retiree health benefits was roughly \$7 billion. The Postal Service has paid \$10 billion into the trust fund over the past 2 years. It suffered a combined loss of \$7.9 billion over those 2 years. Without the onerous payments into the trust fund, the Postal Service would have made a net profit of more than \$4 billion over that period.

Reducing the size of the payment into the trust fund for 2009 will bring the postal payment closer to the \$1.6 billion amount recommended by the Postal Service Inspector General, while permitting the Postal Service to survive the economic crisis. Many large companies in the private sector have also temporarily reduced pension and retiree benefit contributions in order to ride out similar, difficult financial circumstances.

I would like to thank Representatives MCHUGH of New York and DAVIS of Illinois for introducing this bill and for their hard work and patience in navigating the bill through the House. Further, I would like to thank the House Democratic leadership and the Budget Committee for working with us to help advance the bill to the floor. Also, I would also like to recognize Chairman LYNCH of Massachusetts for his leadership on the subcommittee and being a tireless advocate for the Postal Service and its employees. Additionally, I would like to thank the Gentlemen from California and Utah, Representatives ISSA and CHAFFETZ, for their help in securing bipartisan support for H.R. 22.

In the coming months, our committee will continue to provide close oversight of the Postal Service, including studying the business model of the Postal Service to help determine what longer-term changes may be necessary.

I am confident that upon enactment of H.R. 22 the Postal Service will be able to meet its financial obligations for this year.

Ms. WASSERMAN SCHULTZ. I yield back the balance of my time.

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

Pursuant to House Resolution 772, the previous question is ordered.

The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 190, not voting 25, as follows:

[Roll No. 739]

YEAS—217

Abercrombie	Carnahan	Davis (TN)
Adler (NJ)	Carney	DeFazio
Altmire	Carson (IN)	DeGette
Andrews	Castor (FL)	DeLauro
Arcuri	Chandler	Diaz-Balart, L.
Baldwin	Childers	Diaz-Balart, M.
Barrow	Chu	Dicks
Bean	Clay	Dingell
Berkley	Cleaver	Doggett
Berman	Clyburn	Donnelly (IN)
Bishop (GA)	Cohen	Edwards (TX)
Bishop (NY)	Connolly (VA)	Ellsworth
Blumenauer	Conyers	Engel
Boccieri	Cooper	Eshoo
Boren	Costa	Etheridge
Boswell	Costello	Farr
Boucher	Courtney	Fattah
Boyd	Crowley	Filner
Brady (PA)	Cuellar	Foster
Braley (IA)	Cummings	Frank (MA)
Brown, Corrine	Dahlkemper	Fudge
Butterfield	Davis (AL)	Gonzalez
Capps	Davis (CA)	Gordon (TN)
Cardoza	Davis (IL)	Grayson

Green, Al	McCarthy (NY)	Rush	Petri	Schakowsky	Thornberry
Green, Gene	McCollum	Ryan (OH)	Pitts	Schmidt	Tiahrt
Grijalva	McDermott	Salazar	Platts	Schock	Tiberi
Gutierrez	McGovern	Sánchez, Linda	Posey	Sensenbrenner	Towns
Hall (NY)	McIntyre	T.	Price (GA)	Sessions	Turner
Halvorson	McMahon	Sanchez, Loretta	Putnam	Shadegg	Upton
Hare	Meek (FL)	Sarbanes	Radanovich	Shimkus	Velázquez
Harman	Meeke (NY)	Schauer	Rehberg	Shuster	Walden
Hastings (FL)	Melancon	Schiff	Roe (TN)	Simpson	Wamp
Heinrich	Michaud	Schrader	Rogers (KY)	Smith (NE)	Westmoreland
Herseth Sandlin	Miller (NC)	Schwartz	Rogers (MI)	Smith (NJ)	Whitfield
Himes	Miller, George	Scott (VA)	Rohrabacher	Smith (TX)	Wittman
Hinchey	Mollohan	Serrano	Rooney	Souder	Wolf
Hirono	Moore (KS)	Sestak	Roskam	Stearns	Woolsey
Hodes	Moore (WI)	Shea-Porter	Royce	Taylor	Young (AK)
Holden	Moran (VA)	Sherman	Ryan (WI)	Terry	Young (FL)
Holt	Murphy (CT)	Shuler	Scalise	Thompson (PA)	
Honda	Murphy (NY)	Sires			
Hoyer	Murphy, Patrick	Skelton			
Inslee	Murtha	Slaughter			
Jackson (IL)	Napolitano	Smith (WA)	Ackerman	Graves	Nunes
Johnson (GA)	Neal (MA)	Snyder	Baca	Higgins	Poe (TX)
Kagen	Oberstar	Space	Berry	Hill	Scott (GA)
Kanjorski	Obey	Spratt	Blunt	Israel	Speier
Kaptur	Olver	Stark	Capuano	Issa	Sullivan
Kennedy	Ortiz	Stupak	Clarke	Johnson, E. B.	Wilson (OH)
Kildee	Pallone	Sutton	Culberson	Jones	Wilson (SC)
Kilroy	Pascrell	Tanner	Delahunt	Loeback	
Kind	Pastor (AZ)	Teague	Doyle	Mica	
Kissell	Payne	Thompson (CA)			
Klein (FL)	Perlmutter	Thompson (MS)			
Kosmas	Peterson	Tierney			
Langevin	Pingree (ME)	Titus			
Larsen (WA)	Polis (CO)	Tonko			
Larson (CT)	Pomeroy	Tsongas			
Levin	Price (NC)	Van Hollen			
Lewis (GA)	Quigley	Visclosky			
Lipinski	Rahall	Walz			
Lofgren, Zoe	Rangel	Wasserman			
Lowey	Reichert	Schultz			
Lujan	Reyes	Waters			
Lynch	Richardson	Watson			
Maffei	Rodriguez	Watt			
Maloney	Rogers (AL)	Waxman			
Markey (CO)	Ros-Lehtinen	Weiner			
Markey (MA)	Ross	Welch			
Marshall	Rothman (NJ)	Wexler			
Matheson	Roybal-Allard	Wu			
Matsui	Ruppersberger	Yarmuth			

NAYS—190

Aderholt	Dent	Kline (MN)
Akin	Dreier	Kratovil
Alexander	Driehaus	Kucinich
Austria	Duncan	Lamborn
Bachmann	Edwards (MD)	Lance
Bachus	Ehlers	Latham
Baird	Ellison	LaTourette
Barrett (SC)	Emerson	Latta
Bartlett	Fallin	Lee (CA)
Barton (TX)	Flake	Lee (NY)
Becerra	Fleming	Lewis (CA)
Biggett	Forbes	Linder
Bilbray	Fortenberry	LoBiondo
Bilirakis	Fox	Lucas
Bishop (UT)	Franks (AZ)	Luetkemeyer
Blackburn	Frelinghuysen	Lummis
Boehner	Gallely	Lungren, Daniel
Bonner	Garrett (NJ)	E.
Bono Mack	Gerlach	Mack
Boozman	Giffords	Manzullo
Boustany	Gingrey (GA)	Marchant
Brady (TX)	Gohmert	Massa
Bright	Goodlatte	McCarthy (CA)
Broun (GA)	Granger	McCaul
Brown (SC)	Griffith	McClintock
Brown-Waite,	Guthrie	McCotter
Ginny	Hall (TX)	McHenry
Buchanan	Harper	McKeon
Burgess	Hastings (WA)	McMorris
Burton (IN)	Heller	Rodgers
Buyer	Hensarling	McNerney
Calvert	Herger	Miller (FL)
Camp	Hinojosa	Miller (MI)
Campbell	Hoekstra	Miller, Gary
Cantor	Hunter	Minnick
Cao	Inglis	Mitchell
Capito	Jackson-Lee	Moran (KS)
Carter	(TX)	Murphy, Tim
Cassidy	Jenkins	Myrick
Castle	Johnson (IL)	Nadler (NY)
Chaffetz	Johnson, Sam	Neugebauer
Coble	Jordan (OH)	Nye
Coffman (CO)	Kilpatrick (MI)	Olson
Cole	King (IA)	Paul
Conaway	King (NY)	Paulsen
Crenshaw	Kingston	Pence
Davis (KY)	Kirk	Perriello
Deal (GA)	Kirkpatrick (AZ)	Peters

Petri	Schakowsky	Thornberry
Pitts	Schmidt	Tiahrt
Platts	Schock	Tiberi
Posey	Sensenbrenner	Towns
Price (GA)	Sessions	Turner
Putnam	Shadegg	Upton
Sarbanes	Shimkus	Velázquez
Rehberg	Shuster	Walden
Roe (TN)	Simpson	Wamp
Rogers (KY)	Smith (NE)	Westmoreland
Rogers (MI)	Smith (NJ)	Whitfield
Rohrabacher	Smith (TX)	Wittman
Rooney	Souder	Wolf
Roskam	Stearns	Woolsey
Royce	Taylor	Young (AK)
Ryan (WI)	Terry	Young (FL)
Scalise	Thompson (PA)	

NOT VOTING—25

Ackerman	Graves	Nunes
Baca	Higgins	Poe (TX)
Berry	Hill	Scott (GA)
Blunt	Israel	Speier
Capuano	Issa	Sullivan
Clarke	Johnson, E. B.	Wilson (OH)
Culberson	Jones	Wilson (SC)
Delahunt	Loeback	
Doyle	Mica	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1133

Mr. TAYLOR, Mrs. EMERSON, Messrs. GRIFFITH, TOWNS, ELLISON, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, and Ms. WOOLSEY changed their vote from “yea” to “nay.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LOEBSACK. Madam Speaker, during rollcall vote No. 739 on Conference Report to H.R. 2918, I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. HINOJOSA. Madam Speaker, during rollcall vote No. 739 on the Conference Report to H.R. 2918, I mistakenly recorded my vote as “nay” when I should have voted “yea.”

Stated against:

Ms. CLARKE. Madam Speaker, on rollcall No. 739, had I been present, I would have voted “nay.”

Mr. POE of Texas. Madam Speaker, on rollcall No. 739, I was inadvertently detained. Had I been present, I would have voted “nay.”

Mr. WILSON of South Carolina. Madam Speaker, I submit to the RECORD the following remarks regarding my absence from a vote which occurred on September 25. I was in a meeting with constituents and unable to make the vote. Listed below is how I would have voted if I had been present.

H.R. 2918—On Agreeing to the Conference Report for Legislative Branch Appropriations Act, FY 2010 (Roll no. 739)—“nay.”

#### PERSONAL EXPLANATION

Mr. NUNES. Madam Speaker, on the legislative day of Friday, September 25, 2009, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 738—“nay”; rollcall 739—“nay.”

#### PERSONAL EXPLANATION

Mr. MICA. Madam Speaker, I was unavoidably detained and was unable to vote on rollcalls 738 and 739. Had I been present, I

would have voted: "nay" on each of these measures.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 772, House Concurrent Resolution 191 is hereby adopted.

The text of the concurrent resolution is as follows:

H. CON. RES. 191

*Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:*

(1) In section 158(a) of division B, strike "section 158" and insert "section 157".

(2) In section 158(b) of division B, strike "section 158" and insert "section 157".

(3) In section 162 of division B, strike "sections 158 through 162" and insert "sections 157 through 161".

COMMUNICATION FROM THE  
CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 25, 2009.

Hon. NANCY PELOSI,  
*The Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 24, 2009, at 5:57 p.m.:

That the Senate passed S. 1707.

With best wishes, I am  
Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1687. An act to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse".

H.R. 2053. An act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse".

H.R. 2121. An act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building".

H.R. 2913. An act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse".

H.R. 3607. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 832. An act to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 1599. An act to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

LEGISLATIVE PROGRAM

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

Mr. MCCARTHY of California. Madam Speaker, I yield to the gentleman from New York for the purpose of announcing next week's schedule.

Mr. CROWLEY. I thank the gentleman from California for yielding.

On Monday, the House will not be in session.

On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business.

On Friday, no votes are expected in the House.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business today.

In addition, we will consider Senate 1707, a bill to authorize appropriations for fiscal year 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people; the conference report on H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010; and additional motions to go to conference on appropriations bills.

Mr. MCCARTHY of California. I thank the gentleman.

Reclaiming my time, according to Politico, the Speaker announced at your caucus meeting on Wednesday that she intends to have the final version of the Democrat health care bill drafted by the end of next week. My question is: Was the Speaker's statement accurate? And do we expect floor action on the health care bill in the House?

Mr. CROWLEY. A bill will be brought to the floor when a bill is ready to be brought to the floor. I would leave it at that. The bill will be brought to the floor when it's ready to be brought to the floor.

Mr. MCCARTHY of California. Was the Speaker correct? Do we think it is going to be brought to the floor or ready by next week?

Mr. CROWLEY. Well, if the bill is ready to be brought to the floor by next week, it could very well be that case. The bill will be brought to the floor when the bill is ready to be brought to the floor.

Mr. MCCARTHY of California. Will the bill be drafted by next week so peo-

ple on the other side could actually see it?

Mr. CROWLEY. Again, the bill will be brought to the floor when the bill is ready to be brought to the floor.

Mr. MCCARTHY of California. Well, I thank the gentleman for his answer.

Earlier this week on Monday, our Republican whip, ERIC CANTOR, held a bipartisan town hall on health care with Democrat BOBBY SCOTT, both of Richmond, Virginia, showing bipartisan action. Following the town hall, the majority leader on your side told the media that he would like to meet and discuss health care reform with us, and we have expressed our willingness to meet with him. But we have not been asked by the majority leader yet.

Do you believe that we will be at any time soon, so that our leader can continue to carry on that bipartisan conversation?

I yield to the gentleman.

Mr. CROWLEY. I thank the gentleman for his question. I think the gentleman knows, as do I, that the majority leader is a man of his word; and if he gave his word to do that, I anticipate that he will follow through on that. I can't speak for him. But knowing if that's what he said, I'm sure that he will follow through on that request.

Mr. MCCARTHY of California. We look forward to that. Being one of the signatures early on in this health care discussion to a letter that the leadership on this side sent to the President saying that we were willing, able and wanting to sit down to discuss health care, we're still waiting for the President to allow us to have that discussion in a bipartisan manner.

I do believe that the work that our Republican whip, ERIC CANTOR, and Congressman BOBBY SCOTT on your side of the aisle, that the bipartisanship that they showed down there was very positive. We look to your majority leader coming forward and following up and having that discussion with our leader.

Mr. CROWLEY. I think we all welcome bipartisanship on this debate, and we hope in the end that this will be a bipartisan solution to what is a problem not only for Democrats and Republicans but for all Americans. I think if we could have more productive town halls around the country like the one you referred to that took place where the facts and the issues can be exposed, talked about and deciphered, I think we will all be better off for that.

□ 1145

Mr. MCCARTHY of California. I thank the gentleman.

I would like to know from one standpoint early on and within here as we look across America and we look at the jobless and the idea that we want to create jobs here, many on this side of the aisle worked very hard on a stimulus bill that focused on small business, where 79 percent of all jobs are created. We wanted to focus on job creation. We presented that to the President. Unfortunately, that did not get put into the stimulus.

But the President told us that unemployment would not rise above 8.5 percent if we passed the Democrats' stimulus. Since the signing of the stimulus bill, Americans have lost another 2.5 million jobs and unemployment is now at 9.7, much higher than what the President said it would be.

Will this House bring any legislation next week to help create jobs?

I yield.

Mr. CROWLEY. I thank the gentleman for yielding to me.

I don't think there's any question that these have been very, very difficult months and, quite frankly, years that the American people have been suffering through. We have looked consistently at months—prior to recent months—of 600,000, 700,000 jobs lost per month, quite frankly, going back to the previous administration, under the Bush administration, where the job loss was at its height. I'm happy to note that that job loss has been diminishing steadily over the past few months, and, in fact, we saw an additional 21,000 fewer jobs lost in this month than the prior month.

Having said that, the road to recovery remains a long one, and we understand that. That's why we took the steps that this administration took, following up on the legislation passed in the prior Congress to help stimulate the growth of jobs in this country. And I believe, as many of my colleagues do, that increasingly there are signs that the economy is turning around. I know that Mr. Bernanke, Federal Reserve Chairman said, "The recession is likely over at this point." I think those are very optimistic statements, and I appreciate the chairman's response to a query.

But I do think we still have a long way to go, and we will work to ensure that job loss is not only stemmed but that we have actual job growth. And we anticipate when the Recovery Act is fully appreciated that we will begin to see job growth in this country.

Mr. MCCARTHY of California. Reclaiming my time, I appreciate the gentleman's willingness to work together. And knowing that with the stimulus the President said unemployment would not go above 8.5, and now it's 9.7, and sitting on Financial Services listening to Mr. Bernanke saying that it will continue to rise, would your side of the aisle be willing to work with us so we could reprogram the money in the stimulus to actually be job creation or help pay down this national debt so our country could actually be stronger? Do you see any future ability of making that happen?

I yield to the gentleman.

Mr. CROWLEY. I thank the gentleman.

I'll just restate for the record: The CBO, the CEA, Moody's all estimate there are 1 million more jobs now than there would have been without the Recovery Act that we passed here in the House. The Congressional Budget Office said in the budget economic update

that "even though some elements of the CBO's forecast, particularly the unemployment rate, have clearly worsened, such revisions to the forecast reflect a much sharper deterioration in underlying labor market conditions than had been anticipated rather than a smaller impact of the legislation." In addition, the CBO also said that "the fiscal stimulus provided under the American Recovery and Investment Act will significantly boost economic activity above what it otherwise would have been."

So I think, going back to what I said before, we're seeing a reversal in job loss. We are not at zero yet, but as I said before, 21,000 fewer jobs were lost in the prior month than they were the month before that. I think that's showing that it is stemming, it is slowing down. And we anticipate that if it continues in that way, which we all hope for and anticipate it will, we will begin to see job growth.

Mr. MCCARTHY of California. Reclaiming my time, when the President first got elected, this side of the aisle invited him to our conference and we sat down and had a discussion about which direction the stimulus bill should go. We actually had a very honest debate.

This side of the aisle wanted to focus on job creation. Our focus was about small business. That's where 79 percent of the jobs are created. And the President said, Well, why don't you write out a bill and bring out some ideas?

So a number of us worked together, a lot of hours, a lot of nights, crafting legislation. And we put this together, and we actually sat down and said, You can't just write down legislation; you need to score it. The idea is for the American people to know what this would cost and how many jobs would it create. And as we put that scoring together, do you know it created twice as many jobs with half the amount of money in the stimulus bill? And we handed that to the President. Unfortunately, it did not get into the bill. And the President said that it was more important on the time of when the stimulus bill passed, and not what was in it; he said if the bill was passed now, unemployment would not go above 8.5 percent.

Well, I don't need a CBO study to understand that's not true. It's now at 9.7. And I think the American people want us to work together to create jobs, not to sit here and somehow celebrate the idea that only 21,000 jobs were lost. We need to be able to work together and celebrate a million new jobs created. We have legislation that allows it, that focuses on small business, focuses on job creation. And I look forward that this Congress could come together.

Mr. CROWLEY. Will the gentleman yield once again? I just want to respond, if I could, to the gentleman.

Mr. MCCARTHY of California. I'm glad to yield to the gentleman.

Mr. CROWLEY. Thank you for yielding.

I appreciate your words of desire for more bipartisanship, and I would just suggest that the Recovery and Reinvestment Act that we passed reflected more bipartisanship in the legislation than was reflected by the vote that took place here on the floor. I think there were many attempts to include some of the ideas and thoughts from your side of the aisle that were included in that bill, and I can talk about a number of them. But it was not reflected in the overall vote that took place. I, too, hope that in the future we can have more of a reflective vote of bipartisanship on issues like that, as we had this week when both Democrats and Republicans voted 331-83 to extend unemployment for those Americans who are still out of work, who are looking and struggling to find employment. And I hope the Senate will act to pass that bill and send the bill on to the President as soon as possible.

I appreciate the gentleman's yielding for this discussion.

Mr. MCCARTHY of California. Reclaiming my time, the gentleman is correct. The bipartisan vote for the stimulus bill was a "no" vote. A number of people on the other side of the aisle also saw that that bill would not hold us to only 8.5 percent unemployment, that there was a better way, a better idea.

The one thing I would always ask the gentleman and those on the other side, bipartisanship means the power of the idea wins at the end of the day. So when a paper is presented that shows it creates twice as many jobs with half the cost, the pride in ownership should not be there. We should allow the American people to actually win, that jobs being created is a much better place for America. And when that is presented again, which we will always gladly do, to sit here and work with you, because we want to put people before politics. We want to create an America that is strong, and we want to leave America not in debt.

So as we move forward, I would always challenge everybody on this floor: The amount of the national debt that is accumulating in this administration is unheard of, and we have to make sure, this generation that's going before us, that we leave an America better off than we were before.

Mr. CROWLEY. Will the gentleman yield?

Mr. MCCARTHY of California. I would be glad to yield.

Mr. CROWLEY. I appreciate again his comments and his desire to work in a bipartisan way to help lift America out of the doldrums that it's in, lift America out of what has been called "the Great Recession."

I think it's also important to note that we didn't get here in the last 9 months. And we can decry the overspending by this administration all we want, but we also have to reflect upon the overspending of the prior 8 years, which I recognize the gentleman was not serving in the House of Representatives at the time, when the other side



of the aisle increased the spending and increased the deficit beyond anyone's wildest dreams.

So I appreciate your thoughts. I too want to help stop putting debt on the backs of my children and my grandchildren. We both share that. And we all need to work together in a bipartisan way to help this President. As he has said, his desire is to slash the national debt in half, and I think we're going to work together to make that happen.

Mr. MCCARTHY of California. Reclaiming my time, if the President only slashes it in half, it's still the highest deficit that we have ever had.

I am one who likes to look forward. I may have only been here 3 years, but the one thing I have seen, if you take the entire history since the creation of this country, there have been 44 administrations. If you just take the first 43, from George Washington to George Bush, and you add up all the amount of debt that was accumulating, and that's from the creation of this country to our battles with Britain, to World War I, to the Depression, to World War II, Katrina, Afghanistan, Iraq, Vietnam, Korea, the creation of a highway system, it is equal to the amount of debt that is going to be doubled. That is something that cannot be maintained. That is something that cannot be happening.

The way to get out of it, you have to control your spending and you have to create jobs. That's why the power of the idea needs to win at the end of the day.

So we will continue to come up with the ideas. We will continue to try to work in a bipartisan manner, and we will continue to hand them to you. But the only thing I ask of you is when you see something that would create twice as many jobs with half the cost, let's put people before politics, let's put America first, and let's move forward to the future.

Mr. CROWLEY. I would ask the gentleman, as a point of clarification, was that from George Washington to the beginning of George Bush's term or the end of George Bush's term?

Mr. MCCARTHY of California. It's to the end of George Bush's term.

ADJOURNMENT TO TUESDAY,  
SEPTEMBER 29, 2009

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

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

There was no objection.

CMS GAG RULE

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

Mr. HERGER. Mr. Speaker, we are now on day 5 of the Obama administration's gag order barring Medicare Advantage plans from telling their enrollees about the benefit cuts that will result from the Democrats' health care bill.

The Centers for Medicare and Medicaid Services actually overturned a Clinton-era ruling that said "prohibiting such information would violate basic freedom of speech and other constitutional rights."

Yesterday, Ways and Means Republicans formally requested a hearing to investigate the CMS gag rule.

Mr. Speaker, Congress needs to get to the bottom of this and find out if the administration is politicizing Federal agencies to stop Americans from learning the truth about his policies.

TOWN HALL MEETINGS ON PRESIDENT OBAMA'S HEALTH CARE PLAN

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, there has been a lot of attention to the fact that Members of Congress held town hall meetings during the month of August, and there was much discussion about the passion that was expressed there.

Well, it's now September, and we're still holding town hall meetings. I had one last Saturday in my district. And let me tell you the passion is still there.

The average citizen in my district looks to Congress to do the right thing. And they are not satisfied. They are not pleased. They are not happy in any way, shape, or form with respect to the Obama health care plan and its various versions here in the House of Representatives and the United States Senate.

They have asked me to convey to my colleagues the fact that they are concerned about the size of government, the cost of government, the size of taxation, and the amount of debt we're imposing on our children and our grandchildren. They want us to get serious about those things. They don't want us to give up on them.

By the way, they're not mobs. They're not un-American. They are the very essence of America. They come to my meetings in ones, twos and threes. They are everyday Americans wanting a responsive House of Representatives that recognizes simple truths.

□ 1200

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PETERS). 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.

U.N.: HAVEN FOR INTERNATIONAL TYRANTS?

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

Mr. POE of Texas. Mr. Speaker, Libya is about to get \$2.5 million in aid from the American taxpayers. And \$200,000 each is marked for foundations run by Omar Qaddafi's two kids.

Omar Qaddafi is an international terrorist. He gave the order for the bombing of the Pan Am jet over Lockerbie, Scotland, in 1988. And then he led the cheers for the killer when he was returned to Libya. Men, women and children boarded that airplane headed for New York's JFK Airport. A Libyan official checked a suitcase with a bomb in it. The airplane exploded, killing 243 passengers and 16 crew members, mostly Americans. Eleven people on the ground in Scotland were killed when large chunks of the plane fell out of the sky and hit their town.

What are we doing giving this man and his family U.S. taxpayer dollars? Has America lost its way?

The United Nations is starting to look like the bar scene in the Star Wars movies. Murderers, thugs, and terrorists freely roam the halls, and they are asked to speak before the General Assembly. There was a time when the United Nations was a threat to tyrants, but now it seems like it is their home.

Omar Qaddafi said at the U.N. that Lee Harvey Oswald, the person who killed President Kennedy, was an Israeli spy. He called for a civil war in Iraq. He condemned the war on terror in Afghanistan, and he said the swine flu is a biological weapon created in laboratories. Can't tell who he blames that on, however.

Omar also said in his 100-minute rambling rant that we should call the United Nations Security Council the terrorist council, made up of the United States and other nations.

Omar's twin terrorist tyrant, Ahmadinejad, also had some choice things to say at the United Nations this week. The little fella from the desert of Iran said that Israel is committing genocide. He said that capitalism has caused all of the misery in the world. The tiny tyrant also praised himself for his glorious election this year. You know, Mr. Speaker, that is the election where he and his government beat and killed unarmed peaceful protesters that opposed him.

He says the Holocaust is a myth. He wants the destruction of Israel and the United States, and he is building nuclear weapons. Who do you think those weapons are for? And what is the United States' reaction? Well, we canceled our missile defense system in Poland, a defense system that was to protect the United States from intercontinental ballistic missiles from Iran. And our Polish allies think we betrayed our commitment to them and Eastern Europe.

Mr. Speaker, has America lost its way?

And let's not forget Hugo Chavez, the tyrant of Venezuela who railed against the United States. He spoke also at the U.N. He is good buddies with the desert rat of Iran. And a New York district attorney recently said that there is evidence that Venezuela is setting up a Venezuelan missile crisis for the United States. Now isn't that lovely. Why do we send U.S. taxpayer money to the U.N. at all? Twenty percent of U.N. funds come from the United States, and the American public is asking: Why? Why do we finance the U.N. that embraces thugs, dictators, terrorists and everyone who hates America and Israel.

Mr. Speaker, since nobody else over at the U.N. has said it, I will, and I will say this without apology: The United States is the greatest country in the history of the world. We have more freedom and liberty than any people in the history of the planet. We have done more than any other nation to help some of the most ungrateful people around the planet in history.

We should not abandon our missile defense system in Poland. We should reevaluate our financial commitment to the United Nations, and we should never give American money to tyrants of nations in the hope of a blissful illusion of buying peace.

Mr. Speaker, has America lost its way? We shall see.

And that's just the way it is.

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

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

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 Virginia (Mr. NYE) is recognized for 5 minutes.

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

#### MEDICARE AND GAG ORDERS

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, on Tuesday, the Congressional Budget Office headed by Mr. Elmendorf, who is the director, told Senator BAUCUS that his plan to cut \$123 billion from Medicare Advantage, the program

that gives one-fourth of seniors private health insurance options, will result in lower benefits and some 2.7 million people losing their coverage.

Last week, Mr. BAUCUS ordered the Medicare regulators to investigate and likely punish Humana, Incorporated for trying to educate enrollees in its Advantage plans about precisely this fact.

Jonathan Blum, who is the acting director of a regulator office in the Centers for Medicare and Medicaid Services, who used to work for Senator BAUCUS, said that a mailer Humana sent to its customers was "misleading and confusing to beneficiaries who may believe it represents official communication about the Medicare Advantage program."

Mr. Blum has also banned all Advantage contractors from telling their customers what Mr. Elmendorf has told Congress. Mr. Blum, as I said, happens to be a former senior aide to Mr. BAUCUS and a health adviser to the President Obama transition team. So for the record, CBO's Director Elmendorf says that cuts to Medicare Advantage "could lead many plans to limit the benefits they offer, raise their premiums, or withdraw from the program."

But they want to put a gag on the deliverers of this coverage because they are writing to their patients, to the people they are covering, and telling them that they are going to lose coverage if this bill passes, that Medicare Advantage is going to be gutted. Senator BAUCUS is now saying we want to put a gag in the mouths of people who are providing this coverage so they can't tell the senior citizens of this country that they are going to lose Medicare Advantage coverage.

That is a violation of the First Amendment. And, secondly, I don't know of any rule that would allow Senator BAUCUS to do this. This is absolutely a terrible thing. And Mr. Blum doesn't have the authority to do this. Mr. BAUCUS, Senator BAUCUS, does not have the authority to do this, and yet they are gagging the health care providers, the people who are insuring these people and providing coverage, by saying you can't tell them that they are going to lose Medicare Advantage.

The plan of Mr. BAUCUS and other plans here in the House and the Senate are going to cut \$500 billion out of Medicare, and most of it is coming out of Medicare Advantage and they are trying to keep the seniors in this country from knowing it until they get the job done. That is criminal.

First they violate the First Amendment rights of these companies. And, second, they gag them and threaten them with criminal prosecution or some kind of penalties if they don't adhere to what Senator BAUCUS or Mr. Blum says. And then they don't let the American people, the seniors who vote more than anybody else, know that they are going to lose Medicare Advantage and they are going to take \$500 billion out of Medicare coverage.

Seniors need to know this, and yet they are gagging the people who are trying to get the facts out. This is just dead wrong. It should not happen. This is government control in its worst form, and it is something that we should not tolerate.

In addition, I want to read into the RECORD a letter that I got from Dr. Ned Masbaum, who is a forensic psychiatrist in Indianapolis, and he wrote this about the American Medical Association:

"Dear Congressman Burton,

"Thank you for your very well-thought out letter. When I heard about the new AMA position supporting socialized medicine, I felt a sickening feeling in the pit of my stomach. I have been a member of the AMA for over 40 years. Unfortunately, it has gradually become a leftist political cheerleader with the usual pro-abortion and anti-Second Amendment drivel. However, this illiterate position for socialized medicine betrays its own members and the American citizenry. It is so blindsided that it also eliminates the need for the very existence of the American Medical Association. If we all become serfs for the government, we no longer need a formerly scientific professional organization.

"With the AMA headquarters in Chicago, the AMA president and his ilk must have been polluted with Chicago-style politics and their brains have turned to mush.

"This morning, I had a lengthy teleconference concerning the issue with the executive vice president of the Indiana State Medical Association, James G. McIntire, J.D. Apparently ISMA has not yet taken any position. I have also written a letter to the president of the AMA, a copy of which is enclosed, advising my opposition and the intent to resign as a member.

"Please keep up the good fight."

This is the kind of information that needs to get out to Americans. Seniors need to know they are going to lose coverage and \$500 billion is going to be cut out of Medicare.

CARMEL, IN,  
July 22, 2009.

Re your letter of 20 July concerning the AMA.

Hon. DAN BURTON,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN BURTON: Thank you for your very well thought out letter. When I heard about the new AMA position supporting socialized medicine, I felt a sickening feeling in the pit of my stomach. I have been a member of the AMA for over 40 years. Unfortunately, it has gradually become a leftist political cheerleader with the usual pro-abortion & anti-second amendment dribble. However, this illiterate position for socialized medicine betrays its own members and the American Citizenry. It is so blindsided that it also eliminates the need for the very existence of the AMA. If we all become serfs for the government we no longer need a formerly scientific professional organization.

With the AMA headquarters in Chicago, the AMA President and his ilk must have

been polluted with Chicago style politics and their brains have turned to mush.

This morning, I had a lengthy teleconference concerning this issue with the Executive Vice President of the Indiana State Medical Association, James G. McIntire, J.D. Apparently ISMA has not taken any position yet. I have also written a letter to the President of the AMA, a copy is enclosed, advising my opposition and intent to resign as a member.

Please keep up the good fight. Best personal regards to you.

Sincerely,

NED P. MASBAUM, M.D.

CARMEL, IN,  
July 22, 2009.

J. JAMES ROHACK, M.D.  
President, American Medical Association,  
Chicago, IL.

DEAR DR. ROHACK: Your announcement of the AMA's backing of nationalizing health care was shocking to say the least. It was my mistaken belief that the AMA always opposed socialized medicine since it does not work anywhere in the world. It was also my belief that the organization backed Health Savings Accounts as a truly free enterprise American way to solve the economic problems of our current system. Why would the AMA sell out it's own members and the American public?

If you and the AMA do not reverse your current position immediately, you can say goodbye to me as a member of over 40 years.

Sincerely,

NED P. MASBAUM, M.D.

On Tuesday, the Congressional Budget Office director told Senator BAUCUS that his plan to cut \$123 billion from Medicare Advantage—the program that gives almost one-fourth of seniors private health-insurance options—will result in lower benefits and some 2.7 million people losing this coverage.

Last week Mr. BAUCUS ordered Medicare regulators to investigate and likely punish Humana Inc. for trying to educate enrollees in its Advantage plans about precisely this fact.

Jonathan Blum, acting director of a regulatory office in the Centers for Medicare and Medicaid Services, CMS, said that a mailer Humana sent its customers was “misleading and confusing to beneficiaries, who may believe that it represents official communication about the Medicare Advantage program.”

Mr. Blum has also banned all Advantage contractors from telling their customers what Mr. Elmendorf has just told Congress. Mr. Blum happens to be a former senior aide to Mr. BAUCUS and a health adviser on the Obama transition team.

So, for the record, CBO's Director Elmendorf says that cuts to Medicare Advantage “could lead many plans to limit the benefits they offer, raise their premiums, or withdraw from the program.”

Providing of accurate information by Medicare Advantage plans to its enrollees is not prohibited by applicable Federal rules and regulations.

#### AFGHAN ASSESSMENT

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

Mr. COFFMAN of Colorado. Mr. Speaker, in 2007, the Commander in Chief, President George W. Bush, relied on his military commander on the

ground to give him an assessment as to what it would take to turn around what was then a very bad situation in Iraq. General Petraeus made his case before the House and Senate Armed Services Committees, and he was given the resources that he requested. The surge in Iraq provided the necessary level of security that ultimately allowed the political process there to move forward.

Similarly, General Stanley McChrystal has been charged by the Commander in Chief, President Barack Obama, to give an assessment of what it will take to win in Afghanistan and achieve the objectives that the President had committed to earlier this year.

I believe General McChrystal's report was politically sanitized and General McChrystal needs to appear before the House and Senate Armed Services Committees to give an honest assessment of what is going on in Afghanistan.

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 Kansas (Mr. MORAN) is recognized for 5 minutes.

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

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

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

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

#### AMERICAN POSITION AGAINST TERRORISM

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

Mr. FRANKS of Arizona. Mr. Speaker, I stood on this floor about 3 years

ago and called upon the United States to clearly define its position toward what is now the world's largest state sponsor of terrorism, the Islamic Republic of Iran.

I then called upon the IAEA to refer Iran to the Security Council because I believed then that what Western intelligence has long suspected about Iran and what it seems that President Obama is now just beginning to realize, Iran is systematically and relentlessly pursuing the development of nuclear weapons.

Today's revelation that they have a second uranium facility at Qom should remove all doubt in any reasonable person's mind about their inevitable intentions. Yet today's announcement at the G-20 summit by the leaders of Britain, France and the United States reveal that Iran has been covertly operating and developing a new underground uranium enrichment facility at Qom.

It is disgracefully ironic that today's announcement comes only a week after announcing our abandonment of the European missile defense site which could have protected the homeland of the United States against Iranian long-range missiles, and only one day after President Obama chaired a United Nations Security Council specifically addressing the need to halt the spread of nuclear weapons throughout the world. Unbelievably, the resolution passed by the Security Council, under President Obama's leadership, omitted any mention whatsoever of either North Korea or Iran.

But regardless of the Security Council's failure to explicitly address the real and present danger that the peace-loving world faces because of Iran's nuclear ambitions, the fact is that Iran has already disregarded three previous rounds of Security Council sanctions and has continued to aggressively pursue a nuclear weapons capability, including building this underground facility and testing the long-range ballistic missiles that could be used to deliver a nuclear payload.

□ 1215

We have reached a crossroads with Iran, Mr. Speaker, that will result in one of two outcomes: either Iran transforms the geopolitical landscape by becoming a nuclear power that proliferates nuclear and missile technology to terrorists throughout the world and then threatens the very existence of countries like Israel; or, by the world's inaction, we place the tiny country of Israel in the unavoidable position of having to act unilaterally with military force to protect themselves and humanity from the threat a nuclear Iran would represent to the entire civilized world. We must not place Israel in that position, Mr. Speaker.

President Obama's announcement today also offered no assurance and, in fact, was a weaker statement than the statement given by Prime Minister Brown and President Sarkozy, who

rightly said that we live in the real world, not the virtual world, and that the real world requires leaders to make decisions to act.

With its languishing economy and literally centuries' worth of natural gas reserves, Iran's claim that it seeks nuclear capability solely for peaceful purposes is ridiculous beyond my ability to express.

It is now open knowledge that for years North Korea gave false overtures that it would engage in negotiations over its nuclear program while holding every deliberate intention to continue its covert development of its nuclear program. We are lying to ourselves and to the world that similar overtures, if made from Iran, will be any less disingenuous. And the implications for our children and our future generations are profoundly significant, Mr. Speaker.

The world must act. As one former Israeli Ambassador put it, "The game is over." Iran is no longer progressing but has now reached the endgame of diplomatic relations.

Mr. Speaker, I am in favor of every sanction and diplomatic effort possible to prevent Iran from gaining nuclear capabilities. However, ultimately I am convinced the only two things that will stop Iran from becoming a nuclear armed nation and proliferating nuclear terrorism globally in the future will either be a direct military intervention from America or other nations, or the absolute conviction in the minds of the Iranian regime that that will occur if their march toward gaining nuclear weapons continues.

The world must act, Mr. Speaker. For the sake of freedom and for all that free people love, Iran must not be allowed to progress one step further in its pursuit of nuclear weapons.

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

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

#### IRAN: A CLEAR AND PRESENT THREAT

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

Mr. TURNER. Mr. Speaker, President Obama's decision to scrap a long-range, European-based missile defense shield was not only met with concern among our European allies, but more importantly has sounded alarms here at home where the President's action will leave the Nation vulnerable to Iranian long-range missile attack.

Three years ago, in response to growing threats from Iran, the U.S. developed plans to install a missile defense

system in Eastern Europe to protect Europe and the United States from potential long-range missile attack. Under the program, 10 interceptor missiles would be located in Poland and a radar station would be built in the Czech Republic by 2013. The European-based missile defense system would add an additional layer of defense to the continental United States, which already has a small network of interceptors on the west coast.

The European-based missile defense shield was endorsed by our NATO allies, who called it a "substantial contribution to their collective security." Now, the Obama administration has taken the unusual and highly questionable position of canceling the planned European-based missile defense system in favor of a scaled-back program that will not be ready until 2020.

The threat represented by Iran is real and growing. Last February, Iran launched a satellite, demonstrating substantial progress toward achieving a reliable long-range missile program. A month later, the head of the U.S. European Command testified before the House Armed Services Committee that Iran would be able to deploy an intercontinental ballistic missile, an ICBM, capable of reaching all of Europe and parts of the United States by the year 2015.

The President stated his decision was based upon reduced threats from Iran and greater cost efficiency of his alternative defense system—and anyone watching the news knows that there is no diminished threat from Iran. However, a July 2008 classified report produced by the Institute for Defense Analyses concluded that the European-based missile defense system that the administration now wants to cancel would, in fact, be the most cost effective. I have called on the administration to declassify this report so that all of the facts can be known and we can have a robust debate.

Moscow has made no secret of its opposition to the European-based missile defense system and has repeatedly called for its elimination. Furthermore, European leaders have heard from Russian leaders. The Russians have continually shown that they have no intention of pressing Iran to drop its nuclear and missile programs. For its part, Iran also shows no willingness to be deterred by Russia. Yet, the administration, in courting Moscow assistance in halting Iran's nuclear missile ambitions, has effectively chosen to surrender America's bargaining position with its shelving of the proposed missile defense system.

While the Obama administration's decision to reverse course on European missile defense is being met with smiles in Moscow, Americans have real reason to be concerned. By the administration's own admission, its alternative missile defense system will not be able to be fully capable until 2020, with intelligence indicating Iran will have ICBM capability by 2015. This

means the United States could be vulnerable to Iranian missile attack 5 years before the administration gets its new missile defense system ready.

Not only is Iran near its goal of launching ICBMs, reportedly, it has already the ability to construct a nuclear bomb. Last Thursday, a group of experts at the International Atomic Energy Agency stated, in a report obtained by the Associated Press, that Iran is already capable of building a nuclear bomb and is on the way to developing a missile system capable of carrying an atomic warhead.

Remarkably, in the face of Iran's blatant actions to develop a nuclear weapons program, the administration continues to pursue a course of unilateral disarmament. Earlier this year, the President cut funding for missile interceptors to be based in Alaska as part of the ongoing construction of a homeland missile defense system, reducing the number of interceptors by one-third. I opposed that move and offered an amendment in the House to restore the funding. Unfortunately, the President's cuts were sustained by a Democrat majority of the House.

The administration's record on missile defense at a time when both North Korea and Iran are seeking nuclear weapons capable of reaching the United States is troubling. This year, the administration has cut missile defense by \$1.2 billion, reducing by one-third our intended west coast shield which would protect us from North Korea's advancements and has stopped a European-based system intended to protect the U.S. from Iranian missile threats. In the face of known threats, this administration needs to rededicate itself to defense of the United States' mainland.

It is now my honor to recognize our ranking member of the House Armed Services Committee, BUCK MCKEON, who represents California's 25th District, was elected in 1991, has been a leader in ensuring the United States has adequate defense, both that our troops have adequate equipment in their conflicts but also in ensuring that the United States has adequate defense systems.

With that, I would like to recognize Representative MCKEON.

Mr. MCKEON. Thank you, MIKE. And thank you for holding this Special Order.

I think you have done an outstanding job of getting out to the American people the problem with cutting our missile defense system at a time of war. I have been here a little bit longer than you. I came in 1992. In 1992, we had 18 Army divisions. We are down to 12 now. Actually, in 1998, we were down to 10. We've built it back up in the last 10 years. We had 24 fighter wings; we now have 12. We had 546 Navy ships; we now have 283. Do you detect a trend?

Historically, we have cut our defenses after a war. We did that after World War I, so that when World War II came along, we were training with wooden dummy rifles and it took us a

while to get built up into that fight. By the end of the war, we were building hundreds of planes a day, but it took a long time to get there.

But the world has changed. We're not in a situation now where we can build up defenses after the fact. We have to be prepared ahead of time. We had a golden opportunity to do that. The President, earlier this year in the Democratic Congress, passed an \$800 billion supplemental that was supposed to help us get out of the financial system that we're in. The President called for shovel-ready projects, things that could be done immediately to help the economy. Well, just a couple of things.

I also serve on the Education Committee, and we had about \$14 billion in that supplemental for education, education programs, the Pell Grants, which are very important. But to put \$12 or \$14 billion into IDEA and the same amount into Pell Grants—those are long-range things that will help in the long run—it showed where his priorities are, which it's good to find out where his priorities are. But at the same time, out of \$800 billion, \$300 million went into defense; \$300 million out of \$800 billion. Now, that \$300 million went to MILCON, which are important projects, and we need to build on military bases. Nothing went into weapon systems.

When I came to Congress, we were building the B-2 bomber, and it was supposed to be 132 planes. That was what was needed for defense of our Nation. That was planned out. Everybody bought into it. Everybody agreed on it. They ended up building 21. At the same time, we were planning a new fighter because we needed it to compete worldwide with things that Russia and China were doing, and we were going to build 750 F-22s. In this last budget that was just passed in the House—hasn't finally become law yet. We're still in conference, but they have made a decision that now we don't need 750; we can get by with 187.

I don't know what's changed in the world to make it all of a sudden much safer to give us 187, that that will now satisfy the need. It's a trend that's very disturbing, cutting \$1.2 billion out of our ballistic missile defense. Historically, as I said, we have cut our defense after a war. I don't know that we have ever in our history cut our defense during not one, but two wars which we have going right now in Iraq and Afghanistan, and as you've mentioned, the problems that we see with Iran.

Today's announcement that Iran has a covert uranium enrichment facility should really come as no surprise. Why develop a covert enrichment facility if Tehran claims its program is solely for civilian purposes? Why don't they tell the world? Why don't they brag about it if that's what they're doing? I think people understand there's a reason why they're doing it covertly. This deception shows a clear intent by Tehran to hide a growing nuclear weapons capability.

In the unclassified judgments from December 2007 National Intelligence Estimate on Iran's nuclear intentions and capabilities, it was assessed that "Iran probably would use covert facilities, rather than its declared nuclear sites, for the production of highly enriched uranium for a weapon." However, the NIE went further to say that "we judge that these efforts were probably halted in response to the fall 2003 halt, and that these efforts had not been restarted through at least mid-2008."

Well, what I heard this morning in the President's speech is that they had been building this plant secretly, covertly, to enrich uranium for years. These efforts have been restarted. Today's announcement means that previous estimates on when Iran could achieve a nuclear weapons breakout are now inaccurate.

This disclosure also highlights just how uncertain our intelligence can be. Just a week ago, the administration explained that its primary reason, as you said, for scrapping the European missile defense system to be located in Poland and the Czech Republic was because the threat was now downgraded. In December 2007, our intelligence community judged that Iran didn't have a covert uranium enrichment facility. Now, less than 2 years later, it does. How, then, could the administration be so confident in its assessment that Iran can't develop a long-range ballistic missile by 2015, or maybe buy one from somebody?

□ 1230

We need to be skeptical of policy decisions based solely on intelligence. Intelligence can be wrong as much as it can be right. We have to take into account that it cannot be, even with the best efforts of our Intelligence Committee, the sole basis for a decision. I mean, you can also look at human nature. You can look at past history. You can look at how they reacted in the past. Based on that, how can we expect them to react in the future?

We've witnessed Iran successfully use a long-range rocket to launch a satellite into space, work closely with the North Koreans, who themselves appear to be pursuing ICBMs and continuing to expand their nuclear capabilities. What other covert facility programs does Iran have under its sleeve?

Apparently, they came up with this information because they found out that we had already known about it, so now they're telling the world. What else do they have going on that we don't know about or that they're not telling us or that we're not finding out about?

It's time for the Obama administration to do something concrete about it beyond pinning their hopes on upcoming talks and relying on Russia to protect our security interests. This starts with: stronger sanctions against Iran right now; robustly funding missile defense so that now we have defenses in

place before 2018 or 2020, unlike the administration's plan; and an Iran containment strategy, working with our allies, which will deter Iran and will dissuade allies and friends from proliferating.

I want to commend you, MIKE, for the job you're doing as ranking member on the subcommittee. It's a very important job. I appreciate your holding this Special Order and getting this information out to the people. The American people have to understand this important issue.

Our defense is our main responsibility. We do a lot of other things around here, but the defense of this Nation is our number one responsibility. We do a lot of things that we're not obliged to do by the Constitution, but this is our responsibility.

I commend you for the job you're doing. Thank you for holding this Special Order.

Mr. TURNER. Well, I want to thank you, Representative MCKEON, our ranking member on the House Armed Services Committee. I want to thank you for your leadership on the committee, certainly for your leadership of ensuring that we have a quality defense for the United States and also for your highlighting this important issue.

The issues that you've raised concerning Iran are very important. It should not be lost on anybody that, the very day the administration released its decision to drop the European site—to walk away from the Czech Republic and the Poles—the International Atomic Energy Agency released its statement that Iran was nuclear-capable, that they were capable of making a nuclear weapon.

This was on the very same day, as you were saying, that the President said that there was a downgraded threat when, in fact, there is no evidence that the threat has been downgraded. I keep asking the administration to provide us any evidence that the threat is diminishing from long-range ICBM threats from Iran, and we have no information which would indicate that.

Mr. AKIN. Will the gentleman yield? You're getting me upset.

Mr. TURNER. Representative AKIN, I appreciate your work on this.

Mr. AKIN. This is kind of hard to figure out.

I really am thankful. The ranking Republican member, Congressman MCKEON, does a great job on Armed Services, and he is so gentlemanly and scholarly, and he lays the facts out.

I want to just kind of put these things together and ask anybody if this makes any sense at all. What we're going to do is drop missile defense in Europe. Now, this is something for which quite a number of Europeans had to stick their necks out politically. It is the Czechs and the Polish who are agreeing to put this missile defense in. Now, if you draw a line between Iran and New York City, guess what's in line with that? Well, Poland is.

So now we're going to drop this missile defense program to protect our country and Western Europe from rogue states, particularly Iran, which we now know is putting together three things. They're putting together long-range missiles, nuclear warheads and radical Islam. That's not a great combination. So now we're saying the threat assessment has been dropped. How do you figure that? The threat assessment has been dropped when you're putting long-range missiles and nuclear warheads with radical Islam. I don't feel like the threat assessment should have been dropped. I don't know anybody with common sense who would assert that.

Mr. TURNER. Mr. AKIN, you raised a very good point. I'd like you to speak for a moment on this issue:

The European missile defense shield that was intended for interceptors in Poland and for the radar in the Czech Republic was not just intended to protect the United States. Although, it would have provided protection to the United States by 2013, with the President's plan not providing protection to the United States, by their own Web site admission, until 2020.

You make an important point that it wasn't just to protect us; it was also to protect our European allies. In addition to that, the Czechs and the Poles had gone out on a limb.

Mr. AKIN. We cut the limb off.

Mr. TURNER. There had been tremendous pressure on them not to agree to work with the United States.

For a moment, talk about what the unilateralism of the Obama administration does to those allies.

Mr. AKIN. Well, we just basically cut the limb off from underneath them. I mean who else is going to want to partner with us in some sort of a decent effort to defend the Western World from either nuclear destruction or at least blackmail? These guys have gone out on a limb, and we just cut the limb off from underneath them.

What's even worse is the fig leaf of an excuse from a technical point of view—for those of us on the committee, we know this is just a bunch of baloney—of the idea that we're going to use the standard block 3 missile on a ship to stop intercontinental ballistic missiles.

Look, this missile defense stuff is not as rocket science as people think. It's pretty simple. You've got small ones, medium ones and big ones. The big ones are called intercontinental ballistic missiles, and you can't shoot an intercontinental ballistic missile with one of our two-stage missiles off of a ship. You can't do that and make it work very well.

Not only that, think about the logic of what we're saying. The Navy is complaining that they've got a lot of demands in places where they're going to put their ships. Now, if you're going to try and cover this with ships, you're going to have to have probably three ships on station all the time. That's really expensive. It's a lot simpler to

put the radar on the Czech Republic and some ground-based interceptors in Poland.

So we're talking about, first of all, a technical solution which is not going to give us the protection we need. It doesn't even make any sense. Then to say the threat assessments have dropped, the President is just not making sense in the kinds of things that he's talking about.

Mr. TURNER. Representative AKIN, to piggyback on what you're saying here, you're making the point that the system that was intended to be in Europe was the system that would provide the greatest capability at the lowest cost.

Mr. AKIN. Right.

Mr. TURNER. You have a great reputation with your leadership in the House and for being the ranking member of the Seapower and Expeditionary Forces for the Armed Services Committee. You were elected in 2001, and you've got a great record of service.

One thing that, I think, is important is that we don't just have to take your word for it. There is the Institute for Defense Analyses' unclassified excerpt of the executive summary for the independent assessment of the proposed deployment of the ballistic missile defense system in Europe. This was presented to our subcommittee at the beginning of this year. This was asked for by the Democrat leadership to do an assessment of exactly what you just said—to compare the system that's being proposed by the administration and the system that was intended to go into Europe. This report, which is an independent assessment, reads that the most cost-effective way to protect the United States was the system that this President just scrapped.

Mr. AKIN. I'm the ranking member on Seapower, and you know, there's something that just doesn't make sense.

I've been aboard our ships that have these standard block 3-type missiles on them, okay? I've talked to the people who run those systems, and they tell me, if North Korea launches an ICBM, their chance of stopping it is about 1 percent. The reason is that the missile on the ship is a two-stage missile. It doesn't have the velocity and the ability to get on track with a much faster, higher-moving missile.

So that's why I say you've got small ones, medium ones and big ones. You fight the big ones with big ones, and the big ones are ground-based interceptors. It's a three-stage. That's why we have them in Grayling, Alaska, that's why we have some in California, and that's why there should be some in Poland.

This decision, I believe, was made all based on politics and not based on logic. I'll tell you what makes me secure. It's secure when we have American troops defending American homelands instead of vague promises from some Russian or some Iranian leader that everything is going to be okay.

Mr. TURNER. Representative AKIN, reclaiming my time, I appreciate your comments.

I would like to yield to Representative BISHOP, who is from Utah's First District. He was elected in 2003. He is the former speaker of the House of Utah, and is a great champion for national defense on the Armed Services Committee.

I know you have thoughts about this, and I would like to yield to Representative BISHOP.

Mr. BISHOP of Utah. Well, I appreciate the gentleman from Ohio for giving me this opportunity.

I am pleased to be with the gentleman from Ohio and with the gentleman from Arizona, who will be speaking, I believe, in just a moment. They have really turned out to be experts on our missile defense system, as well as the gentleman from Missouri, who clearly understands the technical nature of what we can do both on the sea as well as on the land.

I am deeply concerned about what we have been talking about in this area. It is very clear that this decision, based on what will happen in Europe, has significant long-term implications to our relationship with those European allies. The gentleman from Ohio and I have been, on several occasions, meeting with German officials as part of the study group on Germany. Is there really an opportunity, once this country has reversed course this way, to expect them to trust us in long-term decisions and in long-term commitments?

I hate to say this, but the idea of our developing a stronger bond with Europe based on this decision, the idea that the current Iranian regime will become nice in its relationships with the rest of the world—I mean I'm sorry. My beloved Cubs, Mr. Speaker, Mr. Parliamentarian, my Cubs have a better chance of making it to the World Series than the Iranians have of becoming nice all of a sudden unilaterally, or the fact that our European ties will be built stronger because of this particular decision.

If I could, I'll expand this slightly and take us a little bit afield because this does deal with the impact to our European defense; it does deal with the impact of the defense of the eastern coast, and it also deals with the impact of the defense of this entire country. We right now have 30 ground-based missiles to defend the entire country, and they're all situated in Alaska—in one spot.

We talked earlier with other administrations about extending that to other areas, which makes sense, about growing that number, which makes sense, about taking not just a ground-based system but also a kinetic energy interceptor system to try to spread out our defense, which, to me, makes sense.

This administration, much of these decisions being made under a unique gag order by the Secretary of Defense, simply took the process of halting our growth so that, once our 30 missiles are

gone, there is no replacement. Halting the kinetic intercept system, even though we were ready for the first test-fire and everything had run smoothly up to that time, simply putting a stop-work order and halting it. Halting the increase in production of our ICBM defense system. All at the same time.

I want to put out one other element that has an impact, because I see these people every day. Look, I grew up watching "Bewitched." If there's one thing I noticed from that TV show it's that Samantha wasn't real. Nobody can wiggle his nose and create a new solution.

Once we decide to unilaterally stop the production of these missiles, if at some point in the future we decide maybe we made a mistake, you don't easily and quickly fix that mistake because, once the industrial base is gone on these elements, you don't bring it back. You cannot simply turn the spigot on and off and, all of a sudden, have the engineers who know the problems and who have worked through them, come back to work for the government.

As one of the generals who was talking to me off the record simply said, Look, first of all, when the work base is gone, it is gone, and we don't bring it back. Most significantly, the first people who leave are the ones we really want. It's not the worst employees who leave first; it's the best employees who leave our industrial base first. Those are the ones we want.

If at some time we decide we were wrong and we have got to fix this problem, that there maybe is a greater threat than we're anticipating. It will cost this government significantly more to restart that work base. It's not just a matter of we're throwing people out of a job. It's not just a matter of boom-and-bust economies. It's the fact that we will have to spend more to recreate what we already have if, indeed, the threat is more significant. Some people in the military currently see that.

Mr. AKIN. Does the gentleman yield?

Mr. BISHOP of Utah. I always yield. Every time I take a breath, I'm ready to yield. I just breathed.

Mr. AKIN. To me, it seems like you've understated how bad things are, because not only is the industrial base closed up, the buildings shuttered, the engineers working on some other project at some other place, but it takes time to get it back on track. If somebody is shooting missiles at you and they're going to arrive in half an hour, that's not very much time to start up a business and to rebuild your missile defense. You just can't do it in that amount of time. This requires planning.

The gentleman's numbers and statistics are right. The only thing is, they do have ground-based not just in Alaska. I think there are a few in California, but it's not spread out. Am I wrong on that? I thought there were a couple of them in California. Anyway, the point is right, which is that they're

not spread out. The other point is we're using something to kill something that isn't designed to work from the beginning. It just doesn't make any sense.

As the gentleman has expanded the topic a little bit, let's talk about the different things that have been cut.

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Mr. TURNER. Before we move on, I would like to go to Representative TRENT FRANKS who is the Chair of the Missile Defense Caucus of Arizona's Second District, elected in 2003. We were elected at the same time.

Representative FRANKS was talking just today about the covert issue of Iran and what they have announced with their secondary site. You have been a leader on this, both in highlighting the issue, making sure that the technical discussion goes forward so people know what's at risk and what we have the capability of.

But on the threat side, this administration has stepped forward and said that we have a threat that is not the same as we thought. They say it's lessened. Everybody else that I talked to believes that it's either increasing—but no one will say that it is actually diminishing.

Representative FRANKS, I would love for you to talk about the threat issue to our families.

Mr. FRANKS of Arizona. I appreciate the gentleman very much. I have to say, Mr. Speaker, I think all of the previous speakers have covered critically important points.

Before I give a statement related to the European site primarily, I just want to say I was struck by the chairman or chairman-to-be, we hope, of the Strategic Forces Committee, your comments saying that the statement that was made by the IAEA related to Iran's nuclear capability came on the same day that the President decided to abandon the European site, I thought were profound. Because, in reality, this ostensible alternative that the President suggests that we can put in place of the ground-based system, we were going to build anyway.

That's nothing new. All we have done is to take out the equation of the ground-based system that, as Mr. AKIN says, would have had the actual capability of interdicting ICBMs. That's all we have really done.

Of course, the system we were building in Europe could have protected the American homeland. Any ability to do that in this so-called alternative that we were going to build anyway will be out around 2020.

I just appreciate the gentleman being able to point out that critically important point, because I believe, Mr. Speaker, that the Obama administration's decision last week to abandon the European site will go down in history as a crossroads in European and American relations.

I am afraid that this and future American generations may be greatly affected. When the administration de-

cidated to abandon U.S. plans for a ground-based missile defense site in Europe, I believe the President fundamentally disgraced and weakened this Nation by breaking his word to our loyal and courageous allies in the Czech Republic and Poland.

Mr. Speaker, America has become the greatest Nation in history because our word has always meant something. The announcement to abandon the protective missile defense shield in Europe has fundamentally altered that paradigm. After the decision was announced, the newspaper headlines in Poland and the Czech Republic stated the situation in the very starkest of terms.

One Czech newspaper had the quote: "Betrayed, the U.S.A. has sold us to the Russians and stabbed us in the back." That's an incredible statement. In the Czech Republic, the daily Lidowe Noviny commented, that's one of their major newspapers, Obama gave in to the Kremlin. This has weakened America's place in the world.

Mr. Speaker, President Obama's decision to abandon our faithful allies and instead placate Russian belligerence came on the 70th anniversary to the exact day of the Soviet Union's invasion of Poland after two of humanity's notorious monsters named Stalin and Hitler insidiously agreed to divide the nation of Poland between themselves.

Our allies deserve better than that, Mr. Speaker, after they stood bravely in the face of Russian aggression and paid a tremendous price politically and otherwise to stand by us. They had a right to expect America to keep her word and to stand by them. But, ironically, Mr. Speaker, Mr. Obama's terribly flawed reasoning for the abandonment of the European missile defense site really has everything to do with Russia, because Russia has always hated the missile defense plan because they don't want American presence in their quote former "empire." Knowing that this would diminish Russia's influence in the region, even though the Russian military would not be threatened in any way by the European site, it would not be any real defense of any kind against the Russian federation strike.

Russia's leaders know that if an American radar is placed in the Czech Republic and the American missile interceptors are placed in Poland, those two sovereign countries would be stepping further away from the shackles of Russian oppression in the East and joining with the Americans in the West for the cause of democratic independence and human freedom.

Mr. AKIN. I think you just covered something that is absolutely amazing. You know, we don't put enough emphasis, maybe, on history. You are saying to the very day 70 years from the time Russia invaded Poland is when we just drove the knife in the back of Poland and cut the ground out for them as they were trying to defend their own country and the European countries. Is

that what I just heard, 70 years exactly to the day we just sold them down the river?

Mr. FRANKS of Arizona. Yes, sir. Of course, as Mr. TURNER said, on the exact day that the IAEA said that Iran was gaining nuclear capability.

Mr. AKIN. On the same day that the IAEA is saying that Iran is gaining nuclear capabilities; and 70 years before when Poland was invaded, we make the brilliant decision to abandon Poland, to abandon the one tool we have to stop intercontinental ballistic missiles and hold this fig leaf of an excuse that we could use a medium-range missile to try to stop things. This is a horrible decision.

Mr. TURNER. The important point, I think, for the IAEA's, International Atomic Energy Agency, statement is that they are saying it's no longer theoretical. I mean, we are not standing on the House floor, the four of us, saying that we are ringing a bell of the threat to the United States. This independent International Atomic Energy Agency says that Iran has the capability now, today. It's not as if someone is saying in projecting the future, this independent agency, which is charged for overseeing this, being the agency that is supposed to know what capability that countries have, has made this announcement saying that they are today capable of making a bomb.

When you couple that with what Iran has accomplished with their missiles, having already put a satellite into orbit, again, we are not talking theoretical again. This is not as if we are projecting that some day Iran is going to have a missile. Iran used a missile to place a satellite in orbit, the same technology that you would be utilizing in order to reach the continental United States.

Those two technologies, the nuclear capability and the missile technology capability, are coming together to be a real threat to the United States. Now, here is the thing that just confuses me most about the administration's statements.

We know that the plan that they just scrapped would have placed interceptors and radar in Europe that would have been available to protect the United States from intercontinental ballistic missiles projected by 2013, could be 2014; 2013 is when it was projected to be completed.

The President comes forward with his plan and says Iran is going slower—no indication that anyone has or that we have that Iran is going slower—but all intelligence says that Iran could have this capability to reach the United States with their nuclear weapon by 2015. The President comes forward with a plan that says we are going to be ready and able to protect the continental United States by 2020?

This is a gap of 5 years there, even if you use the President's numbers. You use their numbers, you go to their Web site and you see 2020. You see Iran's ca-

pability from all intelligence agencies is 2015, and they could be sooner. As Ranking Member MCKEON said, they could buy it, or they could have advances.

But this President, sitting here in 2009 says, I don't have to be prepared. The next generation isn't going to be prepared for the next 11 years; 2020 is 11 years away; and he says, I am not going to have the capability, I don't need the capability. I don't need the capability to protect ourselves from a country that the International Atomic Energy Agency says has the capability to produce a nuclear weapon and where our intelligence agencies say will have the capability of a missile.

Representative FRANKS, I know you have some thoughts on that.

Mr. FRANKS of Arizona. You are exactly right. Here is the thing that is most profound to me. Since the timeframe that you mentioned is correct, that means that any alternative system could come far too late to have any influence on Iran's calculus to go forward with its missile program or its nuclear program.

The idea if we had the ability to knock down anything they threw up, anything that they should launch, if they knew that America could interdict those missiles, all of a sudden they might say we are taking a tremendous chance, maybe on a military intervention here. You never know, and if the Americans can knock this down anyway, maybe we should reconsider. That was the hope.

Mr. TURNER. You are right, the deterrence, the deterrence effect it would be.

Speak for a minute, Representative FRANKS, on Russia because this also amazes me. This President has had Russia say to him abandon your missile defense of the country. He has done so without a concession from Russia. At the same time he is on the eve of going into the START negotiations where Russia is going to be asking for additional concessions from the United States. But there are those in the press, because I was on a couple of talks shows, and they said, well, this really isn't about Russia because this missile defense system was no threat to Russia.

Why is it, if it's no threat to Russia, that Russia would be asking or that we should be conceding? Do you really think the administration is going to be able to advance our security by putting our missile defense system down for Russia?

Mr. FRANKS of Arizona. Well, I absolutely do not. You know, we have had a lot of Russian belligerence lately, as you know. They have spoken against this for a long time. But the report surfaced in March of this year that the President was going to offer Russia a promise that the United States would not build the missile defense site if Moscow would commit to helping us to discourage Iran's nuclear program. That was the so-called equation.

But you have to recall that Russia was actually the one who has already delivered nuclear fuel to Iran. They were the one who was paid \$800 million to help build the Bushehr power plant in Iran that could have implications for building fissile material in the future. Of course, they have been complicit in helping them with their missile program.

Moreover, it is just this week—I think this is an important thing to know—Venezuela's Hugo Chavez announced the purchase of more than \$2 billion in arms from Russia, including rocket technology, and has declared that Venezuela will get started on a nuclear program with Iran's help. This is some sort of unholy alliance here. To somehow suggest that Russia is going to be a help here, I think, is naive beyond degree.

Mr. TURNER. Representative BISHOP, you were talking about the issue of our industrial base. It has a huge impact when we defund programs because then we lose capabilities that we currently have. If we are not making these interceptors anymore, or if we are lessening the number of interceptors, then we are diminishing our capabilities to defend ourselves.

But we pay a really great cost in the issue of innovation. When you defund a program, not only do you lose the intellectual capital that's there, but what we want to do next suffers. I know you have been a big advocate for ensuring that we invest in our industrial base and for ingenuity in the future.

What are your thoughts on what actions that the administration has taken, its impact now?

Mr. BISHOP of Utah. Well, we were talking about cutting back on all of these missile defense programs, not in Europe, but also with our ground-based kinetic energy to save \$1.8 billion. If we look at what we have been throwing around for stimulus money, for other types of programs, even Cash for Clunkers, it kind of is very small in relationship to the impact it is having on research and development. What does it actually cost to try to defend this country?

I appreciate the historical context some of you have been putting into it. The fact that the decision in Europe was announced 70 years to the day, let's face it, if you want to go to some other irony, the time that Secretary Gates was saying that he was going to stop the production of more than 30 ground-based missiles in the KEI was the exact same day the North Koreans were shooting a missile that was threatening Japan going over it.

He was holding a press conference, reassuring the State of Hawaii that we had enough missile defense system to protect everybody on the date of their second shot. I think one of the things we need to do in America is quit holding press conferences about our missile defense and making decisions, because something bad always happens on those particular days.



But it is undisputable, the fact that every program that is started has glitches in them that have to be worked out. That's why you want an experienced work base to try to be there who have gone through that program, who have worked through it, who know what works and know what doesn't work so you don't have to keep reinventing the wheel. As you said, even if we were going to save \$1.8 billion by not doing this, if at some point we realize along the line that 30 missiles is not enough to defend this entire country, it is going to cost significantly more than that to rebuild it.

We, for example, on the ICBM rocket motor program wanted to keep a warm line in the industrial base so that we could churn out a minimum number of missile motors so that we could refurbish those ICBMs that we are going to keep. Well, we didn't put enough money in the budget to do that.

What it meant was that there were people who were laid off because the private sector could not keep that warm line functioning. Even though the military knew they insisted they were going to have to have a warm line, what it meant in the long term was instead of putting about \$10 million or \$20 million in the line, they are going to have to put four times that much money to start the warm line project again.

What I am trying to say is here—and we are throwing around a lot of numbers, let me try to make this easier—it is cheaper for us in the long run to keep an industrial base of experts so that we can maintain what we have and try to find the research and development to improve what we have.

If we start and stop, it is expensive to restart, to reboot that program. It does not save us money in the long run.

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It does not give us better defense in the long run. It does not help with research, and it doesn't help people who lose their jobs, gain their jobs and lose their jobs and uproot their families when we don't benefit from it in the long run.

I appreciate you bringing that particular issue up.

Mr. TURNER. One of the things I find fascinating about this administration's funding requests is that they've cut ground-based missiles in Alaska. They've cut the ground-based missiles that were planned to go into Europe. They have done so by trying to sell that they're committed to Aegis and THAAD as defensive systems. And in their plan that they put out upon canceling the system in Europe, they said we're going to invest more heavily in those systems.

Well, let's look at what they really did. Because, obviously, if they say they're going to do it, we'd all think here that in this body, the legislation that's coming through this body would reflect the administration's commitment to that.

However, although this administration has talked about increasing theater missile defense inventories, Aegis and THAAD, and have added \$900 million in the budget, we're not seeing the sizable inventory increases reflected in the budget. For example, in FY 2010, the budget acquires less Aegis SM-3 interceptors than the initially projected FY 2009.

So what does that mean? It means that in FY 2009, when the budget came through this House, there was a certain level of purchases that had been indicated for the SM-3 interceptors. And what did the administration do? They came in asking for less. The FY 2009 budget projected that 24 additional SM-3s would be required in FY 2010; yet the FY 2010 budget requests only 18.

Budget documents indicate that the SM-3 inventory will grow from 133 interceptors to 329 within 5 years. Let's do that again. The budget documents indicate that the SM-3 inventory is supposed to grow from 133 interceptors, what we currently have, to 329 within 5 years.

Where will the additional SM-3s come from in the out years? If so, what other programs are going to be squeezed? How are they going to go from 133 to 329 when they're buying less than what was proposed? Where's the big request for the additional ones?

The FY 2009 budget indicates three additional THAAD batteries will be acquired; yet the budget requests no funds for additional THAAD radars. According to the contractor, major suppliers could go cold in FY 2010. So for the administration to say, We're not against missile defense. We're not eliminating missile defense. We're just shifting focus. They're not shifting focus. They're not even buying what was planned.

Representative FRANKS, I know you have been a big advocate for all of these systems.

Mr. FRANKS of Arizona. I agree. I guess I just repeat that we were trying to build out these systems anyway. This was something that was already on the drawing board. We want to have a robust system that is able to interdict short-range, medium-range, and long-range. And THAAD and Aegis, none of us on the Republican side would argue one moment that those aren't important, but the challenge is that we're taking away our ground-based system, which these other things are still on the drawing board, in many cases.

I thought that Mr. BISHOP made a point that was so critical. It might be my last point here, Mr. Chairman, if you would let me make it, because it's really a quote to Mark Helperin in the Wall Street Journal after the President's decision last week to abandon the plans for the European missile defense site. He stated it this way, kind of that historic, 50,000-foot view thing that we're talking about. He said, "Stalin tested Truman with the Berlin

Blockade, and Truman held fast. Khrushchev tested Kennedy, and in the Cuban Missile Crisis Kennedy refused to blink. In 1983, Andropov took the measure of Ronald Reagan, and, defying millions in the street, Reagan did not blink. Last week, the Iranian President and the Russian Prime Minister put Mr. Obama to the test, and he blinked not once, but twice. The price of such infirmity has always proven immensely high," Mr. Speaker, "even if, as is the custom these days, the bill has yet to come."

Mr. TURNER, I would just say this in closing here. If the Obama administration continues down this road of appeasement and denial, the Nation of Iran will gain nuclear weapons capability and pass that technology on to terrorists, as well as perhaps even the weapons, and this generation and so many to come will face the horrifying reality of nuclear jihad.

Those of us who have been blessed to walk in the sunlight of freedom in this generation will relegate our children to walk in the minefield of nuclear terrorism in the next generation.

I just hope that somehow reason can somehow be injected back into this system and we can understand, from a historical point of view, that when we stood up to despotism in the past, it was always a good thing. When we counted on appeasement, it always hurt us. I just pray that we can catch it soon enough here.

I thank you for the opportunity.

Mr. TURNER. Thank you, Representative FRANKS. I appreciate your comments on that. It's very important we look at this through the lens of the administration's policies with respect to Russia.

There is no historical perspective where conceding to Russia early has ever gained anything at the bargaining table. When you concede to Russia prior to entering into negotiations, they say, What else am I going to get when I get to the negotiating table? They never say, Well, that was very great of you, and I appreciate what you have done. I'm now going to do something, too.

In this instance, the President had already signaled in a letter that allegedly went out in the beginning of the year that he was willing to look at conceding on missile defense for Russia's help on Iran without any indication whatsoever that Russia is willing to help. In fact, as you have pointed out, Representative FRANKS, they have done the opposite. They have been active in selling technology and providing technical assistance to Iran.

But also, Iran has shown no indication of their interest in being dissuaded, and, in fact, the International Atomic Energy Agency said, Time for persuasion and time for dissuading is over; that Iran is now declared by the International Atomic Energy Agency to have the capability to create a nuclear weapon. That was announced the very same day the President decides to

abandon the nuclear shield that we should have had with our missile defense shield, with the President moving from what would have been a 2013 deployment for a missile defense shield in Europe to a 2020 protection.

So I appreciate your points with respect to Russia. As we enter the START negotiations, obviously we have a significant amount of concern as to what this administration is going to be doing with respect to our strategic assets, having already compromised on our missile defense.

Representative FRANKS, thank you for being with us and participating in this.

Just to recap for a moment as to where we are timewise, the President has put forth an alternative plan for missile defense that he says is going to be available for protection for the United States for intercontinental ballistic missiles by 2020. He scrapped the plan that was intended to provide protection for the United States from ICBMs by 2013.

All the intelligence that we have to date shows that Iran could have ICBM capability by 2015. The International Atomic Energy Agency says that Iran already has nuclear capability. Let's put that into a calendar.

We would have had a system that would have protected us by 2013. The President has taken that off the table. The intelligence agencies say that Iran could have nuclear capability, coupled with missile technology, that could reach the United States by 2015. The President says, That's all right. We'll wait for another 5 years and have capability to protect the United States by 2020.

That's an unreasonable time period to put the United States at threat with this threat, and it's one that we should all be concerned about.

I have asked the President and the Secretary of Defense to declassify this report from the Institute for Defense Analyses. It's an unclassified excerpt, executive summary, which I'm holding here, of an independent assessment of the proposed deployment of ballistic missile defense systems in Europe that said that, actually, the system that he scrapped would have been the most cost effective. It would have been a system that would have provided 24-hour coverage at the least amount of cost and, by the calendar that we just have discussed, would have been available as early as 7 years earlier than the President's plan for protecting the United States.

While the administration has dismantled our capabilities in Europe, at the same time they have cut missile defense overall by \$1.2 billion, lessening our capabilities in some very important systems, including diminishing, by a third, our capabilities in Alaska.

The administration has indicated that they can use our Alaska ground-based missile systems to protect the United States if Iran should get capa-

bility earlier than their system is available in 2020, but to show their commitment to that system, they've cut it by a third. So we're actually going to have less capability there.

Now, in addition to the lessening capability in Alaska, we are losing the opportunity for what would have been an integrated system. With THAAD and Aegis and the European system and Alaska, we would have had opportunities for multiple shots if the United States should have a threat that is posed to us. And, as Representative FRANKS indicated, this system, once in place, would have acted as deterrent to stop the advancement of missile technology and hopefully say to countries that the United States is advancing the type of technology that would provide us the important protection that we need.

The impact of the President's decision on our European allies is one of which many people have grave concern. Both Poland and the Czech Republic are very concerned that this administration unilaterally made the decision to abandon the missile defense shield and to leave them having taken the step of agreeing with the United States, in the face of Russian opposition, without a United States partner there, without a system moving forward; both of those countries having made statements indicating their concern of a continuing strong relationship with the United States.

I know that we all remain concerned about showing to our NATO allies that we remain committed to a strong missile defense for this country, strong deterrence in the area of nuclear proliferation, and this administration, by taking this step backward, weakens, overall, our capabilities and certainly those relationships.

Representative BISHOP, I know one of the areas that you spoke on at the House Armed Services Committee as we were moving forward with the National Defense Authorization Act was this overall cut to missile defense of \$1.2 billion. When we look at what it's doing to Alaska, it is lessening our capability. The missile shield that was there was intended to have 40 interceptors. The administration has cut it to 30.

They've significantly diminished the airborne laser. They have reduced the other programs that they've indicated that they're going to rely on with Aegis and THAAD, actually lessening the amount of investment that was projected in FY 2009.

I know you're concerned about what that cut represents, and so am I. Perhaps you could speak for a moment on that \$1.2 billion cut that this House and Senate and this administration is advancing at a time that we know that North Korea and Iran are getting increased technology.

Mr. BISHOP of Utah. Well, if sometimes you put a spin on it to try and allow talking not just necessarily about the numbers that we're throwing

out there but the human face of what this means, about the individuals who actually are working in these programs to try and make this country more secure, they're the ones who are losing their jobs, which is okay if there's a long-term purpose. But I think you actually put it very well, brilliantly well, in saying so simply that the decision in Europe, instead of being prepared 2 years before the threat is viable, we're now going to change that to be prepared 5 years after the threat is viable. That makes no sense.

In that term, saving a billion dollars is not necessarily in the best interest of this country. Not only do you hurt individuals who are working in that area, but you hurt the entire Nation, who is depending upon their results to provide us with some modicum of protection.

Not only does it not make much sense to say, okay, we already have the holes dug, we're ready to put the missiles in there, and now we stop, even though all the parts are there; not only does it not make sense to say even though the missile is already at Vandenberg Air Base in California, we won't go ahead and finish the test to see if it would have worked or not or how effective it would be; those are not productive approaches. And it illustrates that we, as a country, are now in the position where we seem to be vacillating with not a clear and precise idea of where we want to be in the future and what we will use to defend ourselves in the future.

As the gentleman from Ohio correctly said, even if your assumption is we'll take money and we'll shift it to some other place, to announce shortly after that you're going to flatline military spending and still want to find \$60 billion in some kind of savings within the system doesn't mean we're actually going to move forward in any particular area. It puts us into a world that is very, very dangerous.

In the 1930s, we decided to cut our fighter plane program because we wanted to save some money, and when World War II broke out, we found that our bombing runs were having over a 20 percent casualty rate, which was unconscionable. We stopped our bombing runs until we could build up the fighter program to accompany them.

We no longer have that luxury of time. We live in a world where we no longer have the luxury of time, which Abraham Lincoln understood was part of the strategy you have in warfare. We don't have that anymore.

We must be prepared now, not to find out we made structural and strategic mistakes sometime down in the future when we don't have the ability to repair that situation.

□ 1315

Mr. TURNER. Thank you, Representative BISHOP. I appreciate your tenacity on this and your advocacy for national defense.

To give a recap of the time frame that we're dealing with, this administration scrapped a plan that would

have provided a missile defense capability to the United States mainland from Europe that would have been available as early as 2013. All of our intelligence agencies are indicating that by 2015, Iran could have missile technology to reach the United States. That's why we needed that missile defense technology in 2013. They were going to have ICBM capability by 2015.

The International Atomic Energy Agency said just last week that Iran already has the capability to produce a nuclear weapon. So when we're talking about 2015, and they are going to have the ICBM capability to reach the United States, we are talking about a missile perhaps with a nuclear warhead. This administration scraps that plan and, instead, proposes a plan that will not be available until 2020.

So by all the information we have right now, this administration's action has a 5-year gap that has developed in the time period where the administration is accepting the capability by Iran without having the missile defense technology to protect the United States.

What else are we hearing from Iran? Today there was an announcement that Iran has a covert uranium enrichment facility. This should come as no surprise. This is a country that has continued to seek missile technology, nuclear technology and nuclear capability. We understand that Tehran is not just trying to do this for civilian purposes, that it actually represents a threat to the United States, and that's why people have been such advocates to ensure that this country has the appropriate missile defense technology to protect the country.

So the administration responds and says, It's not just 2020. We have capability in Alaska. That will be our backup plan. We can use our missiles in Alaska to protect the United States from Iran.

The problem with that is that this administration, through this House just this year, cut Alaska's missile defense capabilities by a third. So we would have had our AEGIS and THAAD capability, we would have had our European capability, and we would have had our Alaska capability, perhaps for multiple shots that could have occurred in order to protect this country from Iran's quest for an ICBM with it, as is now said by the IAEA, to have a nuclear capability. Instead, this administration says, We're taking Europe off the table. We are going to rely on what we have, and we're going to take our Alaska capability and cut it by a third.

It puts our country at risk. It puts our families at risk. The President should reverse this decision and should proceed with supporting our allies in NATO, supporting the Czech Republic and Poland, who have been there for us, and put the system in place, protecting the United States.

The President said that the system that he is doing is more cost effective. There is a classified report—I have an

unclassified version of it—an independent assessment of the proposed deployment of ballistic missile defense system in Europe. This report says that the most cost-effective plan was the one that he just scrapped. I will end with reading a letter that I sent to Secretary Gates, requesting that he make this independent assessment and study available. We hope that he releases it so we can have a robust debate on that.

#### MISSILE DEFENSE

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.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized for the privilege and the honor to address you here on the floor of the House of Representatives.

As we wrap up this congressional week and I listened to the gentleman from Ohio, the gentleman from Utah and the gentleman from Arizona talk about missile defense and our national security, what I have heard over this last hour is a technical, tactical, strategic explanation of why America has taken the positions that we have, the decisions that have been made in the previous administrations, and I think a clear and stark analysis of what apparently is a huge diplomatic mistake made by the President of the United States.

I would make the point that those who defend him seem to always revert back to a default position of, The President must have gotten something for it. They speculate that there must be a quid pro quo to pull the rug out from underneath the Eastern Europeans—in particular, the Poles and the Czechs—who in their headlines, as I believe Mr. FRANKS said—the headline in one of those papers said “Betrayed!” To betray the Poles and the Czechs, the United States of America, the integrity of our Nation and the confidence in our national security have been diminished in a way that probably can't ever be rebuilt.

But those who defend that decision will argue, Well, the President is a smart negotiator. He is a brilliant man. Therefore, we have to trust his knowledge and his judgment because he must know something that we don't. Yet I haven't heard one of these imaginative characters that can defend anything and advocate for anything come up with a single thing that would be worth doing what the President did. What could possibly be worth giving up the integrity and the credibility of the United States? What could possibly be something that could come out of any negotiations with Iran or Russia that could emerge as a plus on this side that would offset the loss of international credibility, the word of the United States and our commitment to our allies, let alone giving up the strategic position of being able to take out Ira-

nian missiles shortly after they leave the launching pad, instead of leaving this 5-year window, as Mr. TURNER just said?

If your President is so much smarter than you are that he must have gotten something accomplished behind the scenes that's so valuable that even you can't conceive of what it might have been, I don't know if you call that a rational thought or a religion. But, Mr. Speaker, we're in a situation here where the United States and the world is in a very, very dangerous place. This globe is a giant chessboard; it's a giant Monopoly game, and it's a giant Risk game that's going on. It's a giant poker game that's going on. And there are some poker players, chess players, Risk and Monopoly players out there that are really good and really smart, and they spend their time trying to figure out how to outmaneuver the United States. It has taken place ever since the dawn of the Soviet Union, and the Monopoly game here in the United States broke the Soviet Union, and they imploded.

Now we have Putin over there on the chessboard, at the poker table, and he is making moves on this global chessboard that seek to reconstruct what he can of the former Soviet Union. It's been in his interest to cause Iran to be a thorn in our side and for us to think that we could ask Putin to, well, be open and do us a favor and maybe he could talk real nice to the Iranians and they would stop their nuclear endeavor—after all of these years and these billions of dollars spent and the great diplomatic risks that they take?

These people are not going to just simply tip over their king and walk away from this chessboard. For the President to think that dialogue is diplomacy and that you can accomplish things just because you talk about it is an inherently left-wing, myopic European view, and it's something that I've heard from their mouths in the discussions that we have over in that part of the world.

We have with us Mr. BISHOP from Utah who has significant insight into that part of the world, the politics of Western Europe as well as geography of that part of the world—Iran, the Middle East, Eastern Europe and also Western Europe. I have asked the gentleman if he would stick around long enough to impart some of that broader view to explain the forces that are at play in this dynamic, the forces of Russia, the forces of Iran, the Islamic effort that's there, the Israeli position that's there, the threat that comes from Iran threatening to annihilate and wipe Israel off the face of the Earth.

And by the way, this move, in my view, brings it closer and closer that Israel likely will have no choice but to at least attempt to take out the nuclear capability of Iran. Their survival might very well be at stake. So this move that might look like its a move designed to pacify the Russians might

well end up being something that compels the Israelis to make a military strike. And it may well be a tool that, once removed, the missiles are in the Middle East, and this is a decision that is now made that moves us to the inevitability that there will be military action take place as a result of a pacifist action on the part of the President.

This is what comes when you go to—let me call it the Neville Chamberlain School of Diplomacy or capitulation, for remember when he returned from Munich waving a letter saying that he had achieved “peace in our time.” Well, that peace in our time didn’t last long. I was thinking about the situation of how it was that Hitler actually negotiated with the Russians for a while and that ended up with Poland being divided and a global war as a result.

I would be happy to yield as much time as he may consume to the gentleman from Utah. I am interested in your perspective on this global chess, poker, Monopoly, Risk game that’s taking place.

Mr. BISHOP of Utah. I appreciate the gentleman from Iowa spending some time talking. We had the opportunity earlier this year of traveling to Germany together to meet with the chancellor, the foreign minister, the economics minister, the interior minister, several of those to talk about it. I recognize that I’m not putting myself here as an expert in this particular area because sometimes it is a matter of perspective.

I know at one time when I was over in Germany meeting with our fellow parliamentarians, who are members of the Bundestag, that I was amazed as we started talking about the impact of the Helsinki Accords on the ultimate destruction of the Soviet Union and the falling of the Communist empire. They seemed to have a greater emphasis on the significance of the Helsinki Accords than I have ever heard any political scientist in the United States putting on it.

So sometimes there is that perspective that is somewhat different. But in dealing specifically with how we should resolve and go forward, specifically with Russia which is rejuvenated, there are a couple of things to keep in mind. I’m not sure quite how you play with them all, but there are a couple of things to keep in mind. The first one to keep in mind is, the Russians have not played nice with their neighbors who used to be part of the empire. So the Ukrainians, they clearly cut the oil and gas and threatened the economic security and independence of the Ukrainians at a time when it was not the most convenient, and it created more political instability in the Ukraine, as if that was a part of an overall goal.

Shortly after that, there was the invasion of Georgia, another former republic of the USSR that is now an independent nation. Certainly, the consequences of that have yet to be actually played out in the international

arena. But what the Russians did cannot be considered as a nice neighborly approach to any type of situation.

I would also put into that milieu of understanding some concepts of what is going on internally in Russia. The Russians have traditionally liked having scapegoats for internal problems. One of the problems that the Russians are facing right now is one of demographics. They are losing population. They have a massive amount of land to control without a population that is growing or an economy that is growing to handle that. And one of the elements that historically has happened within the Russian mind-set is to try to find some scapegoat for that particular approach. I think we have got to keep that in the back of our minds as we are dealing with how we actually move forward in relation to the Russians and everywhere else.

It is, indeed, correct, as the gentleman from Iowa said, that if the Russians had been helping us to pressure the Iranians in a nonviolent embargo approach, that we would be further along in that effort to try to pressure the Iranians to use only a peaceful nuclear program, rather than what we, I think justifiably, suspect for all kinds of concepts that would be going there. We would not have Mr. Morgenthau from New York City, who can never be considered a right-wing radical Republican, talking in newspaper and magazine articles about the interconnect between Iran and Venezuela and how some of the money that was supposed to be stopped in the embargo has been able to be laundered through Venezuela and the connection between this. Eight times Chavez has visited Iran. Iran is now putting money into Chavez’ efforts. So I see the future of the problem when we look at the Iranians on the east, Venezuela on the south of our country, the North Koreans on our west coast and realize that we are living in some very perilous times.

I happened to be in Germany when Ronald Reagan was talking about putting the missiles in Germany. It was heavily contested at the time. The Soviet Union was violently opposed to it, and there were a lot of pacifists within Europe who said that putting missiles in there was the worst thing we could possibly do; it will escalate the conflicts; it will escalate the violence. And what we found out in looking at history is it did just the opposite. It worked in actually bringing about a longer term peace as well as, ultimately, the end of a reign of terror of communism and allowed people who had never been free to finally become free.

That is why I am so worried about our decision, after our Polish and Czech allies went out on a limb politically to allow us to have some kind of missile defense system that would protect Europe and the eastern coast of the United States before the Iranians could develop anything offensively, to stop that prior to that, saying that we

will now come up with a program that won’t work until 5 years after the Iranians would probably be effective. I worry about what the result is, and I worry that we, as a country, have not learned the lessons from history, from the past, because we seem to be making what I consider to be mistakes as we deal with these rogue nations.

□ 1330

And mistakes as we deal with our allies in Europe, insulting them, putting them in difficult positions, and then yanking the rug out from under them, as well as putting ourselves at some kind of military disadvantage as to the defense of this country against other countries that significantly are malevolent in their attitudes towards the United States, it’s a very cumbersome and difficult situation as we look at how that chess game is being played.

I think the demographics of what is taking place in Russia should not be overlooked. They have decisions that have to be made, and they don’t have a lot of very good choices before them right now. They will be looking for choices which kind of deflect the inability of their interior policy that is not working.

Mr. KING of Iowa. Briefly reclaiming my time, a question forms in my mind, and I’d like to take advantage, Mr. Speaker, of the expertise which I will assign to the gentleman from Utah in his understanding of history. And I’m looking back upon those events in the 1980s and this event that’s coming up for the 20th anniversary this November 9, the fall of the Berlin Wall.

When I watched that happen on television, I saw literally the Iron Curtain crashing down. Every time a hammer blow landed, every time they hit it with a chisel, every time they knocked another chink or pulled a section of the wall down, that was the Iron Curtain being deconstructed. Demolition of the Iron Curtain that took place began on November 9 of 1989.

Now, at that moment the pundits in the news media didn’t understand what was taking place. They didn’t see that as the Iron Curtain. They saw it as the family reunification plan. And therein lies the large flaw that took place on the part of the liberals. They didn’t understand the dynamic that had taken place. But Ronald Reagan understood it at that moment. I’m not convinced that his immediate successor understood it to the depth that Ronald Reagan did.

But this question has always lingered in me. I thought that it proved to the world that free markets and free enterprise and freedom would always prevail over communism, socialism, despotism, totalitarianism of any kind because of the dynamics that come from the creativity and the productivity and the freedom that comes from the human spirit and the checks and balances that exist in the marketplace.

Yet I didn’t hear them capitulating in their argument. They just suspended

their arguments for a little while. And then front-and-center, full-blown, proud, global Communists disappeared.

But where did they go is the question? Did they go back and lick their wounds and change their ideology and come back as free enterprise capitalists? I don't remember their doing that. But I wonder if the gentleman from Utah has any thoughts on what happened to those front-and-center Communists from 1989. Where are they? Some have passed away but some are still with us. What are they doing today and what do they believe in, and how does this fit into the equation?

I yield to the gentleman from Utah.

Mr. BISHOP of Utah. I appreciate the gentleman from Iowa offering me this opportunity to tell you flat-out that I don't know what they have done or where they are going.

I do know that what we have found is for the United States to be effective, we had to be strong and secure and make sure that our self interests could be protected.

I just finished a book about the Civil War and about Lincoln as the Commander in Chief and his approach to it. He was much more intellectual about his view of the war than we are. He understood that time and resources are weapons just as much as individuals are or soldiers are in using war. And to be honest, the problem he had with the Union generals through most of the war was they didn't catch the concept of time and resources as an integral part in making decisions. He got it. And he was very much vilified at the time because he insisted on an approach which ultimately said the only way we can win is if we are forceful and strong and insist on this.

If Lincoln had simply backed off and said, What we're going to do is we're going to negotiate a peace with the South, there would have been a lot of people that would have said, Yeah, I am tired of the war; let's negotiate a peace with the South. And a lot of people in the North would have said, Yeah, let them go; we don't want to be part of them anyway.

But what Lincoln clearly understood from the geography of the situation and the future is that the Civil War would have been the first war between the States, not the only war. It would have been the first of many wars in the States as the North and South then battled over economic issues, transportation in the Ohio Valley, use of the Port of New Orleans, frontier land in the West. He clearly got what the future would be.

I think President Reagan, when he decided to stand tough and he was highly criticized for it, got what the future would be. He did not want to see a world where there was nuclear proliferation, but he understood that America had to be tough in order to get to that point.

I worry that we have somehow lost those lessons of history, and we don't realize that for the United States to

move forward, we have to ensure that we are perfectly capable of defending ourselves. That's why I'm worried. The decision that we made to take the missiles, not implement the missiles in Poland and the radar system in Czechoslovakia, does not make us more secure. The idea of trying to cut our ground-based missile defense does not make us more secure. And where is this overall vision that we are trying to go? Where is this concept that we have to have security first before we can therefore start to negotiate other items around the world?

I'm concerned with our enemies, especially Venezuela, who are clearly malevolent in their approach to us, spreading that document throughout the rest of Latin South America. At the same time, the Iranians are very bellicose, to say the least. And North Korea, who knows what you want to do with him. Those are the concerns. Those are concerns.

I appreciate the opportunity of speaking with the gentleman from Iowa. I know when we had the chance of going to Germany, he was very forceful in presenting an American approach, and he was willing to ask the tough and difficult questions when the rest of us were trying to be reticent here, not in an obnoxious way, by any means, but in a way of saying somebody's got to play the devil's advocate and say, What does this really mean, and where will we go in the long term?

And I appreciate his efforts in that. And I know, if you'll excuse me at this time, that he will also go through that in this period of time that he has on the floor. And, Mr. Speaker, he will do what he always does. He asks the right questions in a way that you can't avoid trying to find a good answer to those questions.

Mr. KING of Iowa. Reclaiming my time, I very much appreciate the diplomatic gentleman from Utah for his contribution to the knowledge base and the decisionmaking process that we do here in this Congress. And I would suggest that he's a little overly humble when he says he doesn't know the answer to what happened to those Communists. When I think about the discussion that we've heard about Ukraine, Georgia, Iran, Venezuela, North Korea, South America, Mr. Speaker, all of these areas are discussed in a book written by Colonel Robert Chandler called "Shadow World." It's 500-and-some pages long. And Mr. Chandler takes the situation of the world at the end of the Cold War, and that would be at the implosion of the Soviet Union, and he begins to identify the leading personalities in the world, those leaders and those ideologies within the countries that are, let me say, Communist interests, hardcore Communist interests.

And he takes the person around the globe to every populated continent and talks about the core politics of each of those countries, including these countries that have been mentioned by Mr.

BISHOP of Utah and especially Venezuela and North Korea and some of the other countries in South America, also Putin in Russia and how things unfolded and Gorbachev's position as well.

It is a very, very educational compilation of what happened after almost 20 years ago when the Berlin Wall went down, the Iron Curtain came crashing down, and the people who were holding up that part of the world, the left side of the world, those on the east side of the Berlin Wall, who had a managed economy, who had the central planning that set up 5-year plans for the collective farms, those that told everyone else when to go to work, what raw materials to deliver. And if you remember, Ronald Reagan and some of the others made the joke that, well, people in the Soviet Union pretended to work and the Soviet Union pretended to pay them. But eventually that house of economic cards collapsed.

A question was before us as a Nation, and that question was, while the Soviet Union was developing a missile capability to eclipse our own capability here, such a devastating force of ICBMs that there was nothing the United States could do to survive such an attack, that mutually assured destruction was going down the path of a destruction that would be so bad in this country that civilization itself may not survive.

The question that was before us was articulated best by the former Ambassador to the United Nations, Jeane Kirkpatrick, who, as she stepped down from that position in the early 1980s, said this contest that's going on, this Cold War, is the equivalent of playing chess and Monopoly on the same board, and the only question is will the United States of America bankrupt the Soviet Union economically before the Soviet Union checkmates the United States militarily? That was the most succinct example of what was taking place in that Cold War in the 1980s.

We know how it played out now. We look back on that, and almost 20 years ago the Soviet Union could no longer hold their economics together. They couldn't keep their military out even in places like East Germany. So they opened up the border with Hungary. People flowed around through Austria and Hungary. And at a certain point, there wasn't any merit in guarding the Wall anymore because people were streaming around the end. And so they went over the top and began to sit up on top of the wall with hammers and chisels and saws and anything they could get their hands on. And, yes, some broke bottle of champagne, and there was family reunification.

But it was the Iron Curtain crashing down nearly 20 years ago that should have been a lesson for the whole world that free enterprise always defeats a managed economy, because no matter

how many smart people you put in positions of power, they can't micro-manage an economy that is a combination of everybody's individual productive and economic activity every day.

The invisible hand, as Adam Smith famously described, and actually didn't, about how free enterprise works with providing the incentives and managing the supply. So it works like this: If the grocery store runs out of bread, the store owner understands he has to have more bread or otherwise people will go someplace else to shop. And if there's a cheaper, better bread at the neighboring store, that store owner is not going to sell his bread. So that's how bakeries get started, how grocery stores grow and shrink, how chain stores begin, how manufacturing begins.

Our control, our managed economy is this: Free enterprise drives our economy. And the buy, sell, trade, make-gain culture that we have that's part of what made America great, one of the central pillars of American exceptionalism is free enterprise. When we have that working for us in this country, Americans are more productive than anybody else in the world.

Our job here in this Congress, Mr. Speaker, is to get government out of the way and to provide the kind of tax and regulatory structure as minimally as we can so that the result is the individuals in this country will see our average annual productivity go up. And if people are rewarded for their productivity, they will produce more. If you tax them and punish them and regulate them, they will produce less. So in places like the Soviet Union, the former Soviet Union, they just simply suppressed the productivity by taking away the rewards.

I can give you a simple example that stands out in a very stark way. And that is Communist China, a country of more than a billion people, about the same geographical area of the United States, having trouble in a lot of ways competing in the technological and educational side of this. But some years ago, they decided they were going to let their farmers, who are less controlled now than they were, be able to get engaged in the honey business without having government interference. So, in other words, government doesn't appoint themselves a few thousand beekeepers and have them deliver all that honey for a set price. They let them compete on the open market.

And what has happened? China almost immediately began exporting honey and competing against the honey here in the United States because they had some people that could be beekeepers. That's like a little microcosm of free enterprise that sprung up out of China because they took the regulations away, took their managed economy away and let people produce all they could produce and sell all they could sell and keep a significant share of the profits.

Well, here in this country, we've had that as a tradition across the breadth of this economy, and it's diminished significantly, Mr. Speaker.

So the vitality of free enterprise brings about the best in us, the highest productivity, the most innovativeness in us. It gives us an incentive to extend each of our educations. It gives the inventors an incentive to invent. It gives the people that are producing and doing the experiments on pharmaceuticals an incentive to produce better medicine. And those who invent better surgery techniques get to cash a bigger check.

□ 1345

Well, even though they are humanitarians driven by a desire to do good in their work, when you really need to reach back for that extra adrenaline when it gets late at night when the rest of the world is tired, or maybe you don't feel very good because you are exhausted, that extra incentive of profit makes a difference and a reward for it in a society that appreciates it.

Around the globe, there is a line of scrimmage between freedom and the suppression from freedom. So when the gentleman from Utah (Mr. BISHOP) humbly said he didn't know the answer, I think perhaps he didn't know the answer that I wanted him to give—that will happen—but he understands very thoroughly how the rearrangement that took place after the fall of the Berlin Wall at the end of the Cold War, some countries and philosophies lined up on the side of the freedom. Those countries are among those countries where we already had the holes dug to place the missile defense shield, Poland, Czechoslovakia.

Mr. Speaker, have you failed to notice that the people who have achieved their freedom most recently love it and adhere to it the most? The Poles love their freedom. The Romanians love their freedom. And the Czechs love their freedom. They remember what it is like to live under the boot heel of the Soviet Union. They remember clearly within their own families the fear of the occupation that took place before, in many cases World War II, and certainly during and after it.

I recall in a trip over to that part of the world with Mr. BISHOP a conversation with a man about my age whose father's first military operation he was engaged in was Auschwitz, not at Auschwitz to liberate Auschwitz, but at Auschwitz fighting for the Russians. Those things don't pop up easily in our history books, but this broad global concept of who is on what side of this line of scrimmage, who is on the side of freedom and who is on the side of suppressing freedom, we need to understand this.

These forces know instinctively what is at play out here on the globe. And so we wonder, what is the chess board that Putin is playing on? The Monopoly board that Putin is playing on? He is not about advancing freedom; he is

about diminishing freedom. The freedom in the Soviet Union, I should say Russia, and some of our satellite states, has diminished since Putin stepped into control.

We met with significant leading personalities in Russia, and I am going to avoid saying their names because I don't need to turn more heat up on them; but you would recognize many if not all of them, Mr. Speaker, and they told us that there really no longer exists a free press in Russia, not a newspaper that they can count on that has any influence that is free to print what it wants to print. There is not a free legislature in Russia any longer either. They are the people who are controlled by Putin, and they don't have free markets. We know that the Mob has taken over a lot of that economy, and there is a payoff that goes on inside of all of that.

So a Russia that had an opportunity to take a step up after the implosion of the Soviet Union now is stepping into the darkness of the left again, moving towards a communist state, taking away the freedom of its people and their ability to effectively have freedom of speech and freedom of assembly and freedom of the press and freedom of their economy. Those things have been significantly diminished under Putin, and they understand that and they see that.

The leaders of freedom in Russia today would have believed that the Russian people would have stepped up by now and gone to the streets and taken their country back. It has not happened. I would encourage that they do so, that they take their country back. We thought it was happening during the days of Yeltsin when he climbed up on the tank. Good things happened there, but we should not forget that we are the vanguards of freedom here in the United States of America for the world. We are the inspiration for the world.

And when it looks like the model for our diplomacy is simply capitulation to Russia, under the belief that our community organizer in chief somehow is a master of foreign policy, well, he is the manager of foreign policy and he is the Commander in Chief of our military, and certainly I stand with our military, and I want to help coach him on the foreign policy a little bit.

I don't know why the press has not been more critical of the President's foreign policy. This huge plunder of just announcing that he is going to pull the missiles out of Poland and Czechoslovakia, take that shield away, and almost at the same time you notice that the information was leaked out about the nuclear capabilities of Iran, which we have just heard in the previous hour, Iran developing the capability, that they have the capability to develop a bomb now and they are in the process we know of developing the capability to deliver it.

And it doesn't take very much of a missile to drop one into Israel, and it

only takes one weapon dropped into Israel to annihilate the entire country. And they have said that is what they intend to do.

We look at the President of the United States, his foreign policy experience seems to have, before he became the Commander in Chief and the chief architect of our foreign policy, his foreign policy experience comes to this: having been raised in part in Indonesia at a young age which would give him some sense of the culture but probably no sense of the global, military, cultural dynamics, but raised at least in part in Indonesia.

A President who has once traveled to Kenya, and once traveled to Pakistan. I don't know quite how that happened, but it was announced. And beyond that, the foreign policy experience for our Commander in Chief and the chief architect of our foreign policy seems to be a trip to Germany to give a speech during the campaign. That is not anything that has ever happened before that I know of during a Presidential campaign, but it looked at the time like he wanted to be President of Europe, the United States, and the world.

In any case, very, very limited on foreign policy experience. And the lessons of history, the lessons so well drilled into us by Neville Chamberlain's School of Appeasement when Chamberlain came back from the trip to Munich and waved the letter in his hand, the letter that Hitler had signed, and he said: I have guaranteed peace in our time.

That was the image of Chamberlain getting off the plane from Munich. And what happened? Within weeks the Nazis invaded Poland. They carved it up with the Russians, and we were off and running in a global war that cost tens of millions of lives. They remember that in that part of the world. They are afraid of being brought back into another war. The Poles remember being run over by the Nazis and the Russians, and then occupied by the Russians for all of these years up until 1990 or so.

This is a very sensitive situation that is going on. When the gentleman from Utah (Mr. BISHOP) mentioned the Ukraine and Georgia, the importance of the sovereign state of Georgia should not be diminished.

We should understand that this chess game that I have talked about, the central square on the chess board for Putin is Georgia. That is the nexus through which the energy flows, the energy that is produced in gas and oil wells east of Georgia, east of the Caspian Sea, roughly 1.2 million barrels of oil going through Georgia by pipeline on a daily basis, 1.2 million, a train that has constant tankers of crude oil being hauled through the nation of Georgia on their destinations to the tanker ships and the Black Sea, and the natural gas that flows in pipelines through Georgia to other places in Europe.

Georgia is the nexus. Think, Mr. Speaker, of an hourglass, and on one

side of that hourglass is a lot of the production of oil and natural gas that is east of the Caspian Sea, flowing through this nexus of Georgia with pipelines, rail lines, and coming out the other side at the Black Sea and going on to land-based places around Western Europe.

Think of the Russians shutting off the natural gas to Germany a year ago January. Think what that meant when they did that. And to have the Germans take the position that it really didn't affect their foreign policy toward Russia because they only got 30 percent of their natural gas from Russia.

Can you imagine if Hugo Chavez had 30 percent of the natural gas coming into the United States and he turned the valve down and shut off our gas in January? Our furnaces would have gone dark on us, and our houses would have gone cold. If that had happened, what would we do? Would we accept that? If we didn't have the power to do something about it, would we capitulate to the demands of Hugo Chavez?

My answer, I think we would say yes. I think if we didn't have the power or another alternative, we would have to negotiate.

I am going to suggest that the Germans are negotiating with the Russians because they can't do a confrontation, and Putin knows it. That's why he shut the energy off that was flowing through Georgia for 4 days. He sent a message to Europe that he can do that anytime he pleases. When he shut the gas off that was flowing through into Germany, that said clearly that Putin can do that anytime he pleases.

So if someone controls your energy and they can shut the valve down anytime they please, you end up being a little nicer to those folks unless you produce another alternative. Well, the alternative that is being produced is building a new pipeline around to the North Sea. And where does it come from? Russia. That puts them in more control. My answer would be: I don't want any of that; let's develop our own energy sources and not be dependent upon those energy sources that are coming from Russia. But that has been Putin's strength. When energy prices went up, he found himself sitting on a lot of cash. That is unusual for a country whose energy falters; but because Russia has a lot of energy, they have had a significant advantage.

But, Mr. Speaker, we should remember when the Berlin Wall went down in 1989 and the Soviet Union imploded within the next couple of years that the people that were Communists, Socialists, Marxists, Maoists, they didn't go away. They didn't look at the model of this dynamic vigor of the United States economy that is driven by our people and decide they wanted to be more like us. Some did; not many.

Most of them went underground for a little while and then tried to get back in power. The former Communists are

there seated in the legislatures across that part of Europe today. In small numbers, and in some cases they don't get to call themselves Communists because that has been stained by the history of it, but they still believe the same thing. They still want to manage. They still believe that their elitist mind-set can tell the rest of us what to do. They want to take away the freedom of individuals to make their own choices economically and militarily and politically and culturally. And, in fact, persecute the churches while they are at it.

We need to understand Communists haven't changed. They might have taken on different names. They might have declared themselves Social Democrats or to be Progressives. They might just be the Democratic Socialists of America that are supporting Progressives in this Congress, but they are the same people with the same ideology.

And us freedom-loving people, I should say we freedom-loving people, need to understand that there are basic principles of Americanism, and free enterprise is one of them. And those who undermine free enterprise are undergoing anti-American activities because they are undermining our vitality and our freedom and are taking away our ability to take this Nation up to another level of our destiny.

That is part of this equation that is taking place here as the President of the United States—whom I happen to have this portrait of. I think it is a flattering one actually and well done as far as the artwork is concerned. The President of the United States brings an ideology to the task of community organizer in chief. With a limited foreign policy experience of having traveled, lived shortly in Indonesia and traveled to Pakistan and I understand to Kenya, and beyond that his trip to Germany to give his speech there with the Autobahn Bismarcks—I think that is the victory monument or the triumph monument that's there in Berlin—with that in the backdrop, not the Vandenberg Gate which he tried to do, that is not a lot of foreign policy experience to be playing on this global chessboard with the world's number one economy, the world's number one military, and with the destiny of the world hanging in the balance if you make a mistake.

□ 1400

No one has a crystal ball, but this is a very high-risk endeavor taken on by our Commander in Chief. And those who are experts on the military side of this, it's not quite universal, but there has been a broad criticism that has been made. And I have no idea. My imagination cannot tell me what he could possibly have gotten for capitulating on the missiles in Poland and Czechoslovakia.

And so, Madam Speaker, that brings me to the subject matter that has, I will say, riveted the American people over the last couple of weeks, and that

is the issue of ACORN, ACORN being the place where the President got his start in politics, where Barack Obama first engaged in community organizing, and his community organizing being part of—the most high profile that he did was Project Vote, the get-out-the-vote effort. And Project Vote that he worked for is a very close, indistinguishable-from affiliate of ACORN.

So ACORN in Chicago has always had a broad and deep connection. It has always been very active there. From the early days when ACORN originated in Arkansas and emerged across the rest of the country, ACORN has had a very solid presence in Chicago. And the President of the United States might, in his most candid moments, confess that he wouldn't be very likely to be the President of the United States if it hadn't been for ACORN, ACORN's ability to register voters and get out the vote and bring about the kind of leverage within the inner city that allows ACORN to influence votes at the inner city level.

Now, ACORN is a corporation, and its structure is something that seems to be a little bit mysterious. It has been often reported that they're a 501(c)(3); that's not for profit. That means they can't engage in partisan political activities. And we have seen as a report from the Government Reform Committee that ACORN has up to 361 affiliates; in fact, they list 361 affiliates in their report. Some of those may not be active affiliates, and there may be some affiliates that didn't get picked up in the report done by the Government Reform Committee. But ACORN has turned into a spiderweb of this conglomeration of affiliates.

So when I speak of ACORN, Madam Speaker, I'm speaking of ACORN and all other affiliates, think 361 corporations, a third or more of them being 501(c)(3) not for profits, some 527 organizations, and some 501(c)(4) organizations, and other corporate structures, organizations that share, in many cases, interlocking boards of directors and an interlocking mission that reaches out and has become a vacuum that sucks up taxpayer dollars in many of the States and from the Federal Government.

They have received over 53 million Federal tax dollars since 1994, and I think that's a small piece of it until we examine all of the affiliates. Many of the States have contributed to ACORN in one way or another by reentering into contractual agreements with them; ACORN and ACORN Housing, for example, essentially in the business of brokering low-income housing.

So these are some of the things that ACORN has done. They've contributed to the toxic mortgage situation that brought about the economic meltdown just a year ago, and they've done so by shaking down lenders, by demanding contributions from lenders. What large major investment bank has not written at least one fat check to ACORN?

Madam Speaker, I'm going to suggest that they have shaken down many of

the banks that have been bailed out. And we should take a look and see which banks received TARP funds and look there and see which banks also contributed money to ACORN. And we need to bring all of the finances together of the private corporations that are part of this funding for ACORN as well as government. It's not enough just to audit what government sent to ACORN. It's important that we go to the private corporations as well and see what has happened.

But we know that ACORN has gone in and intimidated lenders. Lenders have written checks in order to, let me call it, "influence" ACORN to stop demonstrating in their banks so that they can actually do business. We know that ACORN personnel, including Maude Talbot—her first name actually escapes me, but Talbot is the last name, the head of ACORN in Chicago who has claimed Obama as her own—have bragged about going in to intimidate lenders in their offices and talked of other circumstances about shoving the lender's desk over against the wall, surrounding the loan officer, screaming and yelling and chanting at him until such time as he would get tired of that behavior and commit to loaning certain amounts of money into these areas in their neighborhoods. That's a shakedown, Madam Speaker. ACORN was involved in that.

And we know while they were shaking down lenders, they also were here in Washington, D.C., convincing this Congress that we should pass legislation to lower the standards of Fannie Mae and Freddie Mac on their secondary lending market. And when that happened, it lowered the standards that undermine the foundation of requiring credit for loans. And when that happened, it laid the foundation, in fact, it eroded the foundation for credibility and credit and it began the downward spiral of the mortgage lending crisis. And at the core of that, as you look through it, you will see ACORN there over and over again shaking down lenders, coming to Congress, undermining the underwriting requirements that Fannie and Freddie required in order for them to purchase these bundles of mortgage-backed securities that were being created by individual bad loans in bad neighborhoods that were promoted by ACORN, who was getting checks from the lending institutions and getting agreements from the lending institutions to provide blocks of money that would be loaned into neighborhoods that ended up being bad loans.

ACORN is at the core of the financial meltdown. And by the way, the President of the United States was at the core of ACORN as a lot of the genesis of this was being generated; headed up Project Vote, later on hired ACORN to work for him to get out the vote during the Presidential campaign. So the President of the United States started out with ACORN. He trained their trainers. He represented them in court

to undermine, by the way, the integrity of the ballot box, in my view. And that's a Motor Voter issue, which we would disagree with philosophically. Headed up Project Vote.

The actions of ACORN in Chicago have been tied together integrally with the President of the United States all the way through. And here we are now with ACORN helping to, on film, apparently facilitate child pornography and being willing to work with and advocate for what to do with illegal immigrant children brought into prostitution rings in five cities in the United States at a minimum, that being Baltimore; Washington, D.C.; Brooklyn, New York; San Bernardino, California; and San Diego.

Madam Speaker, that was appalling to this Congress. It finally got us to the point of revulsion where we could finally vote to shut off funding going to ACORN and their affiliates. And that vote was a vote of 345-75 here on the floor of the House of Representatives. Just the day before, I didn't think it was possible, but the American people saw the character and the culture of ACORN in that film, those five films that took place inside those five cities, and we understand there are more that have not been released yet. And what happens? Finally, some of us that have been calling for investigations are starting to get a little bit of movement.

But what needs to happen, Madam Speaker, is an all-out full court press on ACORN and all of their affiliates. We need to have the Department of Defense unleash their investigators to trace down, through all the activities of ACORN and all of their affiliates, and work in cooperation with IRS investigations of ACORN and all their affiliates, track every dollar that comes into the affiliates and every dollar that goes out. The commingling of funds, the transfer of funds, we need to have the Department of Justice go back down into the embezzlement that took place of nearly \$1 million out of ACORN by the brother of the founder of ACORN, covered up by the founder of ACORN.

Brothers do that, I understand. One of them commits a crime and apparently the other one covered up the crime, which is a crime itself. And then they misappropriated funds that were pension funds in order to backfill the hole that was created in their accounting by the embezzlement of Dale Rathke, all of this covered up by his brother, Wade Rathke. And they covered it up and held it away from the functioning board of directors of ACORN at the time.

We have ACORN producing over 400,000 fraudulent voter registrations, complicit in the beginning, and part and parcel of the mortgage lending crisis, embezzlement/coverup by its top officers, and now we have ACORN helping to facilitate child prostitution rings and setting up houses of ill repute and helping to facilitate loans to



do that, and advocating that the, let me just say, pimp and the prostitute not claim all of the 13 or 14 presumably illegal children that they were going to bring in from El Salvador into Baltimore, but just to claim three of them so it wouldn't raise the levels of suspicion. And then they could qualify for the earned income tax credit and the child tax credit, child tax credit up to three children, \$1,000 a year per child, and then the earned income tax credit, which would probably add another \$3,000 to that, most likely, given the advice that they gave, to game the taxpayer for a check for a cumulative of about \$6,000, and just as a matter of fact and a matter of course.

ACORN would help with the income tax filings. They would help with gaming the taxpayer. They would help with a loan for the house of ill repute, and they would turn a blind eye, at a minimum, to illegal immigration. This is Baltimore. But in San Diego, they advocated to help with that. We have friends in Mexico. You have to trust us. We'll get this done for you. Unbelievable. No conscience.

We saw the culture of it. But all the parts that we've been talking about up to the part of the prostitution, people would deny it. We had defenders over here on this side of the aisle, but now they can't deny it because once you transpose the image of facilitating child prostitution as a matter of culture within the corrupt criminal enterprise of ACORN and their affiliates, once you expose that, none of the rest of this is unbelievable. It's entirely plausible, and it is, in fact, entirely real.

ACORN has created now a closed, contained economy within itself where its tentacles reach out and suck in and draw down Federal money, State money, contribution money, shakedown money from banks and other lending institutions and corporations to keep ACORN off their back, do the shakedown endeavor. And once that money gets drawn in, then it becomes something that gets commingled. And as it's commingled, then it goes out to further their political enterprise, corrupting the election process in the United States. And if there is anything that I am aggressive on defending, it is the integrity of the ballot box, and they have assaulted the integrity of the ballot box.

The President of the United States grew up in ACORN. He hired ACORN. He worked for ACORN. He hired ACORN. He is a player and a coach. He wore their jersey and now he is the equivalent of the owner. And he had set them up to do the census, and twice now the Census Bureau has announced that they aren't going to use ACORN to help with the census. Why would anybody think ACORN can count people better than they can get people registered to vote? Four hundred thousand fraudulent registration forms. Can't we imagine that ACORN would pay a commission for everybody that the census workers could count?

And if they paid people on commission, they would just simply fill out forms and expand the numbers, or count people two, three, four, five, six times. Even if they set up expectations and not a quota, the result ends up being the same, even though it's not as stark a violation of the law. You can't have American people counted by people that can't even handle a voter registration form with an expectation that it has an even even chance of being a legitimate voter registration form.

Madam Speaker, when they take your vote, when they undermine the integrity of the ballot box, that's more important itself than the Constitution, because even though the Constitution guarantees the rights that we have, the only thing that guarantees the Constitution itself is a legitimate election process. If the American people lose their faith in a legitimate election process, the whole thing comes crashing down.

If we don't believe that our vote counts, we can't accept the decisions of government. I mean, think what would happen if we elected a President of the United States, or Members of Congress, United States Senators, Governors of the States, and the American people believed that they were not the elected President, Governor, or Congressman, but they were simply those that happened to be on the side that was gaming the system.

□ 1415

We wouldn't accept their decisions either. If we don't accept the decisions that are made by government, then the progress of civilization comes to a halt and digresses, and we fall into the depths of a totalitarian state eventually as well.

Legitimate elections are the underpinnings of our Constitution, and the guarantees in the Constitution can't be sustained if we lose our faith in the election process. The worst thing that can happen in this country from a policy standpoint would be to see the integrity of our ballot box further eroded by organizations like ACORN. So this is very important. It is very important that the President of the United States stands up and takes a position on ACORN.

Did you notice he was really quiet about some things? He was quiet about Van Jones. Van Jones, the former Green Jobs czar, quit on a Friday night. I guess it was a Saturday morning, at 12:01 a.m. on a Saturday morning. Curiously, the President had nothing to say about Van Jones. Curiously, the press had no questions for the President on Van Jones, and he is a self-alleged Communist. Yet Van Jones drifted from the scene because he became too toxic.

There was a little incident up in Massachusetts of a professor from Harvard who was trying to break into his own house and who had a police officer called to his location. The President

saw fit to engage himself in that and to hold a beer summit between Professor Gates and Officer Crowley.

Now we've had the United States Senate vote to un-fund ACORN. We've had the House of Representatives vote to un-fund ACORN. We have the Treasury Department starting an investigation. At least it's implicit in their press release that's coming out. We have the Justice Department looking to see if they've written any checks to ACORN but not investigating ACORN and their affiliates thoroughly. We have a number of ranking members of full committees on this Hill who are doing what they can with the resources they have.

We don't have a single full committee Chair who has announced investigations and hearings into ACORN at this point. We've got Congress doing a slow walk right now on ACORN. We have the President of the United States, who could get himself injected into a lot of different discussions but who has not yet really made much of a peep regarding ACORN.

Now, if the Senate says un-fund ACORN and if the House says un-fund ACORN, why can't the President say un-fund ACORN? That's what I'd like to know.

If the President of the United States would step forward and say to this Congress, Investigate at my request, and I'll turn over all the resources of the entire executive branch of government to drill down through ACORN and all of their affiliates, and will chase every dollar, every director and every employee who has committed an illegal activity and will prosecute them to the fullest extent of the law and will bring about perp walks and prison time for people who are breaking the law, it would happen—it would happen overnight. But he has not. He sat in his ivory tower, and alluded a little bit to the inappropriate actions that might have taken place and about how we should, maybe, get to the bottom of it. They are not yet serious, Mr. Speaker.

They are not going to be serious until the American people make it the highest priority that they have. It's hard to make it the highest priority when you're watching your health care on the chopping block in the United States Senate, when you've watched our national security be diminished significantly by pulling the missile defense shield plan from Poland and Czechoslovakia, when you're not keeping faith with the people who have most recently achieved their freedom—that's the Eastern Europeans—and when you're putting the United States at risk and are empowering Ahmadinejad and empowering Putin and are setting up a tone of going wobbly at a time when we need to be the strongest.

Madam Speaker, I appreciate your indulgence.

I yield back the balance of my time.

CORRECTION TO THE CONGRESSIONAL RECORD OF THURSDAY, SEPTEMBER 24, 2009 AT PAGE H9946

DIVISION B—CONTINUING APPROPRIATIONS RESOLUTION, 2010

Division B provides continuing appropriations for all agencies and activities that would be covered by the regular fiscal year 2010 appropriations bills, until enactment of the applicable regular appropriations bill, or until October 31, 2009, whichever occurs first.

DAVID R. OBEY,  
DEBBIE WASSERMAN  
SCHULTZ,  
MICHAEL HONDA,  
BETTY MCCOLLUM,  
TIM RYAN,  
C.A. RUPPERSBERGER,  
CIRO RODRIGUEZ,

*Managers on the Part of the House.*

BEN NELSON,  
DANIEL K. INOUE,  
MARK PRYOR,  
JON TESTER,  
LISA MURKOWSKI,  
THAD COCHRAN,

*Managers on the Part of the Senate.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of an illness.

Mr. HILL (at the request of Mr. HOYER) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KAGEN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.  
Mr. NYE, for 5 minutes, today.  
Ms. KAPTUR, for 5 minutes, today.  
Mr. DEFazio, for 5 minutes, today.  
Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, September 29.

Mr. INGLIS, 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. 1599. An act to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws; to the Committee on the Judiciary.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 29, 2009, at 12:30 p.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter and second quarter of 2009 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO GERMANY, SWITZERLAND, UKRAINE, KAZAKHSTAN, MONGOLIA, CHINA, AND CANADA, EXPENDED BETWEEN JULY 31 AND AUG. 13, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. John A. Boehner	8/1	8/3	Germany		980.00		(3)				980.00
Hon. Jo Bonner	8/1	8/3	Germany		980.00		(3)				980.00
Hon. Dan Boren	8/1	8/3	Germany		980.00		(3)				980.00
Hon. Dave Camp	8/1	8/3	Germany		980.00		(3)				980.00
Hon. Tom Latham	8/1	8/3	Germany		980.00		(3)				980.00
Hon. Greg Walden	8/1	8/3	Germany		980.00		(3)				980.00
Paula Nowakowski	8/1	8/3	Germany		980.00		(3)				980.00
Amy Lozupone	8/1	8/3	Germany		980.00		(3)				980.00
Danielle Maurer	8/1	8/3	Germany		980.00		(3)				980.00
Jennifer Stewart	8/1	8/3	Germany		980.00		(3)				980.00
Hon. John A. Boehner	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. Jo Bonner	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. Dan Boren	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. Dave Camp	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. Tom Latham	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. Greg Walden	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Paula Nowakowski	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Amy Lozupone	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Danielle Maurer	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Jennifer Stewart	8/3	8/6	Switzerland		1,410.00		(3)				1,410.00
Hon. John A. Boehner	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Hon. Jo Bonner	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Hon. Dan Boren	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Hon. Dave Camp	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Hon. Tom Latham	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Hon. Greg Walden	8/6	8/8	Ukraine		1,058.00		(3)				1,058.00
Paula Nowakowski	8/6	8/8	Ukraine		988.00		(3)				988.00
Amy Lozupone	8/6	8/8	Ukraine		988.00		(3)				988.00
Danielle Maurer	8/6	8/8	Ukraine		918.00		(3)				918.00
Jennifer Stewart	8/6	8/8	Ukraine		918.00		(3)				918.00
Hon. John A. Boehner	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Hon. Jo Bonner	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Hon. Dan Boren	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Hon. Dave Camp	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Hon. Tom Latham	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Hon. Greg Walden	8/8	8/9	Kazakhstan		413.00		(3)				413.00
Paula Nowakowski	8/8	8/9	Kazakhstan		366.00		(3)				366.00
Amy Lozupone	8/8	8/9	Kazakhstan		366.00		(3)				366.00
Danielle Maurer	8/8	8/9	Kazakhstan		366.00		(3)				366.00
Jennifer Stewart	8/8	8/9	Kazakhstan		366.00		(3)				366.00
Hon. John A. Boehner	8/9	8/10	Mongolia		235.00		(3)				235.00
Hon. Jo Bonner	8/9	8/10	Mongolia		235.00		(3)				235.00
Hon. Dan Boren	8/9	8/10	Mongolia		235.00		(3)				235.00
Hon. Dave Camp	8/9	8/10	Mongolia		235.00		(3)				235.00
Hon. Tom Latham	8/9	8/10	Mongolia		235.00		(3)				235.00
Hon. Greg Walden	8/9	8/10	Mongolia		235.00		(3)				235.00
Paula Nowakowski	8/9	8/10	Mongolia		216.00		(3)				216.00
Amy Lozupone	8/9	8/10	Mongolia		205.00		(3)				205.00
Danielle Maurer	8/9	8/10	Mongolia		205.00		(3)				205.00

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, DELEGATION TO GERMANY, SWITZERLAND, UKRAINE, KAZAKHSTAN, MONGOLIA, CHINA, AND CANADA, EXPENDED BETWEEN JULY 31 AND AUG. 13, 2009—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Jennifer Stewart	8/9	8/10	Mongolia		205.00		(?)				205.00
Hon. John A. Boehner	8/10	8/11	China		401.00		(?)				401.00
Hon. Jo Bonner	8/10	8/11	China		401.00		(?)				401.00
Hon. Dan Boren	8/10	8/11	China		401.00		(?)				401.00
Hon. Dave Camp	8/10	8/11	China		401.00		(?)				401.00
Hon. Tom Latham	8/10	8/11	China		401.00		(?)				401.00
Hon. Greg Walden	8/10	8/11	China		401.00		(?)				401.00
Paula Nowakowski	8/10	8/11	China		401.00		(?)				401.00
Amy Lozupone	8/10	8/11	China		401.00		(?)				401.00
Danielle Maurer	8/10	8/11	China		401.00		(?)				401.00
Jennifer Stewart	8/10	8/11	China		401.00		(?)				401.00
Hon. John A. Boehner	8/11	8/13	Canada		684.00		(?)				684.00
Hon. Jo Bonner	8/11	8/13	Canada		684.00		(?)				684.00
Hon. Dan Boren	8/11	8/13	Canada		684.00		(?)				684.00
Hon. Dave Camp	8/11	8/13	Canada		684.00		(?)				684.00
Hon. Tom Latham	8/11	8/13	Canada		684.00		(?)				684.00
Hon. Greg Walden	8/11	8/13	Canada		684.00		(?)				684.00
Paula Nowakowski	8/11	8/13	Canada		684.00		(?)				684.00
Amy Lozupone	8/11	8/13	Canada		684.00		(?)				684.00
Danielle Maurer	8/11	8/13	Canada		684.00		(?)				684.00
Jennifer Stewart	8/11	8/13	Canada		684.00		(?)				684.00
Committee total											51,093.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. JOHN A. BOEHNER, Chairman, Sept. 14, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

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

3803. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Meptyldinocap; Pesticide Tolerances [EPA-HQ-OPP-2008-0854; FRL-8429-7] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3804. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spinosad; Pesticide Tolerances [EPA-HQ-OPP-2008-0810; FRL-8434-2] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3805. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tembotrione; Pesticide Tolerances [EPA-HQ-OPP-2008-0813; FRL-8431-5] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3806. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiram; Pesticide Tolerance [EPA-HQ-OPP-2007-0020; FRL-8431-9] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3807. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule — Farm Credit Administration Board Meetings; Sunshine Act (RIN: 3052-AC58) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3808. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Annual Independent Audits and Reporting Requirements (RIN: 3064-AD21) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3809. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Annual Independent Audits and Reporting Requirements (RIN: 3064-AD21) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3810. A letter from the Dep. Dir., Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Defining "Small Number of Animals" for Minor Use Designation [Docket No.: FDA-2008-N-0176; Formerly Docket No. 2008N-0011] (RIN: 0910-AG03) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3811. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances; Table of Excluded Non-narcotic Products; Nasal Decongestant Inhalers Manufactured by Classic Pharmaceuticals LLC [Docket No.: DEA-329I] (RIN: 1117-AD23) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3812. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Controls, Telltales and Indicators [Docket No.: NHTSA-2009-0145] (RIN: 2127-AK04) received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3813. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Colorado; Revisions to Denver Emergency Episode Plan [EPA-R08-OAR-2005-046 ; FRL-8957-3] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3814. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Notice 24 for Significant New Alternatives Policy Program [EPA-HQ-OAR-2003-0118; FRL-8959-2] (RIN: 2060-AG12) received

September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3815. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego Air Pollution Control District [EPA-R09-OAR-2009-0620; FRL-8956-9] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3816. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0473; FRL-8956-8] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3817. A letter from the Acting Legal Advisor, Federal Communications Commission, transmitting the Commission's final rule — Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands [WT Docket Nos.: 03-66, FCC 09-70] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3818. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Department's final rule — Final DTV Table of Allotments, Television Broadcast Stations (Biloxi, Mississippi) [MB Docket No. 09-125] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3819. A letter from the Chief, Policy Division, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 25 of the Commission's Rules to Allocate Spectrum and Adopt Service Rules and Procedures to Govern the Use of Vehicle-Mounted Earth Stations in Certain Frequency Bands Allocated to the Fixed-Satellite Service [IB Docket No. 07-101] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3820. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority for the Export Administration Regulations [Docket No.: 0908141238-91252-01] (RIN: 0694-AE72) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3821. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs; Delay of Effective Date [Docket No.: FR-4998-F-05] (RIN: 2501-AD16) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3822. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Grand Prairie, TX [Docket No.: FAA-2009-0363; Airspace Docket No. 09-ASW-11] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3823. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route (T-Route); Rockford, IL [Docket No.: FAA-2008-1114; Airspace Docket No. 08-AGL-17] (RIN: 2120-AA66) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3824. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Standards; Aircraft Engine Standards Over-torque Limits [Docket No.: 2007-28502; Amendment No. 1-65, 33-30] (RIN No.: 2120-AJ06) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3825. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lake Havasu, AZ [Docket No.: FAA-2008-1099; Airspace Docket No. 08-AWP-10] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3826. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace and Amendment of Class E Airspace; North Bend, OR [Docket No.: FAA-2008-0006; Airspace Docket No. 08-ANM-1] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3827. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Oooguruk, AK [Docket No.: FAA-2009-0196; Airspace Docket No. 09-AAL-3] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3828. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Quinhagak, AK [Docket No.: FAA-2008-0763; Airspace Docket No. 08-AAL-22] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3829. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Arlington, TX [Docket No. FAA-2009-0362; Airspace; Docket No. 09-ASW-10] received September 16, 2009, pursu-

ant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3830. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Neligh, NE [Docket No.: FAA-2009-0191; Airspace Docket No. 09-ACE-4] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3831. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedure, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30682; Amdt. No. 3335] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3832. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30681; Amdt. No. 3334] received August 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3833. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Excess Risk Estimate for Highway-Rail Grade Crossings Along the Florida East Coast Railway Line [Docket No.: FRA-1999-6439, Notice No. 21] (RIN: 2130-AB88) received September 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3834. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Investment Companies-Leverage Eligibility and Portfolio Diversification Requirements (RIN: 3245-AF92) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3835. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Services Under Section 482 Allocation of Income and Deductions from Intangible Property Apportionment of Stewardship Expense [TD 9456] (RIN: 1545-BI78, 1545-BI79, 1545-BI80) received August 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3836. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Declaratory Judgements — Gift Tax Determinations [TD 9460] (RIN: 1545-BD67) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3837. A letter from the Industry Director, Retailers, Food, Pharmaceuticals, and Healthcare, Internal Revenue Service, transmitting the Service's final rule — Tier II Industry Director's Directive on the Planning and Examination of Contractual Allowance Issues in the Healthcare Industry #2 received September 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## 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. BAIRD (for himself, Mr. EHLERS, Mr. MACK, Ms. CASTOR of

Florida, Mr. DELAHUNT, and Mr. KRATOVLJ);

H.R. 3650. A bill to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia; to the Committee on Science and Technology, 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. BOREN:

H.R. 3651. A bill to reauthorize the Impact Aid Program under the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. BARROW:

H.R. 3652. A bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; 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. HODES (for himself and Ms. MOORE of Wisconsin):

H.R. 3653. A bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards; to the Committee on Ways and Means.

By Mr. KLEIN of Florida (for himself and Mr. MELANCON):

H.R. 3654. A bill to authorize the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration to procure, launch, and operate the next generation of weather forecasting satellites; to the Committee on Science and Technology.

By Mr. RUSH:

H.R. 3655. A bill to direct the Federal Trade Commission to establish rules to prohibit unfair or deceptive acts or practices related to the provision of funeral services; to the Committee on Energy and Commerce.

By Mrs. McMORRIS RODGERS (for herself, Mr. KENNEDY, and Mr. SESSIONS):

H.R. 3656. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to translational research and related activities concerning Down syndrome, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RODRIGUEZ:

H.R. 3657. A bill to amend title 38, United States Code, to provide for members of the United States Public Health Service and National Oceanographic and Atmospheric Administration Corps to transfer unused benefits under Post-9/11 Educational Assistance Program to family members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SABLAN:

H.R. 3658. A bill to make technical corrections to subtitle A of title VII of the Consolidated Natural Resources Act of 2008, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mr. OBEY:

H. Con. Res. 191. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918.

By Mrs. BIGGERT (for herself, Mr. STUPAK, Ms. ZOE LOFGREN of California, Mr. WOLF, and Mr. ISRAEL):

H. Res. 779. A resolution recognizing and supporting the goals and ideals of National Runaway Prevention Month; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H. Res. 780. A resolution recognizing the celebration of Filipino American History Month in October; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself, Mrs. McMORRIS RODGERS, Mr. SMITH of New Jersey, Ms. BORDALLO, Mr. SESSIONS, Mr. KENNEDY, Mr. KIRK, and Mr. COBLE):

H. Res. 781. A resolution supporting the goals and ideals of Down Syndrome Awareness Month; to the Committee on Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. YOUNG of Florida, Mr. WHITFIELD, Mr. FORBES, Mr. SMITH of New Jersey, Mr. ENGEL, Mr. COURTNEY, Mr. JORDAN of Ohio, Mr. BISHOP of Georgia, Mr. PASTOR of Arizona, Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, and Mr. HERGER.

H.R. 204: Mr. NEAL of Massachusetts.

H.R. 213: Mr. SKELTON.

H.R. 275: Mr. SNYDER and Mr. SMITH of Texas.

H.R. 333: Ms. DEGETTE and Mr. KLEIN of Florida.

H.R. 391: Mr. GOODLATTE.

H.R. 422: Mr. LIPINSKI, Mrs. BIGGERT, Mrs. MYRICK, and Mr. LEE of New York.

H.R. 442: Mr. MCCLINTOCK.

H.R. 482: Mr. MANZULLO.

H.R. 510: Mr. MCMAHON.

H.R. 557: Mr. KING of Iowa and Mr. GOHMERT.

H.R. 560: Mrs. NAPOLITANO.

H.R. 571: Ms. DELAURO and Mr. BOUSTANY.

H.R. 574: Mr. DAVIS of Alabama, Mr. MORAN of Virginia, and Mr. PERLMUTTER.

H.R. 668: Mr. LARSEN of Washington.

H.R. 690: Ms. BERKLEY.

H.R. 725: Mr. LUJÁN.

H.R. 734: Mr. BARTLETT.

H.R. 795: Ms. EDWARDS of Maryland.

H.R. 977: Mr. HODES.

H.R. 981: Mr. COHEN.

H.R. 1054: Mr. PETRI.

H.R. 1079: Ms. DEGETTE.

H.R. 1084: Mr. HALL of New York.

H.R. 1086: Mr. MARCHANT.

H.R. 1173: Mr. HOLDEN.

H.R. 1193: Mrs. DALONEY and Mr. ELLISON.

H.R. 1206: Mr. DANIEL E. LUNGREN of California and Mr. WOLF.

H.R. 1208: Mr. SHULER.

H.R. 1233: Mr. BARTON of Texas.

H.R. 1242: Mr. HALL of New York.

H.R. 1245: Mr. RAHALL and Mr. MACK.

H.R. 1265: Ms. MARKEY of Colorado.

H.R. 1313: Mr. BOUCHER and Mr. SMITH of Nebraska.

H.R. 1362: Mr. MCNERNEY, Mr. OLVER, and Mr. PRICE of North Carolina.

H.R. 1378: Ms. LEE of California, Ms. BEAN, and Mr. WHITFIELD.

H.R. 1408: Ms. MOORE of Wisconsin and Mr. OBERSTAR.

H.R. 1456: Mr. DELAHUNT, Mr. SERRANO, Mr. HONDA, and Mr. KANJORSKI.

H.R. 1458: Mr. DAVIS of Alabama.

H.R. 1505: Mrs. McMORRIS RODGERS and Mr. WAMP.

H.R. 1570: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1578: Mr. SESTAK, Mr. BLUMENAUER, and Mr. BERMAN.

H.R. 1587: Mr. WALZ.

H.R. 1600: Mr. KLINE of Minnesota.

H.R. 1616: Mr. CUMMINGS and Mr. PASTOR of Arizona.

H.R. 1625: Mr. FILNER and Mrs. BIGGERT.

H.R. 1670: Mr. QUIGLEY and Mr. TONKO.

H.R. 1695: Mr. NYE and Mr. KLEIN of Florida.

H.R. 1723: Mr. PASTOR of Arizona.

H.R. 1740: Mr. CAO and Mr. RODRIGUEZ.

H.R. 1806: Mr. LOBIONDO.

H.R. 1826: Mr. MILLER of North Carolina and Mr. OLVER.

H.R. 1831: Mr. LATHAM.

H.R. 1903: Mr. WITTMAN.

H.R. 1970: Mr. DAVIS of Alabama.

H.R. 1977: Mr. CARSON of Indiana.

H.R. 1987: Mr. THORNBERRY.

H.R. 1993: Mr. CARDOZA.

H.R. 1995: Ms. MCCOLLUM.

H.R. 2035: Mr. FORTENBERRY.

H.R. 2058: Mr. CARSON of Indiana.

H.R. 2084: Mr. MARSHALL.

H.R. 2190: Mr. WEXLER.

H.R. 2194: Mr. SCHRADER, Ms. CASTOR of Florida, Mr. CASTLE, Mr. PAYNE, and Mr. KISSELL.

H.R. 2246: Mr. KILDEE.

H.R. 2254: Mr. MILLER of Florida.

H.R. 2275: Ms. SLAUGHTER, Mr. SERRANO, Mr. HINCHEY, Mr. ALTMIRE, Mr. WEINER and Ms. ROYBAL-ALLARD.

H.R. 2296: Mr. BRADY of Texas.

H.R. 2329: Ms. SHEA-PORTER, Mr. GERLACH, Mr. PETRI, Mr. FORBES, and Ms. BERKLEY.

H.R. 2349: Ms. SHEA-PORTER.

H.R. 2366: Mr. BAIRD.

H.R. 2377: Ms. LORETTA SANCHEZ of California, Mr. STARK, Mrs. CAPPS, and Ms. LINDA T. SANCHEZ of California.

H.R. 2408: Mrs. LOWEY.

H.R. 2421: Mr. BOCCIERI.

H.R. 2425: Mr. SCOTT of Georgia.

H.R. 2443: Ms. DELAURO and Mr. TIBERI.

H.R. 2452: Mrs. BIGGERT, Mr. MCKEON, Mr. CONAWAY, Mr. CAPUANO, Mr. MACK, Mr. THOMPSON of Pennsylvania, and Mr. CRENSHAW.

H.R. 2476: Mr. COFFMAN of Colorado.

H.R. 2499: Mr. ISSA.

H.R. 2528: Mr. CASSIDY.

H.R. 2555: Mr. WEINER.

H.R. 2567: Mr. FILNER and Mr. HILL.

H.R. 2579: Mr. CLAY.

H.R. 2590: Mr. PITTS.

H.R. 2600: Mr. KIRK, Mr. GRIJALVA, Mrs. McMORRIS RODGERS, and Mr. MOORE of Kansas.

H.R. 2625: Mrs. BIGGERT.

H.R. 2626: Mr. CASSIDY and Mr. THOMPSON of California.

H.R. 2655: Mrs. McMORRIS RODGERS.

H.R. 2688: Mr. CAPUANO.

H.R. 2745: Mr. TERRY.

H.R. 2766: Mr. CARNAHAN.

H.R. 2906: Ms. DEGETTE.

H.R. 2935: Mr. ROE of Tennessee, Mr. RYAN of Ohio, Mr. SNYDER, Mr. WU, and Mr. LANGEVIN.

H.R. 2936: Mr. GRAYSON and Mr. MICHAUD.

H.R. 2976: Mr. KIRK and Ms. DEGETTE.

H.R. 3003: Mr. COSTELLO.

H.R. 3024: Mr. RYAN of Ohio, Ms. BALDWIN, Mr. MEEK of Florida, and Mr. HEINRICH.

H.R. 3046: Mr. STUPAK.

H.R. 3078: Mr. MARSHALL.

H.R. 3116: Mrs. MYRICK, Mr. MASSA, and Mr. MCHENRY.

H.R. 3164: Mr. GRAYSON.

H.R. 3245: Mr. MILLER of North Carolina, Ms. DEGETTE, and Mr. CAPUANO.

H.R. 3264: Ms. NORTON.

H.R. 3265: Mr. WITTMAN.

H.R. 3276: Mr. MCGOVERN.

H.R. 3286: Mr. MASSA and Mr. MURPHY of New York.

H.R. 3400: Mr. CALVERT.

H.R. 3464: Mr. MARSHALL.

H.R. 3468: Mr. LEE of New York and Mr. DENT.

H.R. 3486: Mr. BISHOP of New York.

H.R. 3488: Ms. DEGETTE.

H.R. 3502: Mr. TIBERI.

H.R. 3503: Ms. BALDWIN and Mr. MCNERNEY.

H.R. 3524: Mr. KRATOVIL.

H.R. 3571: Mr. PAULSEN.

H.R. 3585: Mr. GORDON of Tennessee, Mr. TONKO, Mr. LUJÁN, Mr. HONDA, and Mr. CHANDLER.

H.R. 3610: Mr. HOEKSTRA.

H.R. 3611: Mr. PETERSON, Mr. MCCAUL, Mr. MCCLINTOCK, and Mr. WALZ.

H.R. 3613: Mr. KINGSTON and Mr. SAM JOHNSON of Texas.

H.R. 3630: Mr. BURTON of Indiana.

H.R. 3639: Mr. GEORGE MILLER of California, Mrs. LOWEY, and Mr. KANJORSKI.

H.J. Res. 42: Mr. LUETKEMEYER and Mr. FORBES.

H. Con. Res. 49: Mr. SESTAK.

H. Con. Res. 110: Mr. ARCURI and Mr. ROTHMAN of New Jersey.

H. Con. Res. 170: Mr. FORBES, Ms. GINNY BROWN-WAITE of Florida, and Mr. JONES.

H. Con. Res. 177: Mr. COURTNEY, Mr. ROGERS of Alabama, Mr. CHANDLER, and Mr. SMITH of New Jersey.

H. Con. Res. 185: Mr. GRAVES, Mr. BARRETT of South Carolina, Mr. BILIRAKIS, Mr. CASTLE, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FORTENBERRY, Mr. GARRETT of New Jersey, Mr. HALL of Texas, Mr. HERGER, Mrs. McMORRIS RODGERS, Mr. TIM MURPHY of Pennsylvania, Mr. ROGERS of Kentucky, Mr. ROYCE, Mr. THOMPSON of Pennsylvania, Mr. MACK, Mr. BOEHNER, Mr. CALVERT, Mr. CRENSHAW, Mr. EHLERS, Mr. GERLACH, Mr. GOODLATTE, Mr. KIRK, Mr. LANCE, Mr. POSEY, Mr. HARPER, and Mr. RADANOVICH.

H. Res. 16: Mr. SOUDER.

H. Res. 20: Mr. INGLIS.

H. Res. 159: Ms. BEAN, Mr. PETERSON, Mr. COURTNEY, and Mr. LANGEVIN.

H. Res. 175: Mr. HODES and Mr. WALZ.

H. Res. 291: Mr. GONZALEZ.

H. Res. 398: Mr. ADERHOLT, Mr. EHLERS, Mr. WEXLER, Mr. KIRK, Mr. BERMAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FLAKE, Mr. KING of Iowa, Mr. BARRETT of South Carolina, Ms. FALLIN, Mr. BOUSTANY, Mr. SCALISE, Mr. ALLEXANDER, Mr. FLEMING, Mr. REHBERG, Mr. SKELTON, Mr. ABERCROMBIE, Mr. LATTI, Mr. MACK, Mr. COSTA, and Mr. SIREs.

H. Res. 511: Mr. CARSON of Indiana.

H. Res. 554: Mr. SOUDER, Mr. LOBIONDO, Mr. BROWN of South Carolina, Mr. THOMPSON of California, Mr. MATHESON, Mr. WESTMORELAND, Mr. MORAN of Virginia, Mr. SHIMKUS, Mr. GRAVES, Mrs. BLACKBURN, Mr. WALZ, Mr. LEE of New York, Mr. HOEKSTRA, and Mr. HALL of Texas.

H. Res. 561: Mr. MCMAHON.

H. Res. 562: Mr. MCMAHON.

H. Res. 563: Mr. MCMAHON.

H. Res. 569: Ms. JACKSON-LEE of Texas and Ms. LEE of California.

H. Res. 603: Mr. FALDOMA VAEGA, Mr. LEWIS of Georgia, Mr. HONDA, and Mr. RANGEL.

H. Res. 615: Mr. MANZULLO.

H. Res. 630: Mr. MICHAUD and Mr. FRANK of Massachusetts.

H. Res. 704: Mr. LINDER.

H. Res. 707: Mr. HODES.

H. Res. 711: Mr. CULBERSON.

H. Res. 721: Mr. BOEHNER and Mr. LATTI.

H. Res. 727: Mr. PAULSEN, Ms. DEGETTE, Mr. LEWIS of Georgia, Mr. BLBRAY, Mr. GRIFFITH, and Mr. DAVIS of Illinois.

H. Res. 729: Mr. FORBES.

H. Res. 730: Mr. KLINE of Minnesota, Mr. PETERSON, Mr. CROWLEY, Mr. COOPER, Mr. RYAN of Ohio, Mr. TANNER, Mr. DAVIS of Alabama, and Mr. MATHESON.

H. Res. 741: Mr. GRAYSON and Mr. MAFFEL.

H. Res. 743: Mr. HIGGINS, Mr. MILLER of North Carolina, and Mr. COHEN.

H. Res. 748: Mr. GRIFFITH, Mr. ROONEY, Mr. WAMP, Mr. CHAFFETZ, and Mr. MCINTYRE.

H. Res. 749: Mr. BLUNT.

H. Res. 750: Mr. THOMPSON of California, Mr. LEVIN, Mr. PASCRELL, Mr. YARMUTH, Ms. BERKLEY, Mr. NEAL of Massachusetts, Mr. STARK, Mr. CROWLEY, Mr. KIND, Mr. KAGEN, Mr. HINCHEY, Ms. SCHWARTZ, Ms. CASTOR of Florida, Ms. MATSUI, Ms. Chu, Mr. MELANCON, Ms. WOOLSEY, Ms. DELAURO, Mr. CARNAHAN, Ms. BALDWIN, Mr. MILLER of North Carolina, Mrs. HALVORSON, Ms. FUDGE, Mr. CLEAVER, Ms. PINGREE of Maine, Ms. TITUS, Mr. PALLONE, Mr. HARE, Mr. COURTNEY, Mr. TONKO, Mrs. MALONEY, Mr. SCHAUER, Mr. BLUMENAUER, Mr. CUMMINGS, Mr. TIERNEY, Mr. DINGELL, Mr. BERRY, Mrs. MCCARTHY of New York, Mr. TANNER, Mrs. CAPPS, Mr. MURPHY of Connecticut, Mr. MAFFEL, and Mr. BACA.

H. Res. 752: Mr. BACHUS, Mr. PAYNE, and Mr. GRIJALVA.

H. Res. 754: Mr. BOREN.

H. Res. 757: Ms. DEGETTE and Mr. BURTON of Indiana.

H. Res. 763: Mr. WAMP.

H. Res. 771: Mr. OBEY.

#### DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 6, September 23, 2009, by Mr. GREG WALDEN on House Resolution 554,

was signed by the following members: Greg Walden, Vernon J. Ehlers, Michael N. Castle, Roy Blunt, Jerry Moran, Rob Bishop, F. James Sensenbrenner, Jr., Dan Burton, Charles W. Boustany, Jr., Jo Bonner, Charles W. Dent, Brian Baird, Jean Schmidt, Judy Biggert, Henry E. Brown, Jr., Walter B. Jones, Michael T. McCaul, Bill Shuster, Candice S. Miller, Fred Upton, Walt Minnick, Thadeus G. McCotter, Dave Camp, Michele Bachmann, Jeff Fortenberry, Ed Whitfield, Aaron Schock, Pete Sessions, Randy Neugebauer, Frank R. Wolf, Mike Pence, Michael C. Burgess, Lynn Jenkins, John R. Carter, Sam Johnson, Ileana Ros-Lehtinen, Kay Granger, Thomas J. Rooney, David P. Roe, Gregg Harper, Virginia Foxx, Jim Jordan, Cliff Stearns, Bob Inglis, Harold Rogers, Lee Terry, Bill Cassidy, Todd Tiahrt, Joe Barton, Timothy V. Johnson, John Sullivan, John Kline, Marsha Blackburn, Kevin McCarthy, Doug Lamborn, Donald A. Manzullo, Edward R. Royce, John Boozman, Paul Ryan, Paul C. Broun, Parker Griffith, Rodney Alexander, John Fleming, Jeff Flake, Sue Myrick, Daniel E. Lungren, Steve King, John B. Shadegg, Mac Thornberry, Bill Posey, Glenn Thompson, Christopher John Lee, Steve Scalise, Wally Herger, Duncan Hunter, Todd Russell Platts, Gus M. Bilirakis, Kevin Brady, Trent Franks, Thomas E. Petri, Cathy McMorris Rodgers, Tom Cole, Pete Olson, K. Michael Conaway, Lynn A. Westmoreland, John Abney Culberson, Roscoe G. Bartlett, Ginny Brown-Waite, Bob Goodlatte, J. Randy Forbes, Mike Rogers (AL), Jeb Hensarling, Louie Gohmert, Jo Ann Emerson, Frank D. Lucas, Joe Wilson, David G. Reichert, Jason Chaffetz, Cynthia M. Lummis, Rodney P. Frelinghuysen, Brian P. Bilbray, Michael K. Simpson, Mario Diaz-Balart, Lincoln Diaz-Balart, Peter J. Roskam, Robert J. Wittman, Dean Heller, Joseph R. Pitts, Ted Poe, Jim Gerlach, Ander Crenshaw, Tom Price, Robert E.

Latta, Ron Paul, Howard P. "Buck" McKeon, Dana Rohrabacher, Tom Latham, Michael R. Turner, Mark E. Souder, Don Young, Gene Taylor, Mary Bono Mack, Connie Mack, Robert B. Aderholt, Leonard Lance, Mike Rogers (MI), Ken Calvert, Tom McClintock, John Campbell, Ralph M. Hall, Frank A. LoBiondo, Darrell E. Issa, W. Todd Akin, George Radanovich, Dennis R. Rehberg, John J. Duncan, Jr., Spencer Bachus, Anh "Joseph" Cao, John Shimkus, John Linder, Zach Wamp, Adam H. Putnam, Nathan Deal, Blaine Luetkemeyer, Mike Coffman, Howard Coble, Brett Guthrie, Tim Murphy, Jerry Lewis, Mark Steven Kirk, Patrick T. McHenry, Vern Buchanan, Gary G. Miller, Elton Gallegly, Peter T. King, Erik Paulsen, Geoff Davis, Patrick J. Tiberi, Devin Nunes, Christopher H. Smith, Jack Kingston, Steve Austria, John L. Mica, Eric Cantor, Dan Boren, Steve Buyer, Lamar Smith, Peter Hoekstra, Jeff Miller, Adrian Smith, Scott Garrett, Mary Fallin, John A. Boehner, C.W. Bill Young, Phil Gingrey, J. Gresham Barrett, Kenny Marchant, and Steven C. LaTourette.

#### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 5 by Mrs. BLACKBURN on H.R. 391: Gregg Harper, Geoff Davis, Kay Granger, Eric Cantor, Fred Upton, Gresham J. Barrett, Joe Wilson, Jeff Miller, Kenny Marchant, Frank D. Lucas, Daniel E. Lungren, Kevin Brady, Jim Jordan, and Jason Chaffetz.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, FRIDAY, SEPTEMBER 25, 2009

No. 137

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, whose spirit searches all things, send us Your truth and mercy today. Guide our lawmakers along a path that leads to the hearts and needs of those on life's stormy seas. Give our Senators a grace that will take away fear and provide them with courage and faith. Increase their understanding of the scope of their tasks as servants of Your kingdom, as You inspire them to stay within the circle of Your loving providence. Lord, imbue them with understanding and sympathy, as well as with a sense of justice that they may be champions of liberty and instruments of Your peace. May this be a day in which the Senate exemplifies to America unity, courage, and civility. Today, as we welcome a new lawmaker, we ask Your blessings for the Honorable PAUL KIRK, Jr.

We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 25, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the appropriations bill for the Department of Defense. There will be no rollcall votes during today's session, but at 3:30 p.m. today, PAUL KIRK will be sworn in as the new Senator from Massachusetts, filling in for the late Senator Kennedy.

As I speak, we have an international war on terrorism, we have American troops stationed in Iraq and Afghanistan, and we have a Defense appropriations bill which is now before the Senate. The appointment of the Chairman of the Joint Chiefs of Staff, ADM Michael Mullen, expires on September 30. It would be absolutely unacceptable to allow his position to be vacant at a time when our Nation is so engaged internationally. I hope we can count on the cooperation of all my colleagues in allowing this nomination to proceed without delay—immediately.

Mr. President, would you announce the business of today.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies H.R. 3326 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### HEALTH CARE

Mr. MCCAIN. Mr. President, for at least several months, Congress, as we

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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know, has been considering comprehensive health reform legislation written and moved through committees without bipartisan support. The Senate Finance Committee, now the last committee, is apparently considering a proposal that was originally believed to possibly garner bipartisan support. However, it has not. At the end of the day, the bill has ended up being divided along partisan lines.

I agree that bipartisanship alone does not propose good legislation, but I can guarantee that partisan legislation pushed through Congress on artificial deadlines will not engender confidence or the support of the American people. Not one of the bills in the House or Senate committees has received a Republican legislator's vote—now they are counting on perhaps one—nor did any of the bills deserve the vote of any Member of Congress. I hope reason will prevail this week.

Unfortunately, as written, the administration's and Senator BAUCUS's proposal does not warrant the support of the American people or Members of Congress. During the August recess we saw millions of Americans come to townhall meetings across this country and express their concerns. While some have dismissed these peaceful revolutionaries and impugned their motives, I believe these citizens should be listened to. This peaceful resolution is like nothing I have ever seen in my nearly 30 years of elected office. Americans have made it abundantly clear they do not want government taking over their health care decisions. But, unfortunately, that is the reality of the proposals before the Senate Finance Committee and those that have already been passed. Senator BAUCUS's proposal is not any different. It increases or creates new government control in all aspects of our health care system, increases health care taxes, and makes cuts to Medicare that reduce benefits and weaken its fiscal health.

The administration's bill being considered this week in the Finance Committee puts Washington in control of health insurance regulations by defining what is "acceptable health insurance coverage" and what Americans must pay for this coverage. Washington also seeks to tell Americans that they have no more than four insurance plan coverage levels available to them, the least costly of which would be more expensive than many individual and small group policies today.

In addition, the proposal decides which health care industry should be taxed and then imposes billions in new taxes on them. There are new taxes on prescription drugs, there are new taxes on medical devices, there are new taxes on laboratory tests, and there are new taxes on insurance companies.

The Congressional Budget Office has confirmed what we know: that these taxes will be passed on to the consumers and will drive up health insur-

ance premiums, directly contradicting the goal all of us shared together. This week CBO Director Douglas Elmendorf in the Senate Finance Committee said:

Our judgment is that that piece of legislation would raise insurance premiums by roughly the amount of the money collected.

If there are some out there who are not concerned by this massive government expansion, here is the kicker. The tax increases start right away even though many coverage provisions do not begin for 4 years, making the real 10-year implementation cost between \$1.5 and \$2 trillion. While it may seem to most Americans that reform is all about regulating health insurers and getting people covered, America's seniors who depend on Medicare would be wrong to assume their benefits will not be affected under the proposal that is being considered in the Senate Finance Committee.

The administration's proposal under consideration in the Finance Committee cuts \$500 billion from Medicare and allocates it to creating a new entitlement that we know taxes and costs too much. Instead of improving Medicare's financial stability, the proposal cuts nearly \$120 billion from hospitals serving Medicare patients, more than \$40 billion from Medicare home health providers, and approximately \$130 billion of the cuts come from Medicare Advantage.

CBO confirmed the obvious—that taking \$130 billion from Medicare Advantage is a cut in the extra benefits provided to seniors despite protestations that this is not a cut from the other side and from President Obama.

From the Associated Press:

Congress' Chief Budget Officer is contradicting President Barack Obama's oft-stated claim that seniors would not see their Medicare benefits cut under a health care overhaul.

Candidate Obama campaigned to make this cut, but now we hear the other side twist themselves in circles trying to obscure the facts. Americans should understand what is in these proposals and make up their own minds. But the other side must not agree. Why else would Democrats vote down an amendment in the Senate Finance Committee that would have simply required the legislative language to be posted online for 72 hours before voting on the proposals? This is what happens when you do not have online or prior information concerning amendments.

The Finance Committee passed a Democratic amendment earlier Wednesday by voice vote that they thought would have no impact on the bill's bottom line. Hours later, the committee staff learned from CBO that Senator DEBBIE STABENOW's amendment on foster care would actually cost \$600 million. This is why we need to have cost estimates and online scrutiny not only by Members of Congress and their staffs but by the American people before we adopt amendments.

Let me read from the press release issued by Senator BAUCUS this week:

At the urging of Senate Finance Committee Chairman Max Baucus, the Centers for Medicare and Medicaid Services [known as CMS] has cracked down on insurance compan[ies] . . . The CMS investigation into the beneficiary letter was prompted by a Baucus request.

This is a press release issued by the office of the Senator from Montana himself. And what did Senator BAUCUS's urging result in? A gag order from the acting head of the CMS Center for Drug and Health Plan Choices. Shockingly, the CMS subgroup ordered health plans offering Medicare Advantage benefits to stop communicating with their members what the CBO tells us is true, that taking \$130 billion from Medicare Advantage is a cut.

Let's be clear. This is government-imposed restrictions on free speech. How is it that we have an agency of government telling a private corporation they are not free to express their opinions or views on anything the Congress does?

So where does this leave us? The proposal expands failing Medicaid, increases government control in the health care of every American, and drives up premiums by raising taxes on health care and health insurance. Then the proposal forces you or your employer to purchase their more expensive insurance. But to hide the impact, we are going to subsidize some Americans for this more expensive coverage, and if they do not purchase this more expensive coverage, the proposal tells the IRS to come after them with new tax penalties.

The recent poll this morning, published in various newspapers, shows there continues to be waning support and a lack of understanding of the President's proposal. I think that is perfectly logical because the President says: If you like your present health insurance, you can keep it. Then CBO determines, and others, if your employer provides you with health care benefits and chooses the government option, then you as the employee do not have the ability to keep your health insurance policy if you like it.

So I think it is pretty clear the strategy of the administration is to try to ram something through the Senate and the House, rewrite it in conference, and certainly without Republican participation. I hope that is not the case.

I look forward to continued discussion of this very vital issue for the American people on the floor of the Senate and in the various forums around the country. I intend to continue to have health care townhall meetings in my State as they have been very helpful both in informing my constituents and my constituents informing me.

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. 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 Republican leader is recognized.

#### HEALTH CARE WEEK X, DAY III

Mr. MCCONNELL. Mr. President, Senators are still hashing out the details of the Democrat health care proposal that they plan to bring to the floor, and it isn't getting any better.

Americans wanted us to work together on reforms that improve the system we have. What they are getting instead is a bill that creates an entirely different system in which government plays a bigger and bigger role in people's health care decisions. They are slapping this plan together as quickly as possible, and then they are going to force it on the American people whether they like it or not. That is what is going on this week in the hearing room of the Finance Committee.

Supporters of this bill are watching the clock. They know the longer it sits out there, the more Americans will oppose this trillion-dollar experiment that cuts Medicare, raises taxes, and threatens the health care choices that millions of Americans now enjoy. That is why they struck down a commonsense amendment this week that would have given the American people 72-hours to look at the details of this legislation.

They are rushing it through, hoping no one gets to see the fine print. Why else would they deny this 72-hour amendment that gives people the time they need to read a 1,000-page bill? Why else would they be dismissing anyone who raises a peep of opposition? Why else would they be asking people to forward fishy e-mails to the White House? And why else would the administration order an investigation into a private company for telling its clients the truth about what this legislation would mean for them?

More and more, it seem like supporters of this legislation just don't believe that the American people know what is best for themselves, so they want to keep them in the dark about the details. But that is not the way democracy works. And that is why Republicans sent a letter to the Department of Health and Human Services yesterday calling on the HHS Secretary to rescind the gag order that it placed on companies that want to tell seniors how health care legislation will affect them. Seniors deserve to know what is in this bill, and insurers should be free to tell them.

But until that gag rule is lifted, we will tell seniors ourselves, because it hits them hard. It cuts services that millions of seniors currently enjoy. It could force seniors off the plans they

have with nearly \$140 billion in cuts to one popular Medicare plan; it calls for nearly \$120 billion in Medicare cuts for hospitals that care for seniors; more than \$40 billion in cuts to home health agencies; and nearly \$8 billion in cuts to hospice care.

Everyone agrees Medicare needs reform. This isn't reform. Lawmakers want to use Medicare as a piggy bank to pay for their experiment, and seniors are going to suffer for it. The response we keep getting from the administration is that hundreds of billions of dollars in cuts to Medicare won't affect services. Who can blame seniors for scratching their heads over that one? How do you cut half a trillion dollars from something without anybody noticing the difference? Seniors, rightly, just aren't buying it.

Americans want reform. They want lower costs. They want greater access for people without insurance. And they want Congress to deliver commonsense solutions to all these problems. What they are getting instead is a trillion-dollar experiment that cuts Medicare, raises taxes, and threatens the health care options that millions of Americans now enjoy. And they are being told it all has to be done as fast as possible to meet some artificial deadline that no one can explain.

Americans want us to slow down, and Congress is putting its foot on the accelerator. Americans want to know what this bill would mean for them, and Congress won't let them read it before a vote, won't even allow them 72-hours to look over the details of a 1,000 page piece of legislation that will affect one of the most significant aspects of their lives. Americans have concerns about what they're hearing, and they are being told to shut up, sit down, and take the health care we give you.

This is precisely the kind of condescending attitude from lawmakers in Washington that ordinary Americans are tired of. This is the kind of thing they are protesting and speaking out against across the country. And over the last few months, Congress hasn't given them any reason to believe that their concerns aren't exactly right.

I yield the floor.

Mr. COCHRAN. 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. INOUE. Mr. 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.

#### MORNING BUSINESS

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUE. Mr. 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. DORGAN. Mr. 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.

#### FAA REAUTHORIZATION ACT

Mr. DORGAN. Mr. President, last evening the Senate passed a 3-month extension—until December 31—of the Federal Aviation Administration reauthorization bill, and I wanted to mention a word about that.

The 3-month extension is necessary because the authorization ends at the end of this month, September 30. This is such an important issue, so I hope we are able to find time on the floor of the Senate—I have talked to the majority leader, Senator REID, about finding time on the floor to consider the FAA reauthorization bill, which includes important provisions to modernize our air traffic control system.

Let me talk about the process for getting a bill considered on the floor just for a moment. It has been difficult here to get things done on the floor of the Senate. Sometimes we have had cooperation, sometimes not. Sometimes on very noncontroversial things we have had to file cloture just on the motion to proceed. It takes 2 days to get cloture, have a vote on cloture, and then the minority has insisted on 30 hours postcloture. So you have to take the better part of a week just to get to a piece of legislation, even the noncontroversial ones. So my hope would be that perhaps we could get more cooperation particularly when it comes to passing the FAA Reauthorization Act.

The FAA Reauthorization Act is critically important because we need to modernize the air traffic control system. I chair the Aviation Subcommittee, and that is why I wish to bring this bill to the floor, along with my colleague, Senator ROCKEFELLER, and move rather rapidly on the issue of modernization of the air traffic control system.

We are still flying using ground-based radar systems that have been around for a long time. Previously, I described on the floor of the Senate that when flying began in this country and we started to haul mail by airplanes, planes could only fly during the day when the pilot could see. Then eventually they began flying at night by building big bonfires 50 or 100 miles out so the pilot could see the direction they were supposed to head. Then, with more sophistication, we developed ground-based radar and we put transponders in an airplane which send signals to a radar on the ground, and that radar then puts a little signal on a

screen that says: Here is where the airplane is. Well, that is all fine, except in most cases it's actually: This is where the airplane was. Because for the next 7 seconds that jet is elsewhere. It is moving. So you have a single dot on a ground-based radar system, and the transponder says, here is where that jet airplane is, but it is really not there anymore. It is there for just a nanosecond, and during the rest of the sweep of the radar that airplane is somewhere else.

We need to go to an entirely new system. Europe and the United States are both moving to a system that uses GPS so that we know exactly where that airplane is. It is a much more effective system and a safer system. It will save energy. It will allow airlines to fly more direct routes, so it will save time for passengers. It will be better for the environment because planes will be using less energy. All of that is true. But we can't get there until we pass the provisions that move the FAA forward with modernization that are part of the FAA reauthorization bill.

I and others have worked on this for a long time. We extended the existing reauthorization last evening until the end of the year, but between now and then we need to pass the reauthorization bill through the Senate so that we can conference it with the House and get a bill to the President.

It also includes provisions dealing with safety. For example, I have chaired two hearings on the tragic accident in Buffalo, NY, with the Colgan Air flight in which many lives were lost. We have included in this legislation issues dealing with the FAA and the issues of pilot fatigue, crew rest, pilot training, and other issues dealing with safety that are very important.

We also include the Passengers' Bill of Rights, which some of my colleagues have worked on for a long while. I included that in the mark that has now passed the Commerce Committee. It includes, for example, one little piece in the Passengers' Bill of Rights says that if you are on an airplane and you are stranded someplace on a tarmac, they can't keep you more than 3 hours without being required to take you back to the terminal. We have had examples—tragic examples, I should say—of people being stuck on an airplane for way too many hours and not allowed to come back to the terminal. Well, we put a provision in here dealing with that which relates to the Passengers' Bill of Rights.

My point is this: This is important to passengers, it is important to the airlines, and it is important to our country to get this done and get it done right. My fervent hope is that we will get time on the schedule and get it through the Senate so that we can get it to conference with the House of Representatives and see if we can get done what should have been done 2 years ago. It is called the Air Traffic Control Modernization Program. It is part of the FAA Reauthorization Act, and it is very important for this country.

## ENERGY

Mr. President, I want to talk just for a moment about energy. I know we have been spending a lot of time dealing with health care. I believe the Finance Committee is meeting and working on a health care bill, as we speak, and that is important to continue that work. Another important issue for the Senate to address is energy. I want to talk just for a moment about the need for an expanded energy program in this country and a new set of energy policies. Just as we have reported an FAA reauthorization bill, we have also reported a bill out of the Senate Energy Committee. I worked with Senator BINGAMAN and others on a bipartisan bill, and we have reported a very important bill out of the Energy Committee which is now on the Senate calendar. If we can pass it in the Senate and House, resolve the differences, and have the President sign it, this legislation can move us in the direction toward addressing the climate change. But it also makes us less dependent upon foreign energy, thus improving our energy and our national security situation.

Here are the issues. We produce millions of barrels of oil every single day by sucking it out of our planet. We stick little straws in the dirt, and we suck oil out at a rate of about 85 million barrels a day. Think about a globe in your office or someplace at school and look at where we are relative to the size of the planet. Even though we produce 85 million barrels a day for the world, one-fourth of it comes to this patch called the United States of America. We use one-fourth of all the oil that is sucked out of our planet every single day, so we have a prodigious appetite for energy.

That is not surprising. Everything we do uses energy, and we are an advanced industrial country. We get up in the morning and turn on a switch and the light goes on. We plug in an electric razor and shave. We use it for the coffee maker or for the toaster by using electricity. We open the refrigerator which keeps the food cool all the time. We get in our cars, put a key in the ignition and ignite an engine with probably 250 horses to take us to work or to get a doughnut and coffee. We are unbelievable users of energy, and we do not even think much about it. But if tomorrow morning we awoke and none of that energy were available, our lives would change in a dramatic way.

Now think of this: Although we need one-fourth of 85 million barrels of oil today, brought to this country, almost 70 percent of the oil we use is produced elsewhere. Some of it is produced in countries that do not like us very much. Then in addition to nearly 70 percent being produced elsewhere, about 70 percent of the oil in this country is used in the transportation sector. So those are the elements of things that ought to concern us. How do we deal with all of this?

What we need to do is produce more energy at home. We also need to

produce different kinds of energy. I happen to believe we ought to produce virtually every kind of energy to the extent that we can do so, and do it with an eye and understanding on how that impacts climate change issues. We should be attending to and producing more renewable energy—including wind, solar, biomass and other renewable resources. Developing renewables will move us in the direction of addressing climate change.

So here is what we have done in the Energy Committee. We have produced a piece of legislation that maximizes the use of renewable energy.

Here is a picture of wind turbines. They are plentiful in my State and in many other States as well. We are taking energy from the wind and producing electricity. When we put up a turbine, it can blow for 10 years, 20 years or 50 years so that we are getting energy from the wind. It is renewable, increasingly reliable, carbon free, and very protective of the environment.

By producing electricity from the wind, solar or biomass resources, we are capable of extending and expanding our energy supply and in many ways, making us less dependent on foreign oil or energy that comes from foreign sources. This is especially true as we work to electrify our transportation system.

One of the things we did with respect to wind energy is, for the first time in the Senate Energy bill, establish a national renewable electricity standard. We said we believe there ought to be a requirement of how much of our nation's electricity should come from renewable energy. So we have a 15-percent requirement. When we get a bill to the Senate floor, we ought to increase it to a 20-percent requirement where 5 percent is for energy efficiency and 15 percent is for renewable energy. I would like to see if we can strengthen that standard which came out of the Energy Committee. But at least the first renewable electricity standard of 15 percent is in the committee passed bill. It is very important that we a starting point for where we want to be.

There is this old saying: If you don't care where you are, you are never lost. That is very true for public policy in this country. If you don't care where you are, then you don't set goals. But we should set goals because we are unbelievably and dangerously dependent on energy from other countries. That doesn't make any sense to me, so we must maximize the production of renewable energy.

The problem is where the Sun shines or where the wind blows and where we can produce electricity from the wind and the Sun may not necessarily be where we most need the energy. What we need to do is produce energy where we can and move it to the load centers where they need the electricity. So we have a transmission piece in this energy legislation which is very important because it essentially will create an interstate highway of transmission

capability to maximize the production of renewable energy and move it to where it is needed, the load centers.

We cannot seem to produce or build transmission capabilities at this point to the scale we need it. We have—we built 11,000 miles of natural gas pipelines in the last 9 years in this country to move natural gas, but we have only been able to build 668 miles of interstate, high voltage transmission lines. We just can't get it done. There are 100 different ways for people to say no. We put a transmission piece in this legislation which will move us down the road to maximize the production and the movement of renewable energy. This is a positive step for this country.

Here is a chart that describes what has happened with domestic production and use of petroleum in our country from 1981 to today. It is pretty clear from this graph what has happened, and this ever growing gap is what makes us dangerously dependent on foreign oil. We use a lot of oil, and we are unbelievably dependent on foreign oil. As I indicated, some of it is from countries that don't like us very much, and that is not smart at all.

The Energy bill passed in the Energy Committee awaiting floor action is legislation that contains an amendment I successfully offered that would open access to the eastern gulf of Mexico which is closed for oil and gas production. It would open it for oil and gas production. That is very important because there are substantial amounts of production available to us in this region.

Down in the Cuban waters we have this misguided embargo against Cuba for the last 50 years that has not worked. It continues, and at the same time, the Cubans are opening their waters for oil and gas production to companies based in other countries. We understand there is about a half million barrels a day for production available in these waters. The Spanish are there, the Indians are there, Canada is there—they are all seeking to develop the resources, but American oil companies can't because of that embargo. That makes no sense to me, and we ought to remove that embargo, in my judgment. But the point is, the bill I have just described actually opens a substantial area for additional oil and gas production that came from an amendment passed with bipartisan support.

Here is another chart describing where we get our energy. It includes coal, petroleum, natural gas, hydroelectric, renewables, and nuclear. I happen to think to the extent that we can, even as we take action to protect our environment, we ought to consider all types of energy to make us less dependent on foreign energy.

Coal—I recognize, by using coal to produce energy, we release carbon into the atmosphere. That is difficult when we are dealing with a need to address climate change. In the appropriations committee I chair on energy and water, what we are doing is making sure we

are investing in finding ways to remove the carbon from fossil energy. I believe it can be done. I believe one day we will have a near-zero emission, coal-fired, electric-generating plant.

I think we ought to do a lot of everything and do it well. I believe there are so many exciting things going on that will alter our future, if we just keep investing in them and make them happen.

I want to show a chart that is kind of a Byzantine chart, actually. This might not mean much to anybody at first glance, but this is algae. It is single-cell pond scum. We have all seen in very common places, especially those of us who grew up in rural areas. In a pond when the Sun shines we will see this film develop, this green slimy stuff in a pond. It is pond scum, right? Algae.

When I became chairman of the Energy and Water Appropriations Subcommittee, I restarted the algae research work that had been discontinued for 15 years. Why would we research algae? Here is why: Because if CO<sub>2</sub> is a problem in coal-burning or fossil-fired plants, what we can do with it is take the CO<sub>2</sub> from the facility and feed it into a big old greenhouse. We can grow algae because algae grows with sunlight, water, and CO<sub>2</sub>. We get rid of the CO<sub>2</sub> by feeding it into and growing the algae, then harvesting the algae and producing a diesel fuel. We take the CO<sub>2</sub>, which is a problem because we want to protect the atmosphere.

There is research going on right now in which I believe Exxon and Dr. Craig Venter are working on for new algae research. They are taking the algae and excreting the lipids which, with little manipulation, would then become petroleum projects. Dr. Venter was also one of several leading scientists involved in the research to map the human genome which gave us the first owners manual for the human body. Dr. Venter and Dr. Francis Collins are remarkable Americans. He is now doing research in which people are trying to determine how to create synthetic microbes that would consume coal and, in the process of consuming coal, leave methane gas behind.

Isn't that interesting? Isn't it something, if we could have synthetic microbes turn coal into gas by consuming the coal? I don't know what the future holds for all of this. I do know this. The Energy bill we have passed in our Energy Committee builds on a lot of these interesting and important ideas, and I believe does it well. While I haven't mentioned nuclear, there are loan guarantee funds and other incentives that Congress has already passed to try to build some of the first few nuclear projects, which obviously don't produce carbon.

I think it is important that we recognize we should do a lot of things, do them well, make us less dependent on foreign oil, protect the environment, and provide greater national security

and energy security as a result. That is the point of it all.

The reason I have described all this—I come from a State that produces a lot of energy and I am on the Energy Committee. I am the second ranking Democrat on the committee. I am also chairman of the appropriations subcommittee that funds all energy and water projects, and that is a great opportunity for me because I come from a State that produces a lot of energy. We have virtually every form of energy. In the western half of that State, we produce a lot of oil and natural gas. We produce a lot of coal. We also have a great deal of wind and biomass. In fact we have more wind than any State in America. According to the Department of Energy, we are the Saudi Arabia of wind.

Also, we have a plant that uses lignite coal and produces from lignite coal synthetic natural gas. It is the only plant of its kind in the United States. We take CO<sub>2</sub> from that facility, put it in a pipeline to inject into the oil fields in Canada. We are taking CO<sub>2</sub>, sequestering it, selling it, using it in enhanced oil recovery because a very small amount of oil a new oil field is actually brought up until we use additional means to move it. We can do that by injecting it with CO<sub>2</sub> which stays in the ground. Then we can bring up a lot more oil. We are doing all these things.

The reason I wanted to talk about this today is we need to get that Energy bill to the floor of the Senate, get it passed, get it to the President for signature. It is a significant first step in the direction of addressing climate change but is also a significant step in making us less dependent on foreign oil.

Senator BINGAMAN and Senator MURKOWSKI, the chairman and ranking member of the Energy Committee, worked with me and other Members for many months to produce this legislation. Some say let's merge it with climate change.

We should put this energy bill and climate change together and bring it to the floor for a debate. Well, you know what. I have said I think it would be far more beneficial, as a matter of practical policy, to bring the Energy bill to the Senate floor, pass it, put that progress in the bank because it is a significant stride toward addressing climate change, then follow that up with a climate change bill behind that.

I know some have interpreted my remarks as saying I do not support climate change legislation. Well, I have already spoken on the floor to clarify that point. I do not support a cap-and-trade bill as it relates to the market trade portion of cap and trade.

I do not intend and do not have any interest in consigning the price of energy tomorrow to the decisions in a \$1 trillion carbon securities market that will be populated by investment banks and speculators today that are going to tell us what they believe the price of carbon should be tomorrow.

I have had way too much acquaintance with markets that are broken and markets that do not work in recent years to believe that is what we ought to do. I do believe there is something significant happening with respect to our climate changing. I believe this country should take, at a minimum, a series of important “no regret” steps in addressing those issues.

But I have great difficulty with those who believe we should do cap-and-trade bill when you talk about carbon marking trading, given the experience we have had in recent years in other markets. We have discovered that time on the Senate floor is evaporating quickly because health care is taking longer than one would have expected.

We must also do financial reform. I would hope that financial reforms come after health care. My own view is we do financial reform first this year because that would have established the foundation by which people could have confidence in the system that steered this country’s economy into the ditch. I have expressed this to the President.

But I understand health care is a very serious problem as well. So we need to consider health care and financial reform. I also hope we can consider the issue of FAA reauthorization; all these things and others are needed to be done before the end of the year. The majority leader understands all of that, is working very hard to try to fit the pieces of that puzzle into the time available.

My only point for expressing the point on the floor is that I would very much hate to lose some important work on energy that affects virtually every form of energy, including energy efficiency, the first ever national RES, more transmission, additional access to oil, and more that will make us less dependent on foreign oil and start to address climate change.

All of that is part of a plan that I think is a plan that will advance the interests of this country. So my hope is that in the coming weeks, as we think through and talk through what should be our agenda in the near future, my hope is we can find a way to move these important parts of an energy bill.

This, I think, should represent a significant opportunity for bipartisanship at a time when there has been precious little. Too little bipartisanship exists right now. But if there is any area in which most of us would believe our country’s best interests reside, it has to be producing more energy and doing it the right way, protecting our environment at the same time. That is very much what this Energy bill strives to do.

It will advance our country’s interests, and so my hope is that when the calendar turns for the new year, we will have sent to the President’s desk an energy policy that has a lot to commend in it for this country’s future. I visited personally with the President, the Majority Leader and others about

this idea and commit to working with them on it.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL MESOTHELIOMA AWARENESS DAY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 288 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 288) Designating September 26, 2009, as “National Mesothelioma Awareness Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I 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 interviewing action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 288) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 288

Whereas mesothelioma is a terminal cancer related to exposure to asbestos that affects the lining of the lungs, abdomen, heart, or testicles;

Whereas workers who are exposed to asbestos on a daily basis over a long period of time are most at risk, but even short-term exposures to asbestos can cause the disease;

Whereas exposure to asbestos for as little as 1 month can cause mesothelioma 20 to 50 years later;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975, and more than 3,000 products sold in the United States contain asbestos;

Whereas there is no known safe level of exposure to asbestos;

Whereas millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;

Whereas the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

Whereas the National Cancer Institute recognizes a clear need for new treatments to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

Whereas the need to develop treatments for mesothelioma was overlooked for decades;

Whereas even the best available treatments for mesothelioma typically have only

a very limited effect, and a person diagnosed with mesothelioma is expected to survive between 8 and 14 months;

Whereas mesothelioma has claimed the lives of such heroes and public servants as Admiral Elmo Zumwalt, Jr., and Congressman Bruce F. Vento;

Whereas many mesothelioma victims were exposed to asbestos while serving in the Navy;

Whereas it is believed that many of the firefighters, police officers, and rescue workers who served at Ground Zero on September 11, 2001, may be at increased risk of contracting mesothelioma in the future; and

Whereas cities and localities throughout the United States will recognize September 26, 2009, as “Mesothelioma Awareness Day”: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 26, 2009, as “National Mesothelioma Awareness Day”; and

(2) calls on the people of the United States, Federal departments and agencies, States, localities, organizations, and media to observe National Mesothelioma Awareness day with appropriate ceremonies and activities.

#### RECESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate stand in recess until 3:15.

There being no objection, the Senate, at 12:10 p.m., recessed until 3:15 p.m. and reassembled when called to order by the Presiding Officer.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

#### ENERGY SECURITY THROUGH TRANSPARENCY ACT

Mr. CARDIN. Mr. President, I rise today to discuss a bill that will increase energy security and combat poverty through greater transparency in the oil, gas and mining industries.

This week, Senator LUGAR and I, along with Senators SCHUMER, WICKER and FEINGOLD, introduced the Energy Security Through Transparency Act. This legislation will require all companies listed on U.S. exchanges to disclose their payments to foreign governments for the extraction of oil, gas and minerals on a country-by-country basis. This disclosure would apply to all companies that file with the Securities and Exchange Commission, SEC, regardless of where they are based, and would be added to existing SEC requirements.

This legislation will set a new international standard for corporate and State behavior.

With this bill, we are changing the paradigm within the world’s oil, gas and mining companies operate, and,

importantly, changing the nature of their relationship with the governments in the countries in which they operate.

This is critical to our energy security, our national security and for the welfare of the citizens of these countries.

When we look at countries situated on oil and natural gas reserves, we think these countries have won the global version of the economic lottery. But what economists have found by studying these resource-rich countries is that they often fare worse than their resource-poor neighbors, both economically and politically.

In these countries rich in natural resources, governments do not provide the most basic of information concerning natural resource revenues. This lack of transparency facilitates and even encourages corruption. This often leads to grinding poverty in countries that are paradoxically rich in natural resources.

This legislation will provide much-needed regulatory and legal support to existing initiatives such as the Extractive Industries Transparency Initiative, EITI, and Publish What You Pay.

It is critical that the United States lead by example on transparency. That is why this legislation also encourages the United States to become an implementing country under EITI.

U.S. implementation of EITI would have practical and symbolic value on a number of fronts.

While this legislation puts human rights front and center in the global energy discussion, it also empowers people to fight corruption and hold their governments accountable. Greater transparency will lead to greater stability in countries that benefit from their natural resources and will lessen volatility in the global energy market, making them more conducive for long-term investments.

Just as importantly, U.S. implementation would bolster the momentum for the EITI, helping to make it a truly global standard for transparency in extractive industries. Leading by example is one of the most powerful ways the U.S. can encourage other countries to sign on to the initiative.

I look forward to working with our colleagues to ensure passage of this important and timely legislation.

#### THE SITUATION IN HONDURAS

Mr. LEAHY. Mr. President, on Monday, September 21, President Manuel Zelaya returned to Tegucigalpa, Honduras, for the first time since he was deposed and exiled in a June 28th coup d'etat, taking refuge in the Brazilian Embassy. His return has led to the installation of a curfew, violence between Zelaya's supporters and Honduran security forces, and troubling reports of the detention and physical abuse of his supporters.

I am encouraged by reports that representatives of Roberto Micheletti,

who currently occupies the Presidency, have met with President Zelaya. As divided as these two factions are, these talks need to continue in order to resolve this situation peacefully before the country descends into further bloody confrontations between civilians and police, or it leads to violent fractures within the military.

I continue to believe that the proposal for the restoration of President Zelaya and early elections, put forward by Costa Rican President Oscar Arias, has the best chance of resolving this conflict. Brute force, like that reported from Honduras this week, will achieve nothing but further polarization.

If President Zelaya is guilty of violating the law, as some have maintained, there are constitutional procedures for dealing with that. But by abusing the law themselves and simply throwing him out of the country, those who claim to have acted in the interests of the Honduran people only compounded the country's problems. Honduras, an impoverished country that needs the support of the United States and its neighbors, can ill afford this crisis to continue.

#### REMEMBERING FRANK FERTITTA

Mr. ENSIGN. Mr. President. I wish to honor the memory of a remarkable human being who inspired those around him with kindness, generosity, and devotion. He was a man who loved his family and understood the value of education.

Lately, it seems that heads of corporations and big businesses have become about as popular as lawyers and politicians. Well, you don't have to look further than the legacy of Frank Fertitta, Jr., to understand that compassion and respect can very much be part of a successful mission statement.

The name Fertitta may be best known in Las Vegas, NV, but the lessons of how this gaming patriarch lived his life should be emulated around the world.

Frank Fertitta, Jr., moved to Las Vegas in 1960 with his lovely wife Victoria. He started as a bellman and slowly worked his way through the ranks—dealer, pit boss, general manager. But what he will be remembered for professionally is his vision and understanding of business and human nature.

In 1976, Frank opened a 5,000-square-foot building called The Casino. Those around him had their doubts about whether this venture would succeed. Instead, Frank became a pioneer of a gaming niche that catered to locals. His little experiment eventually became the Palace Station. Thirty-three years after that first venture, Station Casinos today has 18 casinos and resorts and employs more than 13,000 people. And today, another generation of Fertittas is working to keep the vision of Frank Fertitta, Jr., alive and well.

His success, however, is not what made Frank Fertitta, Jr., so extraor-

dinary. It was his character and integrity that truly made him an example to all. With the utmost respect, he was called Mr. Fertitta by longtime employees and patrons of Station Casinos. That is because he showed respect to all he came into contact with, and they knew it.

I was fortunate to know Mr. Fertitta and call him a friend. He was genuine and unwavering in his support. The kind of person you were blessed to have in your life.

Described as quiet and polite, family and faith were the foundations of his life. Mr. Fertitta showed how a successful, hard-working businessman can also be a dedicated family man. Each week his whole family gathered at his and Victoria's home for Sunday dinner. This was a tradition that all of the Fertittas have cherished over the years. Anyone who knew him knew his family came first.

He was also a consistent and valued friend to many philanthropic organizations in Las Vegas. He and Victoria were involved with the University of Nevada Las Vegas, Bishop Gorman High School, Catholic Charities of Southern Nevada, the Nevada Cancer Institute, Opportunity Village, St. Judes Ranch, and the Cleveland Clinic Lou Ruvo Center for Brain Health.

It is one thing to be generous with your resources. It is another thing to raise your children to also be generous with theirs. That was part of Mr. Fertitta's success. He was proud that his children had become such generous contributors to the community. They did so because he set such a strong example.

Las Vegas lost a visionary with the recent passing of Mr. Fertitta. He taught us all how to respect others—regardless of one's status, how to dream big, and how to give back to our communities. There aren't many people like Mr. Fertitta in the world. We should all take a page from his mission statement to ensure that his brand of success lives on.

#### ADDITIONAL STATEMENTS

##### 2009 SERVICE TO AMERICA MEDAL RECIPIENTS

● Ms. MIKULSKI. Mr. President, today I honor and congratulate three outstanding Federal employees from Maryland—Thomas Alexander Waldmann, Patricia Guerry and Deborah Jin—who have recently been awarded Service to America medals in recognition for their great work.

Our Federal employees are on the front lines every day, working hard for America. Their commitment to public service makes life better for us all. I am proud to honor these three terrific Federal employees from Maryland today.

For the past five decades, Dr. Thomas Alexander Waldmann has devoted himself to performing cutting-edge

science at the National Institutes of Health. His work has resulted in great advances in treatment for patients with multiple sclerosis, various types of cancer and AIDS. Dr. Waldmann's commitment to transforming scientific research to save and improve lives has earned him the nickname "renaissance scientist" by his peers. His seminal research extends from the study of the immune system to clinical trials of immunotherapeutic agents, which help your immune system perform better. His innovative use of clinical trials has helped transform the way trials are used to treat patients, and has led to the development of treatments for fatal forms of leukemia and lymphoma and for multiple sclerosis.

Dr. Patricia Guerry of the U.S. Naval Medical Research Center is an innovator in combating food-borne illnesses throughout the world. After the discovery of the most common cause of food-borne illnesses, the *Campylobacter* microbe, in the late 1970s, researchers struggled to understand it and develop vaccines to combat it. But Dr. Guerry was unwavering in her quest to study the *Campylobacter* microbe, overcoming many barriers and working with limited resources to develop a promising new vaccine that may be only a couple years away from human trials. Over the past 3 years, Dr. Guerry and her group have had impressive success in advancing a vaccine, working at a breakneck pace. Dr. Guerry's success is especially promising for American troops abroad, who are particularly vulnerable to food poisoning.

Dr. Deborah Jin is another pioneering researcher. A research team leader at the JILA-National Institute of Standards and Technology joint institute in Boulder, CO, Deborah and her team have made great advances in the field of physics, including the creation of a new form of matter, a major discovery in the race toward superconductivity. Superconductivity—using extremely low temperatures to move electrons through a magnetic field—can potentially lead to breakthroughs in energy efficiency and computing. Deborah's team raced against six other teams worldwide to be the first to make this discovery.

These three Marylanders exemplify the very best that our Federal employees have to offer. But don't think that there aren't thousands of stories like this across the country, from Atlanta to Silver Spring. They work hard so that the American people have a government they can count on. I will continue to stand sentry so that Federal employees get the pay and benefits they have earned and the job security they deserve.●

#### TRIBUTE TO CAROL BROADNAX

● Mr. PRYOR. Mr. President, today I wish to congratulate and thank a true dedicated public servant upon her retirement. Ms. Carol Broadnax, a long-

time resident of Alexandria, VA, is retiring on October 2, 2009, after 42 years of service in our Federal Government. I want to recognize Carol's outstanding service to the public, and especially, her 30 years of Federal service at the U.S. Consumer Product Safety Commission. Carol started out at the CPSC as a clerk typist and then as a secretary in the Directorate for Communications under Kenneth Rashid and Bessie Draper at the 18th Street location, and then she moved to the agency's Bethesda, MD, location. There, she worked in the Office of the General Counsel as the secretary for Richard Allen, general law division. Over the course of her long and distinguished Federal career she served as the secretary for the following general counsels: Martin Katz, Daniel Levinson, Acting General Counsel John Mackey, James Lacy, Acting General Counsel Susan Birenbaum, Clement Erhardt, Jerry Thorn, Eric Rubel, Jeffrey Bromme, Michael Solender, William DuRoss and John "Gib" Mullan. Since 2005, she has been the administrative officer in the Office of General Counsel at the CPSC to former General Counsel Page Faulk and Acting General Counsel Lowell Martin. Carol currently works for CPSC General Counsel Cheryl Falvey. We congratulate and thank Carol for her enormous contributions to product safety and for her outstanding Federal service.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagreed to the amendment of the Senate to the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. VISCLOSKY, Mr. EDWARDS of Texas, Mr. PASTOR, Mr. BERRY, Mr. FATTAH, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. OLVER, Mr. DAVIS of Tennessee, Mr. SALAZAR, Mr. OBEY, Mr. FREILING-HUYSEN, Mr. WAMP, Mr. SIMPSON, Mr.

REHBERG, Mr. CALVERT, Mr. ALEXANDER, and Mr. LEWIS of California as managers of the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3631. An act to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 163. Concurrent resolution expressing support for designation of September 23, 2009, as "National Job Corps Day".

H. Con. Res. 191. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3631. An act to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 163. Concurrent resolution expressing support for designation of September 23, 2009, as "National Job Corps Day"; to the Committee on Health, Education, Labor, and Pensions.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 801. A bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes (Rept. No. 111-80).

By Mr. AKAKA, from the Committee on Veterans' Affairs:

Special Report entitled "Legislative and Oversight Activities During the 110th Congress by the Senate Committee on Veterans' Affairs" (Rept. No. 111-81).

#### 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. KERRY (for himself and Mr. LUGAR):

S. 1715. A bill to amend the United States International Broadcasting Act of 1994 to extend the authority of the Broadcasting Board of Governors to make grants for the purpose of operating Radio Free Asia; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1716. A bill to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself and Mr. BURR):

S. 1717. A bill to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes; considered and passed.

By Mr. BENNETT:

S. 1718. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 1719. A bill to provide for the conveyance of certain parcels of land to the town of Alta, Utah; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself and Mr. LEAHY):

S. 1720. A bill to amend title VII of the Public Health Service Act to provide improved training and primary care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 1721. A bill to require the Secretary of Transportation to develop a national transportation low emissions energy plan; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. CARDIN, Mr. CASEY, Ms. KLOBUCHAR, Mrs. BOXER, and Mr. ISAKSON):

S. Res. 288. A resolution designating September 26, 2009, as "National Mesothelioma Awareness Day"; considered and agreed to.

By Mr. SPECTER:

S. Res. 289. A resolution encouraging the people of the United States to reflect on and remember the integrity and courage of the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen from extermination by Nazi Germany; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 451

At the request of Ms. COLLINS, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. BURRIS) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors

of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 583

At the request of Mr. PRYOR, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 583, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1647

At the request of Mr. REED, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1647, a bill to provide for additional emergency unemployment compensation, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1674

At the request of Mr. WYDEN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1692

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1692, a bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes.

S. 1694

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1694, a bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. 1699

At the request of Mr. REED, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1699, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

S. 1702

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1702, a bill to amend the Pittman—Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain states.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

AMENDMENT NO. 2484

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 2484 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2555

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 2555 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. LEAHY):

S. 1720. A bill to amend title VII of the Public Health Service Act to provide improved training and primary

care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I, along with Senator LEAHY, introduce the Health Professions and Primary Care Reinvestment Act, which seeks to enhance the training and education of primary care providers and establish a new system for evaluating and analyzing primary care workforce programs funded by Title VII Health Professions Education and Training grants.

In 1963, in response to an impending physician shortage, Congress passed and President Johnson signed the Health Professions Educational Assistance Act into law. Qualified educational and medical institutions became eligible for grants to support primary care curriculum and faculty development, and scholarships and loans to train individuals in certain primary care health professions.

The country is, once again, facing a physician shortage. However, this time, the shortage is one component of a larger system-wide crisis.

The Health Professions and Primary Care Reinvestment Act takes an important step toward providing our primary care providers with the necessary resources for better coordinating care, integrating treatment options, and communicating with patients. It also would enhance the evaluation and analysis of programs funded by Title VII grants in an effort to ensure that funding is appropriately allocated.

The Title VII program deserves a robust evaluation and restructuring and I believe that the provisions set forth in the Health Professions and Primary Care Reinvestment Act will accomplish that goal. My colleagues on the Health, Education, Labor, and Pensions Committee agreed and voted to include similar provisions in the Affordable Health Choices Act, which was reported out of the Committee on July 15, 2009.

We must continue our efforts to reform our health care system. In doing so, we must not forget about the important need to ensure an adequate workforce to care for patients. I look forward to the full Senate considering these vitally important reforms.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1720

*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 "Health Professions and Primary Care Reinvestment Act".

#### SEC. 2. EDUCATION AND TRAINING FOR DELIVERY SYSTEM REFORM.

(a) **MEDICAL HOME TRAINING.**—Section 747(a) of the Public Health Service Act (42 U.S.C. 293k(a)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (6) the following:

"(7) to plan, develop, and operate a demonstration program that provides training in new competencies, as recommended by the Advisory Committee on Training in Primary Care Medicine and Dentistry, which may include—

"(A) providing training to primary care providers relevant to providing care through patient-centered medical homes (as defined by the Secretary for purposes of this paragraph, taking into account the criteria of the National Committee for Quality Assurance and other certifying entities);

"(B) developing tools and curricula relevant to patient-centered medical homes; and

"(C) providing continuing education relevant to patient-centered medical homes."

(b) **PRIORITIES OF DELIVERY SYSTEM REFORM.**—Section 747 of the Public Health Service Act (42 U.S.C. 293k) is amended by striking subsection (c) and inserting the following:

"(c) **PRIORITIES IN MAKING AWARDS.**—In awarding grants or contracts under this section, the Secretary shall give priority to qualified applicants that—

"(1) have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers trained, who enter and remain in primary care practice;

"(2) have a record of training individuals who are from underrepresented minority groups or from a rural or disadvantaged background;

"(3) provide training in the care of vulnerable populations such as children, older adults, homeless individuals, victims of abuse or trauma, individuals with mental health or substance-related disorders, individuals with HIV/AIDS, and individuals with disabilities;

"(4) establish formal relationships and submit joint applications with federally qualified health centers, rural health clinics, area health education centers, or clinics located in underserved areas or that serve underserved populations;

"(5) provide training in interdisciplinary, integrated care through collaboration among health professionals, including physician assistants, nurse practitioners, pharmacists, dentists, geriatricians, and mental and behavioral health professionals;

"(6) provide training in enhanced communication with patients, evidence-based practice, chronic disease management, preventive care, health information technology, or other competencies as recommended by the Advisory Committee on Training in Primary Care Medicine and Dentistry; or

"(7) provide training in cultural competency and health literacy."

(c) **OTHER AMENDMENTS.**—Section 747 of the Public Health Service Act (42 U.S.C. 293k) is amended—

(1) in subsection (d)—

(A) by striking "subsection (a) may not exceed" and inserting "this section shall be"; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

"(e) **AUTHORIZATION OF APPROPRIATIONS.**—For purposes of carrying out this section, there are authorized to be appropriated \$125,000,000 for each of fiscal years 2010 through 2014. Fifteen percent of the amount appropriated in each such fiscal year shall be allocated to the physician assistant training programs described in subsection (a)(5), which prepare students for practice in primary care."

#### SEC. 3. HEALTH WORKFORCE INFORMATION AND ANALYSIS.

(a) **IN GENERAL.**—Section 761 of the Public Health Service Act (42 U.S.C. 294m) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) by striking subsection (b) and inserting the following:

"(b) **NATIONAL CENTER FOR HEALTH WORKFORCE ANALYSIS.**—

"(1) **ESTABLISHMENT.**—The Secretary shall establish the National Center for Health Workforce Analysis (referred to in this section as the "National Center") within the Department of Health and Human Services.

"(2) **PURPOSES.**—The purposes of the National Center are to—

"(A) carry out the activities under section 792(a); and

"(B) collect, analyze, and report data related to health workforce issues in coordination with the State and Regional Centers for Health Workforce Analysis described in subsection (c) (referred to in this section as the "State and Regional Centers").

"(3) **FUNCTIONS.**—The National Center shall—

"(A) annually evaluate the effectiveness of programs under this title, based on data reported by recipients of contracts or grants under this title, data collected from the State and Regional Centers described in subsection (c), and analyses conducted under paragraph (4);

"(B) develop and publish benchmarks for performance for programs under this title;

"(C) regularly produce and report to the relevant committees of Congress estimates of the supply, demand, and distribution of health professionals, such as physicians, dentists, nurses, physician assistants, pharmacists, mental and behavioral health professionals, public health workers, and long-term care workers, as appropriate;

"(D) establish, maintain, and make publicly available through the Internet a national health workforce database to collect data from—

"(i) longitudinal tracking systems (as defined in section 761(d)(2)) on performance measures (as developed under sections 748(d)(3), 756(d)(3), and 762(a)(3)); and

"(ii) the State and Regional Centers described in subsection (c);

"(E) establish and maintain a registry of each grant awarded under this title, including data on the project director, the institution, the type and year of the award, and the residency, fellowship, or internship program, as appropriate; and

"(F) biennially submit to the relevant committees of Congress a report on the activities of the National Center during the previous 2-year period.

"(4) **COLLABORATION AND DATA SHARING.**—

"(A) **IN GENERAL.**—The National Center shall collaborate with Federal agencies, health professions education organizations, health professions organizations, and professional medical societies for the purpose of linking data regarding grants awarded under this title with 1 or more of the following:

"(i) Data maintained by the Centers for Medicare & Medicaid Services.

"(ii) Data on participation in the National Health Service Corps.

"(iii) Data sets maintained by health professions education organizations, health professions organizations, or professional medical societies.

"(iv) Other data sets, as the Secretary determines appropriate.

"(B) **CONTRACTS FOR HEALTH WORKFORCE ANALYSIS.**—For the purpose of carrying out the activities described in subparagraph (A),



the National Center may enter into contracts with health professions education organizations, health professions organizations, or professional medical societies.

“(C) STATE AND REGIONAL CENTERS FOR HEALTH WORKFORCE ANALYSIS.—

“(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, eligible entities for purposes of—

“(A) collecting, analyzing, and reporting to the National Center data regarding programs under this title and data related to health workforce issues;

“(B) conducting, broadly disseminating, and making publicly available through the Internet research and reports on State, regional, and national health workforce issues, including research on the supply, demand, and distribution of health professionals;

“(C) evaluating the effectiveness of programs under this title and other policies related to health workforce issues; and

“(D) providing technical assistance to local and regional entities on the collection, analysis, and reporting of data related to health workforce issues.

“(2) ELIGIBLE ENTITIES.—To be eligible for a grant or contract under this subsection, an entity shall—

“(A) be a State, a State workforce commission, a public health or health professions school, an academic health center, or an appropriate public or private nonprofit entity or a partnership of such entities; and

“(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(d) INCREASE IN GRANTS FOR LONGITUDINAL TRACKING SYSTEMS.—

“(1) IN GENERAL.—The Secretary shall increase the amount of a grant or contract awarded to an eligible entity under this title for the establishment and maintenance of a longitudinal tracking system.”

“(2) DEFINITION.—

“(A) IN GENERAL.—For purposes of paragraph (1), the term ‘longitudinal tracking system’ means a system that tracks students, residents, fellows, interns, or faculty who have received education, training, or financial assistance from programs under this title over a period of not less than 5 years, as specified by the Secretary.

“(B) CAPABILITY.—A longitudinal tracking system shall be capable of—

“(i) tracking participation in the National Health Service Corps, practice in federally qualified health centers, practice in health professional shortage areas and medically underserved areas, and practice in primary care; and

“(ii) collecting and reporting data on performance measures developed under sections 748(d)(3), 756(d)(3), and 762(a)(3).

“(C) GUIDELINES.—A longitudinal tracking system shall comply with guidelines issued under sections 748(d)(4), 756(d)(4), and 762(a)(4).

“(3) ELIGIBLE ENTITIES.—To be eligible to obtain an increase under this section, an entity shall be a recipient of a grant or contract under this title and have not previously received an increase under this section.”; and

(3) in subsection (e), as so redesignated—  
(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) NATIONAL CENTER FOR HEALTH WORKFORCE ANALYSIS.—To carry out subsection (b), there are authorized to be appropriated \$1,000,000 for each of fiscal years 2010 through 2014, and such sums as may be necessary for each subsequent fiscal year.

“(B) STATE AND REGIONAL CENTERS.—To carry out subsection (c), there are authorized to be appropriated \$4,500,000 for each of fiscal

years 2010 through 2014, and such sums as may be necessary for each subsequent fiscal year.

“(C) GRANTS FOR LONGITUDINAL TRACKING SYSTEMS.—To carry out subsection (d), there are authorized to be appropriated such sums as may be necessary for fiscal years 2010 through 2014.

“(D) CARRYOVER FUNDS.—An entity that receives an award under this section may carry over funds from 1 fiscal year to another without obtaining approval from the Secretary. In no case may any funds be carried over pursuant to the preceding sentence for more than 3 years.”; and

(B) in paragraph (2), by striking “subsection (a)” and inserting “paragraph (1)”.

(b) TRANSFER OF FUNCTIONS.—Not later than 180 days after the date of enactment of this Act, all of the functions, authorities, and resources of the National Center for Health Workforce Analysis of the Health Resources and Services Administration, as in effect on the date before the date of enactment of this Act, shall be transferred to the National Center for Health Workforce Analysis established under section 761 of the Public Health Service Act, as amended by subsection (a).

(c) PREFERENCE FOR USE OF LONGITUDINAL TRACKING SYSTEMS.—Section 791(a)(1) of the Public Health Service Act (42 U.S.C. 295j(a)(1)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(C) utilizes a longitudinal tracking system (as defined in section 761(d)(2)) and reports data from such system to the national workforce database (as established under section 761(b)(3)(D)).”

(d) PERFORMANCE MEASURES; GUIDELINES FOR LONGITUDINAL TRACKING SYSTEMS.—

(1) ADVISORY COMMITTEE ON TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.—Section 748(d) of the Public Health Service Act (42 U.S.C. 2931(d)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(3) not later than 3 years after the date of enactment of the Health Professions and Primary Care Reinvestment Act, develop, publish, and implement performance measures, which shall be quantitative to the extent possible, for programs under this part;

“(4) develop and publish guidelines for longitudinal tracking systems (as defined in section 761(d)(2)) for programs under this part; and

“(5) recommend appropriation levels for programs under this part.”

(2) ADVISORY COMMITTEE ON INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.—Section 756(d) of the Public Health Service Act (42 U.S.C. 294f(d)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(3) not later than 3 years after the date of enactment of the Health Professions and Primary Care Reinvestment Act, develop, publish, and implement performance measures, which shall be quantitative to the extent possible, for programs under this part;

“(4) develop and publish guidelines for longitudinal tracking systems (as defined in section 761(d)(2)) for programs under this part; and

“(5) recommend appropriation levels for programs under this part.”

(3) ADVISORY COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 762(a) of the Public Health Service Act (42 U.S.C. 294(a)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(3) not later than 3 years after the date of enactment of the Health Professions and Primary Care Reinvestment Act, develop, publish, and implement performance measures, which shall be quantitative to the extent possible, for programs under this title, except for programs under part C or D;

“(4) develop and publish guidelines for longitudinal tracking systems (as defined in section 761(d)(2)) for programs under this title, except for programs under part C or D; and

“(5) recommend appropriation levels for programs under this title, except for programs under part C or D.”

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 288—DESIGNATING SEPTEMBER 26, 2009, AS “NATIONAL MESOTHELIOMA AWARENESS DAY”

Mrs. MURRAY (for herself, Mr. CARDIN, Mr. CASEY, Ms. KLOBUCHAR, Mrs. BOXER, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 288

Whereas mesothelioma is a terminal cancer related to exposure to asbestos that affects the lining of the lungs, abdomen, heart, or testicles;

Whereas workers who are exposed to asbestos on a daily basis over a long period of time are most at risk, but even short-term exposures to asbestos can cause the disease;

Whereas exposure to asbestos for as little as 1 month can cause mesothelioma 20 to 50 years later;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975, and more than 3,000 products sold in the United States contain asbestos;

Whereas there is no known safe level of exposure to asbestos;

Whereas millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;

Whereas the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

Whereas the National Cancer Institute recognizes a clear need for new treatments to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

Whereas the need to develop treatments for mesothelioma was overlooked for decades;

Whereas even the best available treatments for mesothelioma typically have only a very limited effect, and a person diagnosed with mesothelioma is expected to survive between 8 and 14 months;

Whereas mesothelioma has claimed the lives of such heroes and public servants as Admiral Elmo Zumwalt, Jr., and Congressman Bruce F. Vento;

Whereas many mesothelioma victims were exposed to asbestos while serving in the Navy;

Whereas it is believed that many of the firefighters, police officers, and rescue workers who served at Ground Zero on September

11, 2001, may be at increased risk of contracting mesothelioma in the future; and

Whereas cities and localities throughout the United States will recognize September 26, 2009, as "Mesothelioma Awareness Day": Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 26, 2009, as "National Mesothelioma Awareness Day"; and

(2) calls on the people of the United States, Federal departments and agencies, States, localities, organizations, and media to observe National Mesothelioma Awareness day with appropriate ceremonies and activities.

**SENATE RESOLUTION 289—ENCOURAGING THE PEOPLE OF THE UNITED STATES TO REFLECT ON AND REMEMBER THE INTEGRITY AND COURAGE OF THE 6,135 CHRISTIAN MEN AND WOMEN OF POLAND WHO ACTED TO SAVE THEIR JEWISH COUNTRYMEN AND COUNTRYWOMEN FROM EXTERMINATION BY NAZI GERMANY**

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 289

Whereas the year 2009 marks the 70th anniversary of the start of World War II, a war that should be remembered for introducing the world to the repulsive and unprecedented barbarism and cruelty of Nazi Germany;

Whereas Poland was the first country attacked and enslaved by the government and armed forces of Nazi Germany as part of the methodical extermination of European Jewry by Nazi Germany;

Whereas 6,135 Christian men and women of Poland acted with great integrity and courage, risking their lives and the lives of their families, to save their Jewish countrymen and countrywomen from the barbarism and extermination of the Nazis;

Whereas the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen did so in spite of the threat of their immediate execution and the execution of their families, a threat that people in no other country in Nazi-occupied Europe had to endure; and

Whereas the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen represent approximately 27 percent of the "Righteous Among the Nations" honored by Yad Vashem in the Republic of Israel: Now, therefore, be it

*Resolved*, That the Senate encourages the people of the United States to reflect on and remember the integrity and courage of the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen from extermination by Nazi Germany.

Mr. SPECTER. Mr. President, I have sought recognition today to submit a resolution encouraging the people of the U.S. to reflect on and remember the integrity and courage of the 6,135 Polish Christians who took action to save their Jewish countrymen and countrywomen from extermination by Nazi Germany. Earlier this year I co-sponsored S. Res. 9, a resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to us be an exceptionally strong partner to the U.S. in advancing

freedom around the world. Today I want to recognize a time in history when such a freedom was challenged in Poland and around the world by a despotic regime, and more importantly pay tribute to those few who fought this tyranny and helped save innocent lives.

This year marks the 70th anniversary of the start of World War II, a war remembered for the cruelty of Nazi Germany, as well as for the forces that eventually overcame this cruelty. Following World War II, Yad Vashem and a Remembrance Authority was established to embark on a worldwide project to identify those individuals who helped Jews during the Holocaust. All rescuers of European Jews during World War II are honored today as the "Righteous Among the Nations" by Yad Vashem in the State of Israel. Poland's 6,135 "Righteous" rescuers constitute some 27 percent of the 22,765 "Righteous" throughout the world. Furthermore, while unknown in number, it is important to remember those Polish Christians who were caught and summarily executed along with their families while attempting to carry out such rescues. While their stories may never be told, it is important to mention their heroic efforts.

The 6,135 "Righteous" Polish Christians whose acts of courage and integrity have been documented by witnesses should be appropriately honored. These Polish Christians who were willing to risk their own lives and those of their families to save Polish Jews should not be forgotten. These 6,135 Polish Christians will always stand as universal exemplars and role models of human compassion who acted above and beyond the normal expectations of courage and integrity. Thus, I urge my colleagues to join me in supporting this resolution which reflects on and remembers the Polish Righteous Among the Nations.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2556. Mr. REID (for Ms. LANDRIEU (for herself and Ms. SNOWE)) proposed an amendment to the bill H.R. 3614, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

SA 2557. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 2556.** Mr. REID (for Ms. LANDRIEU (for herself and Ms. SNOWE)) proposed an amendment to the bill H.R. 3614, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

Strike sections 2 and 3.

**SA 2557.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" and available for Program Element #0708045A, up to \$1,000,000 may be available for Advanced Ultrasonic Inspection of Helicopter Rotor Blades and Other Composite Components.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FINANCE**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Friday, September 25, 2009, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGES OF THE FLOOR**

Mr. INOUE. Mr. President, I ask unanimous consent that Mr. Robert Berschinski, a fellow with the Appropriations Defense Subcommittee, and Rachel Meyer, staff assistant for the Defense Subcommittee, be granted the privilege of the floor during consideration of H.R. 3326.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Jason Lindsey, a military fellow in my office, and Tom Osterhoudt, a detailee to the Appropriations Committee, be granted the privileges of the floor during consideration of H.R. 3326, the fiscal year 2010 Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that for the duration of H.R. 3326, the 2010 Department of Defense Appropriations Act, Senator MCCAIN's Navy fellow, Mark Holzrichter, be granted floor privileges of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that Bill Curlin be granted floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that LTC Joseph J. Martin, a U.S. Army Special Forces officer, who is currently serving as my military legislative fellow this year, be granted floor privileges for the duration of the consideration of H.R. 3326,

the Department of Defense Appropriations Act for fiscal year 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Thursday, September 24, 2009, the Senate passed H.R. 2996, as amended, as follows:

H.R. 2996

*Resolved*, That the bill from the House of Representatives (H.R. 2996) entitled “An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:*

##### TITLE I

#### DEPARTMENT OF THE INTERIOR

##### BUREAU OF LAND MANAGEMENT

##### MANAGEMENT OF LANDS AND RESOURCES

*For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$965,721,000, to remain available until expended, of which not to exceed \$69,336,000 is available for oil and gas management; and of which \$1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which \$3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.*

*In addition, \$45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from \$6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, \$36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$965,721,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.*

##### CONSTRUCTION

*For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$8,626,000, to remain available until expended.*

##### LAND ACQUISITION

*For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, in-*

*cluding administrative expenses and acquisition of lands or waters, or interests therein, \$28,650,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$2,000,000 made available for the Henry's Lake ACEC in the State of Idaho (as described in the table entitled “Congressionally Designated Spending” contained in section 430 of that joint explanatory statement) shall be made available for the Upper Snake/South Fork River ACEC/SRMA in the State of Idaho.*

##### OREGON AND CALIFORNIA GRANT LANDS

*For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$111,557,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).*

##### FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

##### (REVOLVING FUND, SPECIAL ACCOUNT)

*In addition to the purposes authorized in Public Law 102-381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f-1 et seq., and Public Law 106-393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.*

##### RANGE IMPROVEMENTS

*For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: Provided, That not to exceed \$600,000 shall be available for administrative expenses.*

##### SERVICE CHARGES, DEPOSITS, AND FORFEITURES

*For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: Provided, That, notwith-*

*standing any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.*

##### MISCELLANEOUS TRUST FUNDS

*In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.*

##### ADMINISTRATIVE PROVISIONS

*The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Projects funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the bureau upon receipt of the written commitment. Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.*

##### UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

*For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, \$1,244,386,000, to remain available until September 30, 2011 except as otherwise provided herein: Provided, That \$2,500,000 is for high priority projects, which shall be carried out by the*

Youth Conservation Corps: Provided further, That not to exceed \$22,103,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$11,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009: Provided further, That of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

#### CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$39,741,000, to remain available until expended.

#### LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$82,790,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601-9, not more than \$1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

#### COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, \$85,001,000, to remain available until expended, of which \$30,307,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which \$5,146,000 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which \$54,694,000 is to be derived from the Land and Water Conservation Fund.

#### NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$14,500,000.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401-4414), \$45,147,000, to remain available until expended.

#### NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), \$5,000,000, to remain available until expended.

#### MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4214, 4221-4225, 4241-4246, and 1538), the Asian Elephant Conservation Act of 1997 (16

U.S.C. 4261-4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301-6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601-6606), \$11,500,000, to remain available until expended.

#### STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$80,000,000, to remain available until expended: Provided, That of the amount provided herein, \$7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That \$5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, after deducting \$12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall, for fiscal year 2010 and each fiscal year thereafter, be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

#### ADMINISTRATIVE PROVISIONS

The Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pur-

suant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, \$2,261,309,000, of which \$9,982,000 for planning and interagency coordination in support of Everglades restoration and \$99,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

##### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$67,438,000, of which \$3,175,000 shall be for Preserve America grants as authorized by section 7302 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

##### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$74,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which \$20,000,000 shall be for Save America's Treasures grants as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11) of which \$200,000 may be made available by the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue, preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct scholarly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martin Luther King, Jr.

#### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including a portion of the expense for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$219,731,000, to remain available until expended.

#### LAND AND WATER CONSERVATION FUND

##### (RESCISSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 4601-10a is rescinded.

##### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$118,586,000, to be derived from the Land and Water Conservation

Fund and to remain available until expended, of which \$35,000,000 is for the State assistance program and of which \$4,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

ADMINISTRATIVE PROVISIONS  
(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY  
SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,104,340,000, to remain available until September 30, 2011, of which \$65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which \$40,150,000 shall remain available until expended for satellite operations; and of which \$7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting

for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, \$175,217,000, to remain available until September 30, 2011, of which \$89,374,000 shall be available for royalty management activities; and an amount not to exceed \$156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent \$156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$156,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That the term “qualified Outer Continental Shelf revenues”, as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: Provided further, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), MMS in fiscal year 2010 may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

For an additional amount, \$10,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2010, as provided in this Act: Provided, That to the extent that such amounts are not realized from such fees, the amount needed to reach \$10,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, \$127,180,000, to remain available until September 30, 2011: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, \$39,588,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$2,309,322,000,

to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$74,915,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$154,794,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed \$566,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; of which \$25,000,000 shall be for public safety and justice programs as authorized by the Emergency Fund for Indian Safety and Health, established by section 601 of Public Law 110-293 (25 U.S.C. 443c); and of which not to exceed \$60,958,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2012: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

#### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$225,000,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant

to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 108-447, 109-379, 109-479, 110-297, and 111-11, and for implementation of other land and water rights settlements, \$47,380,000, to remain available until expended.

#### INDIAN LAND CONSOLIDATION, BIA

For consolidation of fractional interests in Indian lands and expenses associated with retermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$3,000,000, to remain available until expended.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, \$8,215,000, of which \$1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed \$93,807,956.

#### ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

#### DEPARTMENTAL OFFICES OFFICE OF THE SECRETARY SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$118,836,000; of which not to exceed \$25,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for

workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That, for fiscal year 2010 up to \$400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than \$100: Provided further, That for fiscal years 2008 through 2012 the Secretary may reduce the payment authorized by 31 U.S.C. 6901-6907, as amended, for an individual county by the amount necessary to correct prior year overpayments to that county: Provided further, That for fiscal years 2008 through 2012 the amount needed to correct a prior year underpayment to an individual county shall be paid from any reductions for overpayments to other counties and the amount necessary to cover any remaining underpayment is hereby appropriated and shall be paid to individual counties using current fiscal year funds.

## INSULAR AFFAIRS

## ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$81,095,000, of which: (1) \$71,815,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$9,280,000 shall be available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c): Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under Public Law 104-134, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section

306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

## COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188: Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under section 104(e) of Public Law 108-188, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

## OFFICE OF THE SOLICITOR

## SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$65,076,000.

## OFFICE OF INSPECTOR GENERAL

## SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$48,590,000.

## OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

## FEDERAL TRUST PROGRAMS

## (INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$185,984,000, to remain available until expended, of which not to exceed \$56,536,000 from this or any other Act, shall be available for historical accounting, and of which \$1,500,000 shall be available for the estate planning assistance program under section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)): Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Salaries and Expenses" account: Provided further, That

funds made available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$15.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

## DEPARTMENT-WIDE PROGRAMS

## WILDLAND FIRE MANAGEMENT

## (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$904,637,000, to remain available until expended, of which not to exceed \$6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109-154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such

contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

#### CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,175,000, to remain available until expended: Provided, That Public Law 110-161 (121 Stat. 2116) under this heading is amended by striking "in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act" and inserting in lieu thereof "including any fines or penalties".

#### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 1911 et seq.), \$6,462,000, to remain available until expended.

#### WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general benefit to the Department, \$85,823,000, to remain available until expended: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93-638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training

Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisions shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

#### ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

##### EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

###### (INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

##### EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Pro-

vided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

#### AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

#### AUTHORIZED USE OF FUNDS

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

#### REDISTRIBUTION OF FUNDS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No federally recognized tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

#### TWIN CITIES RESEARCH CENTER

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460ze.

#### PAYMENT OF FEES

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with *Cobell v. Salazar* to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in *Cobell v. Salazar*.

#### ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of



visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

PROHIBITION ON USE OF FUNDS

SEC. 109. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

USE OF COOPERATIVE AGREEMENTS

SEC. 110. For fiscal year 2010, and each fiscal year thereafter, the Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

CONFORMING AMENDMENT

SEC. 111. Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall, for fiscal year 2010 and each fiscal year thereafter, apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term "royalty payment" shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL SEASHORE

SEC. 112. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 113. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a non-refundable inspection fee, which shall be deposited in the "Royalty and Offshore Minerals Management" account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

- (1) \$2,000 for facilities with no wells, but with processing equipment or gathering lines;
- (2) \$3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) \$6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) MMS will bill designated operators within 60 days of enactment of this Act, with payment required within 30 days of billing.

YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS, AMENDMENT

SEC. 114. Section 101(a)(1) of Public Law 109-131 is amended by striking "2009" and inserting "2013".

NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 115. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking "subsection (i)" and inserting "subsection (j)"; and

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

"(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

"(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

"(2) PROPERTY REMOVAL.—

"(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

"(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area."

PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING

SEC. 116. (a) DEFINITIONS.—In this section:

(1) HISTORIC ATTRACTION.—The term "historic attraction" mean a historic attraction within the Pearl Harbor Naval Complex, including—

(A) the USS Bowfin Submarine Museum and Park;

(B) the Battleship Missouri Memorial;

(C) the Pacific Aviation Museum-Pearl Harbor; and

(D) any other historic attraction within the Pearl Harbor Naval Complex that—

(i) the Secretary identifies as a Pearl Harbor historic attraction; and

(ii) is not administered or managed by the Secretary.

(2) MONUMENT.—The term "Monument" means the World War II Valor in the Pacific National Monument in the State of Hawaii.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) VISITOR CENTER.—The term "Visitor Center" means the visitor center located within the Pearl Harbor Naval Complex on land that is—

(A) within the Monument; and

(B) managed by the Secretary, acting through the Director of the National Park Service.

(b) FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.—

(1) IN GENERAL.—In managing the Monument, the Secretary may enter into an agreement with any organization that is authorized to administer or manage a historic attraction—

(A) to allow visitors to the historic attraction to gain access to the historic attraction by passing through security screening at the Visitor Center; and

(B) to allow the sale of tickets to a historic attraction within the Visitor Center by—

- (i) employees of the National Park Service; or
- (ii) the organization that administers or manages the historic attraction.

(2) TERMS AND CONDITIONS.—In any agreement entered into under paragraph (1), the Secretary—

(A) shall require the organization administering or managing the historic attraction to pay to the Secretary a reasonable fee to recover administrative costs of the Secretary associated with the use of the Visitor Center for public access and ticket sales;

(B) shall ensure that the liability of the United States is limited with respect to any liability arising from—

(i) the admission of the public through the Visitor Center to a historic attraction; and

(ii) the sale or issuance of any tickets to the historic attraction; and

(C) may include any other terms and conditions that the Secretary determines to be appropriate.

(3) USE OF FEES.—The proceeds of any amounts collected as fees under paragraph (2)(A) shall remain available, without further appropriation, for use by the Secretary for the Monument.

(4) LIMITATION OF AUTHORITY.—Nothing in this section authorizes the Secretary—

(A) to regulate or approve the rates for admission to a historic attraction;

(B) to regulate or manage any visitor services within the Pearl Harbor Naval Complex (other than the services managed by the National Park Service as part of the Monument); or

(C) to charge an entrance fee for admission to the Monument.

(5) PROTECTION OF RESOURCES.—Nothing in this section authorizes the Secretary or any organization that administers or manages a historic attraction to take any action in derogation of the preservation and protection of the values and resources of the Monument.

ASSISTANCE FOR THE REPUBLIC OF PALAU

SEC. 117. (a) IN GENERAL.—Subject to subsection (c), the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2010 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the "Compact").

(b) PROGRAMMATIC ASSISTANCE.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2010 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) LIMITATIONS ON ASSISTANCE.—

(1) IN GENERAL.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) TRUST FUND.—If the Government of Palau withdraws more than \$5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

GOLDEN GATE NATIONAL RECREATION AREA, FORT BAKER AMENDMENT

SEC. 118. Section 120 of title I of H.R. 3423 (Appendix C) as enacted into law by section 1000(a)(3) of division B of Public Law 106-113 is amended by striking the last sentence.

THEODORE ROOSEVELT NATIONAL PARK, ELK REDUCTION

SEC. 119. None of the funds made available in this Act shall be used to establish or implement a plan to reduce the number of elk in Theodore Roosevelt National Park unless such plan, notwithstanding any other provision of law, allows North Dakota residents possessing a State hunting license to be deputized by the Secretary as rangers in such numbers as the Secretary deems

sufficient for purposes of culling the elk herd at the Park, and allows each such volunteer to cull one elk and remove its carcass from the Park.

POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT

SEC. 120. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit ("existing authorization") within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: Provided, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization.

CONTRIBUTION AUTHORITY

SEC. 121. Title 43 U.S.C. 1473, as amended by Public Law 110-161 and Public Law 111-8, is further amended by deleting "in fiscal years 2008 and 2009 only" and inserting "in fiscal years 2008, 2009 and 2010 only".

NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY

SEC. 122. (a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the national significance, suitability, and feasibility of including the Honouliuli Gulch and associated sites within the State of Hawaii in the National Park System.

(b) GUIDELINES.—In conducting the study, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System described in section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

- (1) the State of Hawaii;
- (2) appropriate Federal agencies;
- (3) Native Hawaiian and local government entities;
- (4) private and nonprofit organizations;
- (5) private land owners; and
- (6) other interested parties.

(d) THEMES.—The study shall evaluate the Honouliuli Gulch, associated sites located on Oahu, and other islands located in the State of Hawaii with respect to—

- (1) the significance of the site as a component of World War II;
- (2) the significance of the site as the site related to the forcible internment of Japanese Americans, European Americans, and other individuals; and
- (3) historic resources at the site.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study required under this section.

PROHIBITION ON USE OF FUNDS TO IMPEDE OPERATIONAL CONTROL

SEC. 123. None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109-367) over the international land and maritime borders of the United States.

SEC. 124. Any owner of private property within an existing or new National Heritage Area

may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY  
SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$842,799,000, to remain available until September 30, 2011.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed \$9,000 for official reception and representation expenses, \$2,878,780,000, to remain available until September 30, 2011: Provided, That of the funds included under this heading, not less than \$478,696,000 shall be for the Geographic Programs specified in the committee report accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$44,791,000, to remain available until September 30, 2011.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$35,001,000, to remain available until expended: Provided, That, at the discretion of the Administrator of the Environmental Protection Agency, from the funds included under this heading, \$500,000 may be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) \$1,308,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,308,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, \$9,975,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2011, and \$26,834,000 shall be paid to the "Science and Technology"

appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, \$114,171,000, to remain available until expended, of which \$78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; \$35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$18,379,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$4,954,274,000, to remain available until expended, of which \$2,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which \$1,387,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That, for fiscal year 2010, to the extent that there are sufficient applications, not less than 20 percent of the funds made available for the Clean Water State Revolving Fund or Drinking Water State Revolving Fund capitalization grants shall be for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; \$10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$15,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; \$150,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the committee report accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency;

\$101,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, inter-agency agreements, and associated program support costs; \$60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; \$20,000,000 shall be for targeted airshed grants in accordance with the terms and conditions of the committee report accompanying this Act; and \$1,111,274,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which \$49,495,000 shall be for carrying out section 128 of CERCLA, as amended, \$10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, \$18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, and, in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, \$2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That, for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to Tribes: Provided further, That, for fiscal year 2010, notwithstanding any other provision of law, up to a total of 1.5 percent of the funds provided for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to territories of the United States: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure:

Provided further, That notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8, the \$300,000 made available to the Village of Crestwood for water storage improvements (as described in the table entitled "Congressionally Designated Spending" in section 430 of that joint explanatory statement) shall be made available to the City of Quincy, Illinois, for drinking water system improvements: Provided further, That, notwithstanding House Report 107-272, the amount of \$1,000,000 made available to the Southeast Alabama Regional Water Authority for a water facility project and the amount of \$2,500,000 made available to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System may, at the discretion of the Administrator, be made available to the city of Thomasville for those projects: Provided further, That, notwithstanding House Report 108-10, the amount of \$450,000 made available to the Southwest Alabama Regional Water Authority for water infrastructure improvements may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: Provided further, That, notwithstanding House Report 108-401, the amount of \$450,000 made available to the Southwest Alabama Regional Water supply District for regional water supply distribution in Thomasville, Alabama, may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: Provided further, That, notwithstanding House Report 108-401, the amount of \$2,000,000 made available to the Tom Bevill Reservoir Management Area Authority for construction of a drinking water reservoir in Fayette County, Alabama, may, at the discretion of the Administrator, be made available to Fayette County, Alabama, for water system upgrades: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to the San Bernardino Municipal Water District for the Inland Empire alternative water supply project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of San Bernardino municipal water department for that project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, \$170,800 may, at the discretion of the Administrator, be made available to the city of Prescott for a wastewater treatment plant construction project and \$129,200 may, at the discretion of the Administrator, be made available to the city of Wichita for a storm water technology pilot project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for a water mainline extension project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension

project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for the Konza Water Main Extension project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,300,000 made available to the City of Warrensburg, Missouri for a drinking water and wastewater infrastructure project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to Johnson County, Missouri for that project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,000,000 made available to the City of Gravois Mills for wastewater infrastructure (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the Gravois Arm Sewer District for that project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to McDonald County, Missouri for a wastewater infrastructure expansion project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to PWS #1 of McDonald County, Missouri for that project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 110-161 (121 Stat. 1844), the amount of \$150,000 made available to the City of Hayti, Pemiscot Consolidated Public Water Supply District 1 for a Water Storage Tank (as described in the section entitled "STAG Infrastructure Grants/Congressional Priorities" on page 1264 of the joint explanatory statement) may, at the discretion of the Administrator, be made available to Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$400,000 made available to the City of Lake Norden, South Dakota, for wastewater infrastructure improvements (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the City of Lake Norden, South Dakota, for drinking water infrastructure improvements.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING RESCISSION OF FUNDS)

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized

by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110-94, the Pesticide Registration Improvement Renewal Act.

The Administrator is authorized to transfer up to 50 percent of the funds appropriated for the Great Lakes Initiative under the heading "Environmental Programs and Management" to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances to carry out projects and activities funded through the State and Tribal Assistance Grants Account, \$40,000,000 are permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, ENVIRONMENTAL  
PROTECTION AGENCY  
BLACK CARBON

SEC. 201. (a) Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, may carry out and submit to Congress the results of a study to define black carbon, assess the impacts of black carbon on global and regional climate, and identify the most cost-effective ways to reduce black carbon emissions—

(1) to improve global and domestic public health; and

(2) to mitigate the climate impacts of black carbon.

(b) In carrying out the study, the Administrator shall—

(1) identify global and domestic black carbon sources, the quantities of emissions from those sources, and cost-effective mitigation technologies and strategies;

(2) evaluate the public health, climate, and economic impacts of black carbon;

(3) identify current and practicable future opportunities to provide financial, technical, and related assistance to reduce domestic and international black carbon emissions; and

(4) identify opportunities for future research and development to reduce black carbon emissions and protect public health in the United States and internationally.

(c) Of the amounts made available under this title under the heading "ENVIRONMENTAL PROGRAMS AND MANAGEMENT" for operations and administration, up to \$2,000,000 shall be—

(1) transferred to the account used to fund the Office of Air Quality Planning and Standards of the Environmental Protection Agency; and

(2) used by the Administrator to carry out this section.

TITLE III  
RELATED AGENCIES  
DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$307,012,000, to remain available until expended: Provided,

That of the funds provided, \$66,939,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$276,946,000, to remain available until expended, as authorized by law; and of which \$55,145,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,552,429,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)) and of which \$2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b)): Provided, That, through fiscal year 2014, the Secretary of Agriculture may authorize the expenditure or transfer of such sums as are necessary to the Secretary of the Interior for removal, preparation and adoption of excess wild horses and burros from National Forest System lands and for the performance of cadastral surveys to designate the boundaries of such lands: Provided further, That \$282,617,000 shall be made available for recreation, heritage, and wilderness.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$513,418,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That \$50,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: Provided further, That up to \$40,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: Provided further, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$67,784,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS  
SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND  
EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601-516-617a, 555a; Public Law 96-586; Public Law 76-589, 76-591; and 78-310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST  
AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR  
SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$2,582,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$1,817,637,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law,

\$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, \$340,285,000 is for hazardous fuels reduction activities, \$11,500,000 is for rehabilitation and restoration, \$23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$56,250,000 is for State fire assistance, \$9,000,000 is for volunteer fire assistance, \$17,252,000 is for forest health activities on Federal lands and \$9,928,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That up to \$15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief of the Forest Service 30 days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106-393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed \$10,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: Provided further, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

COLLABORATIVE FOREST LANDSCAPE  
RESTORATION FUND

For expenses authorized by section 4003(f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)), \$10,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE  
(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for wildland firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the Committees on Appropriations for the House of Representatives and Senate if the Secretary of Agriculture determines that all emergency fire suppression funds appropriated under the heading "Wildland Fire Management" will be fully obligated within 30 days.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106-224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107-107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in title IV of this Act.

Not more than \$88,785,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$19,400,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to \$5,000,000 for priority projects within the scope of the approved budget, of which \$2,500,000 shall be carried out by the Youth Conservation Corps and \$2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109-154.

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, up to \$2,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That, of the Federal funds made available to the Foundation, no more than \$200,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98-244, \$2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed \$55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Funds provided to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for the 2009–2010 school year of dependents of agency personnel stationed in Puerto Rico, at a cost not in excess of those authorized by the Department of Defense for that same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$3,639,868,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That \$79,347,000 for contract medical care, including \$48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That \$18,251,000 is provided for Headquarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That of the funds provided, up to \$32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That \$16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and \$7,500,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within two fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$389,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service

and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed \$5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$394,757,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed \$2,700,000 from this account and the “Indian Health Services” account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed \$500,000 shall be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian

patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$79,212,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE  
REGISTRY  
TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC  
HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$76,792,000, of which up to \$1,000 to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND  
OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$3,159,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION  
BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$11,195,000.

OFFICE OF NAVAJO AND HOPI INDIAN  
RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, \$8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi

Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA  
NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), \$8,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$634,161,000, of which not to exceed \$19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; of which \$1,553,000 for fellowships and scholarly awards shall remain available until September 30, 2011; of which \$250,000 may be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$125,000,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

(INCLUDING RESCISSION OF FUNDS)

For the purpose of developing a public-private partnership to facilitate the reopening of the Arts and Industries Building of the Smithsonian Institution, \$30,000,000, to remain available until expended, for repair, renovation and revitalization of the building: Provided, That such funds shall be matched on a 1:1 basis by private donations: Provided further, That major in-kind donations that contribute significantly to the redesign and purpose of the reopened building be considered to qualify toward the total private match: Provided further, That privately contributed endowments, which are designated for the care and renewal of permanent exhibitions installed in the Arts and Industries Building, be considered as qualifying toward the total private match: Provided further, That this appro-

priation may be made available to the Smithsonian Institution incrementally as private funding becomes available: Provided further, That any other provision of law that adjusts the overall amount of the Federal appropriation for this account shall also apply to the privately contributed requirement: Provided further, That the unobligated balances provided under this heading in Public Law 110–161 and Public Law 111–8 are hereby rescinded.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$110,746,000, of which not to exceed \$3,386,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF  
BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$54,499,000, to remain available until expended: Provided, That of this amount, up to \$40,000,000 shall be available for repair of the National Gallery's East Building facade: Provided further, That notwithstanding any other provision of law, a single procurement for the foregoing Major Critical Project may be issued which includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: Provided further, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING  
ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$22,500,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$17,447,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR  
SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$10,225,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$161,315,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108-447.

NATIONAL ENDOWMENT FOR THE HUMANITIES GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$161,315,000, to remain available until expended, of which \$147,015,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including \$9,500,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

The Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$2,294,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956a), as amended, \$9,500,000: Provided, That no organization shall receive a grant in excess of \$650,000 in a single year.

ADVISORY COUNCIL ON HISTORIC PRESERVATION SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$5,908,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$8,507,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$49,122,000, of which \$515,000 for the Museum's equipment replacement program, \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$17,230,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, \$3,000,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106-79, \$16,000,000, to remain available until expended.

TITLE IV GENERAL PROVISIONS

LIMITATION ON CONSULTING SERVICES (INCLUDING TRANSFERS OF FUNDS)

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 403. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 404. Estimated overhead charges, deductions, reserves or holdbacks from programs,

projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

GIANT SEQUOIA

SEC. 405. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2009.

MINING APPLICATIONS

SEC. 406. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2010, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS

SEC. 407. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, 109-54, 109-289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Laws 110-5 and 110-28), and Public Laws 110-92, 110-116, 110-137, 110-149, 110-161, 110-329, 111-6, and 111-8 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal



organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

#### FOREST MANAGEMENT PLANS

SEC. 408. Prior to October 1, 2010, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

#### PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 409. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

#### INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

SEC. 410. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior should not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

#### CONTRACTING AUTHORITIES

SEC. 411. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Sec-

retaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

#### PROHIBITION ON USE OF FUNDS

SEC. 412. None of the funds made available by this or any other Act may be used in fiscal year 2010 for competitive sourcing studies and any related activities involving Forest Service personnel.

#### LIMITATION ON TAKINGS

SEC. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

#### HUNTERS POINT ENVIRONMENTAL CLEANUP

SEC. 414. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, \$8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for cleanup activities at the Treasure Island Naval Station—Hunters Point Annex.

#### EXTENSION OF GRAZING PERMITS

SEC. 415. Section 325 of Public Law 108-108 is amended by striking "fiscal years 2004-2008" and inserting "fiscal year 2010."

#### ALASKA NATIVE HEALTH CARE SERVICES

SEC. 416. (a) Notwithstanding any other provision of law and until October 1, 2011, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursement of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabaskan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

#### TIMBER SALE REQUIREMENTS

SEC. 417. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised

using a residual value approach that assigns domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

#### COLORADO COOPERATIVE CONSERVATION AUTHORITY

SEC. 418. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001, as amended, is amended in subsection (e) by striking "September 30, 2009," and inserting "September 30, 2014,".

#### NATIONAL COUNCIL ON THE ARTS MEMBERSHIP

SEC. 419. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89-209, 20 U.S.C. 955), as amended, is further amended as follows:

(1) In the first sentence of subsection (b)(1)(C), by striking "14" and inserting in lieu thereof "18"; and

(2) In the second sentence of subsection (d)(1), by striking "Eight" and inserting in lieu thereof "Ten".

#### PROHIBITION ON USE OF FUNDS

SEC. 420. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

#### GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 421. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to implement any rule that requires mandatory reporting of greenhouse gas emissions from manure management systems emitting less than 25,000 tons of carbon dioxide equivalent per year.

#### CONGRESSIONALLY DIRECTED SPENDING

SEC. 422. Within the amounts appropriated in this Act, funding shall be allocated in the

amounts specified for those projects and purposes delineated in the table titled "Congressionally Directed Spending" included in the committee report accompanying this Act.

**PROHIBITION ON USE OF FUNDS**

SEC. 423. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

**PROHIBITION ON USE OF WILDLAND FIRE MANAGEMENT STIMULUS FUNDS IN THE DISTRICT OF COLUMBIA**

SEC. 424. Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) for wildland fire management shall be used in the District of Columbia.

**JUNGO DISPOSAL SITE EVALUATION**

SEC. 425. Using funds made available under this Act, the Director of the United States Geological Survey may conduct an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada (referred to in this section as the "site"), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—

(A) 95 years; and

(B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

**BUYOUT AND RELOCATION**

SEC. 426. (a) As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") is encouraged to consider all appropriate criteria, including cost-effectiveness, relating to the buyout and relocation of residents of properties in Trecce, Kansas, that are subject to risk relating to, and that may endanger the health of occupants as a result of risks posed by, chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(b) For the purpose of the remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that includes permanent relocation of residents of Trecce, Kansas, any such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(c) Nothing in this section shall in any way affect, impede, or change the relocation or remediation activities pursuant to the Record of Decision Operable Unit 4, Chat Piles, Other Mine and Mill Waste, and Smelter Waste, Tar Creek Superfund Site, Ottawa County, Oklahoma (OKD980629844) issued by the Environmental Protection Agency Region 6 on February 20, 2008, or any other previous Record of Decision at the Tar Creek, Oklahoma, National Priority List Site, by any Federal agency or through any funding by any Federal agency.

SEC. 427. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking "Agricultural Research Service" and inserting "Department of Agriculture"; and

(2) by adding at the end the following:

"(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to

the private entity equipment, the title of which is held by the Federal Government."

SEC. 428. It is the sense of the Senate that the Senate—

(1) supports the National Vehicle Mercury Switch Recovery Program as an effective way to reduce mercury pollution from electric arc furnaces used by the steel industry to melt scrap metal from old vehicles; and

(2) urges the founders of the Program to secure private sector financial support so that the successful efforts of the Program to reduce mercury pollution may continue.

**NATIONAL FOREST FOUNDATION**

SEC. 429. Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j-1(a)) is amended, in the first sentence, by striking "fifteen Directors" and inserting "not more than 30 Directors".

**CABIN USER FEES**

SEC. 430. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount beyond the amount levied on December 31, 2009.

**FLAME FUND FOR EMERGENCY WILDFIRE SUPPRESSION ACTIVITIES**

SEC. 431. (a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term "Flame Fund" means the Federal Land Assistance, Management, and Enhancement Fund established by subsection (b).

(3) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(4) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(b) ESTABLISHMENT OF FLAME FUND.—There is established in the Treasury of the United States a fund to be known as the "Federal Land Assistance, Management, and Enhancement Fund", consisting of—

(1) such amounts as are appropriated to the Flame Fund; and

(2) such amounts as are transferred to the Flame Fund under subsection (d).

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Flame Fund such amounts as are necessary to carry out this section.

(B) CONGRESSIONAL INTENT.—It is the intent of Congress that the amounts appropriated to the Flame Fund for each fiscal year should be not less than the combined average amount expended by each Secretary concerned for emergency wildfire suppression activities over the 5 fiscal years preceding the fiscal year for which amounts are appropriated.

(C) AVAILABILITY.—Amounts appropriated to the Flame Fund shall remain available until expended.

(2) APPROPRIATION.—There is appropriated to the Flame Fund, out of funds of the Treasury not otherwise appropriated, \$834,000,000.

(3) SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS AS EMERGENCY REQUIREMENT.—It is the sense of Congress that further amounts appropriated to the Flame Fund should be designated as amounts necessary to meet emergency needs.

(4) NOTICE OF INSUFFICIENT FUNDS.—The Secretaries shall notify the congressional committees described in subsection (h)(2) if the Secretaries estimate that only 60 days worth of funding remains in the Flame Fund.

(d) TRANSFER OF EXCESS WILDFIRE SUPPRESSION AMOUNTS INTO FLAME FUND.—At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts that—

(1) are appropriated to the Secretary concerned for wildfire suppression activities for the fiscal year; but

(2) are not obligated for wildfire suppression activities before the end of the fiscal year.

(e) USE OF FLAME FUND.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts in the Flame Fund shall be available to the Secretary concerned to pay the costs of emergency wildfire suppression activities that are separate from amounts annually appropriated to the Secretary concerned for routine wildfire suppression activities.

(2) DECLARATION REQUIRED.—

(A) IN GENERAL.—Amounts in the Flame Fund shall be made available to the Secretary concerned only after the Secretaries issue a declaration that a wildfire suppression activity is eligible for funding from the Flame Fund.

(B) DECLARATION CRITERIA.—A declaration by the Secretaries under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; and

(II) the Secretaries determine that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression activities for the Secretary concerned have exceeded the amounts appropriated to the Secretary concerned for those activities (not including funds deposited in the Flame Fund).

(3) TRANSFER OF AMOUNTS TO SECRETARY CONCERNED.—After issuance of a declaration under paragraph (2) and on request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildfire suppression activities associated with the declaration.

(4) STATE, PRIVATE, AND TRIBAL LAND.—Use of the Flame Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PRE-DICTED ACTIVITIES.—

(1) IN GENERAL.—Subject to subsection (e)(2)(B)(ii), the Secretary concerned shall continue to fund routine wildfire suppression activities within the appropriate agency budget for each fiscal year.

(2) CONGRESSIONAL INTENT.—It is the intent of Congress that funding made available through the Flame Fund be used—

(A) to supplement the funding otherwise appropriated to the Secretary concerned; and

(B) only for purposes in, and instances consistent with, this section.

(g) PROHIBITION ON OTHER TRANSFERS.—Any amounts in the Flame Fund and any amounts appropriated for the purpose of wildfire suppression on Federal land shall be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildfire suppression.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING SYSTEM.—The Secretaries shall establish an accounting and reporting system for the Flame Fund that is compatible with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—Annually, the Secretaries shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate and make available to the public a report that—

(A) describes the use of amounts from the Flame Fund; and

(B) includes any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund.

(3) ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.—

(A) IN GENERAL.—Consistent with the schedule provided in subparagraph (C), the Secretaries shall submit to the committees described in paragraph (2) an estimate of anticipated wildfire suppression costs for the applicable fiscal year and the subsequent fiscal year.

(B) PEER REVIEW.—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic peer review to ensure compliance with subparagraph (D).

(C) SCHEDULE.—The Secretaries shall submit an estimate under subparagraph (A) during—

(i) the first week of February of each year;

(ii) the first week of April of each year;

(iii) the first week of July of each year; and

(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) REQUIREMENTS.—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and

(ii) models and other analytic tools.

(i) TERMINATION OF AUTHORITY.—The authority under this section shall terminate at the end of the third fiscal year in which no appropriations to or withdrawals from the Flame Fund have been made for a period of 3 consecutive fiscal years.

#### COHESIVE WILDFIRE MANAGEMENT STRATEGY

SEC. 432. (a) STRATEGY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports of the Government Accountability Office regarding management strategies.

(b) ELEMENTS OF STRATEGY.—The strategy required by subsection (a) shall provide for—

(1) the identification of the most cost-effective means for allocating fire management budget resources;

(2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;

(3) employing the appropriate management response to wildfires;

(4) assessing the level of risk to communities;

(5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;

(6) assessing the impacts of climate change on the frequency and severity of wildfire; and

(7) studying the effects of invasive species on wildfire risk.

(c) REVISION.—At least once during each 5-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretaries shall revise the strategy submitted under that subsection to address any changes affecting the

strategy, including changes with respect to landscape, vegetation, climate, and weather.

#### PROHIBITION ON NO-BID CONTRACTS AND GRANTS

SEC. 433. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, or other procedures specifically authorized by law to select the grantee or award recipient.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States, or Federally recognized Indian tribes; or

(3) such contracts or grants are authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a grant or contract with an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b (e)).

SEC. 434. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

SEC. 435. Section 1971(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note; Public Law 111-11) is amended by striking “December 18, 2008” and inserting “September 20, 2009”.

#### TAR CREEK SUPERFUND SITE

SEC. 436. (a) IN GENERAL.—To expedite the cleanup of the Federal land and Indian land at the Tar Creek Superfund Site (referred to in this section as the “site”), any purchase of chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (or a successor regulation)), from the site shall be—

(1) counted at twice the purchase price of the chat; and

(2) eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

(b) RESTRICTED INDIAN OWNERS.—Subsection (a) shall only apply if the purchase of chat is made from 1 or more restricted Indian owners or an Indian tribe.

(c) APPLICABLE LAW.—The use of chat acquired under subsection (a) shall conform with applicable laws (including the regulations for the use of chat promulgated by the Administrator of the Environmental Protection Agency).

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010”.

#### AUTHORIZING MAJOR MEDICAL FACILITY LEASES FOR THE DEPARTMENT OF VETERANS AFFAIRS FOR FISCAL YEAR 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1717.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1717) to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. AKAKA. Mr. President, today, with Ranking Member Richard Burr, I have introduced legislation that would authorize the Department of Veterans Affairs to proceed with certain medical facility leases for fiscal year 2010. These leases include facilities in nine different States, including South Carolina, Georgia, California, Alabama, Pennsylvania, North Carolina, Kansas, Texas, and Florida.

We are moving this bill at this time because I have been advised that VA can proceed with preliminary steps relating to these leases in advance of an appropriation, if authorization is in place. While I hope that the Senate will pass an appropriations bill for VA as soon as possible, this is something we can do today. I will soon introduce another bill to fully authorize VA's construction projects. In the meantime, I urge my colleagues to support this bill, which will enable VA to secure the space it needs to care for veterans from all conflicts.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1717) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1717

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

#### SECTION 1. AUTHORIZATION OF FISCAL YEAR 2010 MAJOR MEDICAL FACILITY LEASES.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following fiscal year 2010 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for that location:

(1) Anderson, South Carolina, Outpatient Clinic, in an amount not to exceed \$4,774,000.

(2) Atlanta, Georgia, Specialty Care Clinic, in an amount not to exceed \$5,172,000.

(3) Bakersfield, California, Community Based Outpatient Clinic, in an amount not to exceed \$3,464,000.

(4) Birmingham, Alabama, Annex Clinic and Parking Garage, in an amount not to exceed \$6,279,000.

(5) Butler, Pennsylvania, Health Care Center, in an amount not to exceed \$16,482,000.

(6) Charlotte, North Carolina, Health Care Center, in an amount not to exceed \$30,457,000.

(7) Fayetteville, North Carolina, Health Care Center, in an amount not to exceed \$23,487,000.

(8) Huntsville, Alabama, Outpatient Clinic Expansion, in an amount not to exceed \$4,374,000.

(9) Kansas City, Kansas, Community Based Outpatient Clinic, in an amount not to exceed \$4,418,000.

(10) Loma Linda, California, Health Care Center, in an amount not to exceed \$31,154,000

(11) McAllen, Texas, Outpatient Clinic, in an amount not to exceed \$4,444,000.

(12) Monterey, California, Health Care Center, in an amount not to exceed \$11,628,000.

(13) Montgomery, Alabama, Health Care Center, in an amount not to exceed \$9,943,000.

(14) Tallahassee, Florida, Outpatient Clinic, in an amount not to exceed \$13,165,000.

(15) Winston-Salem, North Carolina, Health Care Center, in an amount not to exceed \$26,986,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2010 or the year in which funds are appropriated for the Medical Facilities account \$196,227,000 for the leases authorized in subsection (a).

#### EXTENDING PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3614.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3614) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that a Landrieu amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table; that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2556) was agreed to, as follows:

Strike sections 2 and 3.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 3614), as amended, was read the third time and passed, as follows:

#### H.R. 3614

*Resolved*, That the bill from the House of Representatives (H.R. 3614) entitled "An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.", do pass with the following amendment:

Strike sections 2 and 3.

#### UNANIMOUS CONSENT AGREEMENT—NO. 422

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that at 4:30 p.m., Tuesday, September 29, the Senate proceed to executive session to consider Calendar No.

422, the nomination of Jeffrey Viken, to be U.S. district judge; that there be 60 minutes of debate with respect to the nomination, with the time equally divided and controlled between the chairman and ranking member of the Judiciary Committee or their designees; that at 5:30 p.m., the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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 Nos. 435 to and including 457, and all nominations on the Secretary's desk in the Air Force, Army and Navy; that the nominations be confirmed en bloc; the motions to reconsider be laid on the table en bloc; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc, are as follows:

#### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Ralph J. Jodice, II

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. William J. Rew

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Christopher D. Miller

#### IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12211:

#### To be major general

Brig. Gen. Joseph B. DiBartolomeo

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Lt. Gen. Benjamin C. Freakley

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Lt. Gen. John D. Gardner

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Lt. Gen. Frank G. Helmick

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Mark P. Hertling

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

#### To be brigadier general

Colonel Robin B. Akin  
Colonel Robert P. Ashley, Jr.  
Colonel Jeffrey L. Bannister  
Colonel Joseph L. Bass  
Colonel Lewis M. Boone  
Colonel Clarence K.K. Chinn  
Colonel Kenneth R. Dahl  
Colonel Gordon B. Davis, Jr.  
Colonel Scott F. Donahue  
Colonel Edward F. Dorman, III  
Colonel Randal A. Dragon  
Colonel Billy D. Farris, II  
Colonel Terry R. Ferrell  
Colonel Paul E. Funk, II  
Colonel Ricky D. Gibbs  
Colonel Harold J. Greene  
Colonel Christopher K. Haas  
Colonel William C. Hix  
Colonel Stephen B. Leisenring  
Colonel Stephen R. Lyons  
Colonel Jonathan A. Maddux  
Colonel Mark A. McAlister  
Colonel John J. McGuinness  
Colonel Michael K. Nagata  
Colonel Bryan R. Owens  
Colonel James F. Pasquarette  
Colonel Victor Petrenko  
Colonel Aundre F. Piggee  
Colonel John S. Regan  
Colonel Bryan T. Roberts  
Colonel John G. Rossi  
Colonel William J. Scott  
Colonel Thomas C. Seamands  
Colonel Charles L. Taylor  
Colonel Stephen M. Twitty  
Colonel Jeffery L. Underhill  
Colonel Darrell K. Williams  
Colonel Peter B. Zwack

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### To be brigadier general

Col. David J. Conboy

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### To be brigadier general

Col. James V. Young, Jr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### To be brigadier general

Col. Ivan N. Black

## IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Michael H. Mittelman  
Rear Adm. (lh) Matthew L. Nathan

The following named officer for appointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 152 and 601:

*To be admiral*

Adm. Michael G. Mullen

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral (lower half)*

Capt. Charles A. Rainey

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Jonathan W. White

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) David W. Tittley

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Gregory J. Smith

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Bruce W. Clingan

## IN THE MARINE CORPS

The following named officer for appointment to the grade of general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Gen. James N. Mattis

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Frank A. Panter, Jr.

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Thomas D. Waldhauser

The following named officer for appointment as Commander, Marine Forces Reserve, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5144:

*To be lieutenant general*

Maj. Gen. John F. Kelly

NOMINATIONS PLACED ON THE SECRETARY'S  
DESK

## IN THE AIR FORCE

PN771 AIR FORCE nominations (40) beginning LANCE L. ANNICELLI, and ending

DAVID A. WELGE, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2009.

PN943 AIR FORCE nomination of Thomas M. Anderson, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN944 AIR FORCE nomination of Ricky B. Reaves, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN945 AIR FORCE nomination of Jose R. Pereztorres, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN946 AIR FORCE nominations (7) beginning LOYD A. GRAHAM, and ending CHRISTINE E. STAHL, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

## IN THE ARMY

PN825 ARMY nomination of Robert J. Schultz, which was received by the Senate and appeared in the Congressional Record of July 28, 2009.

PN826 ARMY nomination of Andrea J. Fuller, which was received by the Senate and appeared in the Congressional Record of July 28, 2009.

PN827 ARMY nominations (2) beginning PETER H. GUEVARA, and ending JEAN R. ELYSEE, which nominations were received by the Senate and appeared in the Congressional Record of July 28, 2009.

PN828 ARMY nominations (8) beginning JAMES BANE, and ending BENOIT D. TANO, which nominations were received by the Senate and appeared in the Congressional Record of July 28, 2009.

PN853 ARMY nominations (46) beginning JOHN A. BLANKENBAKER, and ending VIRGINIA R. ZOLLER, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN854 ARMY nominations (307) beginning WILLIAM L. ABERNATHY JR., and ending FRANCISCO ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN855 ARMY nominations (237) beginning GREGORY T. ADAMS, and ending SCOTT L. ZONIS, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN893 ARMY nomination of Cameron D. Wright, which was received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN894 ARMY nomination of Andre L. Brown, which was received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN895 ARMY nominations (6) beginning KATHLEEN E. COFFEY, and ending BRIAN R. TREANDA, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN947 ARMY nomination of Sonnie D. Deyampert, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN948 ARMY nomination of Douglas Lougee, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN949 ARMY nomination of James Peak, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN950 ARMY nominations (12) beginning JOYVETTA LEWIS, and ending WILLIAM A. WYMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN966 ARMY nomination of Derek D. Brown, which was received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN967 ARMY nominations (2) beginning STEPHANIE LATIMER, and ending OANH K. TRAN, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN968 ARMY nominations (2) beginning MICHELLE H. MARTIN, and ending MARGARET A. MOSLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN969 ARMY nominations (9) beginning ROBERT E. POWERS, and ending MYSORE S. SHILPA, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

## IN THE NAVY

PN856 NAVY nomination of Erik J. Modlo, which was received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN857 NAVY nomination (2) beginning JOSH A. CASSADA, and ending LARRY R. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN858 NAVY nominations (72) beginning MATTHEW J. ACANFORA, and ending DAVID W. YORK, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN859 NAVY nominations (49) beginning RON J. ARELLANO, and ending JOEL A. YATES, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN860 NAVY nominations (41) beginning BENJAMIN I. ABNEY, and ending MCKINNYA J. WILLIAMSROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN861 NAVY nominations (38) beginning CHRISTOPHER D. ADDINGTON, and ending KURT A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN862 NAVY nominations (22) beginning KELLY W. BOWMAN JR., and ending MICHAEL WINDOM, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN863 NAVY nominations (32) beginning HASAN ABDULMUTAKALLIM, and ending KENYA D. WILLIAMSON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN864 NAVY nominations (12) beginning DENISE G. BARHAM, and ending HERLINDA K. SWEENEY, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN865 NAVY nominations (17) beginning GULLERMO R. AMEZAGA, and ending MIKE E. SVATEK, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN866 NAVY nominations (157) beginning CHRISTOPHER W. ANDERSON, and ending COLIN D. XANDER, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN867 NAVY nominations (907) beginning MATTHEW L. ABBOT, and ending STUART R. ZURN, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN896 NAVY nominations (6) beginning PAUL C. KERR, and ending BRUCE A. WALTERMAN, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN897 NAVY nominations (4) beginning SCOTT A. ANDERSON, and ending GWENDOLYN WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN898 NAVY nominations (38) beginning KEITH R. BARKEY, and ending JASON D. ZEDA, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN899 NAVY nominations (30) beginning PAUL S. ANDERSON, and ending MICHAEL D. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN900 NAVY nominations (51) beginning ROBIN M. ALLEN, and ending SCOTT Y. YAMAMOTO, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN901 NAVY nominations (50) beginning JAMES D. ABBOTT, and ending ROBERT W. ZURSCHMIT, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN902 NAVY nominations (28) beginning JASON T. BALTIMORE, and ending IAN S. WEXLER, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN903 NAVY nominations (61) beginning JOEL R. BEALER, and ending RICHARD G. ZEBER, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN904 NAVY nominations (21) beginning MARTIN J. ANERINO, and ending WALTER H. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN905 NAVY nominations (144) beginning ROGER S. AKINS, and ending TINGWEI YANG, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN951 NAVY nominations (4) beginning BRIAN J. ELLIS, and ending MATTHEW L. TUCKER, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN952 NAVY nominations (12) beginning ANTHONY T. COWDEN, and ending JARED E. SCOTT, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN970 NAVY nominations (2) beginning NERI B. BARNEA, and ending WILLIAM O. VOELKER, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN971 NAVY nominations (2) beginning ANITA AMINOSHARIAE, and ending DENNY MARTIN, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN972 NAVY nominations (6) beginning TRACY D. EMERSON, and ending DAVID K. SHELLINGTON, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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 VICE PRESIDENT. Without objection, it is so ordered.

#### CERTIFICATE OF APPOINTMENT

The PRESIDENT PRO TEMPORE. The Chair lays before the Senate a cer-

tificate of appointment to fill the vacancy created by the death of Senator Edward M. Kennedy of Massachusetts. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there is no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE COMMONWEALTH OF MASSACHUSETTS CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the Commonwealth of Massachusetts, I, Deval L. Patrick, the Governor of said Commonwealth, do hereby appoint Paul Grattan Kirk, Jr. a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Edward M. Kennedy, is filled by election as provided by law.

Witness: His excellency our governor Deval L. Patrick, and our seal hereto affixed at Boston, Massachusetts this Twenty-Fourth day of September, in the year of our Lord 2009.

By the governor:

DEVAL L. PATRICK,  
Governor.  
WILLIAM FRANCIS GALVIN,  
Secretary of Commonwealth.

[State Seal Affixed]

The VICE PRESIDENT. If the Senator-designate will now present himself to the desk, the Chair will administer the oath of office.

Mr. KIRK, escorted by Mr. KERRY, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

#### ORDERS FOR TUESDAY, SEPTEMBER 29, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11:30 a.m., Tuesday, September 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of morning business until 1:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of H.R. 3326, the Defense appropriations bill.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, under a previous order, the Senate will debate

the nomination of Jeffrey Viken to be U.S. district judge for the District of South Dakota from 4:30 until 5:30 Tuesday. At 5:30 p.m., the Senate will proceed to vote on confirmation of the nomination. That will be the first vote of the day.

#### ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 29, 2009, AT 11:30 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4 p.m., adjourned until Tuesday, September 29, 2009, at 11:30 a.m.

#### NOMINATIONS

Executive Nominations Received by the Senate:

##### DEPARTMENT OF THE TREASURY

MARISA LAGO, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE NEEL T. KASHKARI, RESIGNED.

##### DEPARTMENT OF JUSTICE

STEPHANIE M. ROSE, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE CHARLES W. LARSON, SR., RESIGNED.

RICHARD G. CALLAHAN, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE CATHERINE LUCILLE HANAWAY.

MICHAEL W. COTTER, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS, VICE WILLIAM WALTER MERCER.

NICHOLAS A. KLINEFELDT, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE MATTHEW G. WHITAKER.

##### DEPARTMENT OF STATE

ROBERT R. KING, OF VIRGINIA, TO BE SPECIAL ENVOY ON NORTH KOREAN HUMAN RIGHTS ISSUES, WITH THE RANK OF AMBASSADOR.

LAURA GORE ROSS, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:  
CARLENE H. DEL, OF FLORIDA  
PAMELA A. WHITE, OF VIRGINIA  
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

TODD H. AMANI, OF NORTH CAROLINA  
ALONZO L. FULGHAM, OF VIRGINIA  
EARL W. GAST, OF CALIFORNIA  
RICHARD S. GREENE, OF VIRGINIA  
ROBERT G. HELLYER, OF CALIFORNIA  
EDWARD T. LANDAU, OF PENNSYLVANIA  
ROBERT JAMES WILSON, OF CONNECTICUT  
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

R. DOUGLASS ARBUCKLE, OF FLORIDA  
PETER S. ARGO, OF FLORIDA  
KEVIN L. ARMSTRONG, OF CALIFORNIA  
WILLIAM R. BRANDS, OF VIRGINIA  
ALFREDA M. BREWER, OF THE DISTRICT OF COLUMBIA  
ROBERT M. CLAY, OF VIRGINIA  
TIMOTHY E. COX, OF VIRGINIA  
BARBARA A. ELLINGTON-BANKS, OF NORTH CAROLINA  
KAY JACKSON FREEMAN, OF MARYLAND  
SUSAN KOSINSKI PRITZ, OF WASHINGTON  
KAREN LOUISE RUFFING HILLIARD, OF FLORIDA  
SARAH-ANN LYNCH, OF MARYLAND  
DANA R. MANSURI, OF WASHINGTON  
PETER R. NATIELLO, OF FLORIDA  
PATRICIA L. RADER, OF MARYLAND  
JAMES B. SANFORD, OF TEXAS  
CARRIE ANN THOMPSON, OF VIRGINIA  
BRADLEY P. WALLACH, OF VIRGINIA  
MARK ANTHONY WHITE, OF FLORIDA  
ROBERT E. WUERTZ, OF FLORIDA

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, September 25, 2009:



NAVY NOMINATIONS BEGINNING WITH DENISE G. BARHAM AND ENDING WITH HERLINDA K. SWEENEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH GUILLERMO R. AMEZAGA AND ENDING WITH MIKE E. SVATEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER W. ANDERSON AND ENDING WITH COLIN D. XANDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH MATTHEW L. ABBOT AND ENDING WITH STUART R. ZURN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH PAUL C. KERR AND ENDING WITH BRUCE A. WATERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH SCOTT A. ANDERSON AND ENDING WITH GWENDOLYN WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH KEITH R. BARKEY AND ENDING WITH JASON D. ZEDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH PAUL S. ANDERSON AND ENDING WITH MICHAEL D. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH ROBIN M. ALLEN AND ENDING WITH SCOTT Y. YAMAMOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH JAMES D. ABBOTT AND ENDING WITH ROBERT W. ZURSCHMIT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH JASON T. BALTIMORE AND ENDING WITH IAN S. WEXLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH JOEL R. BEALER AND ENDING WITH RICHARD G. ZEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH MARTIN J. ANERINO AND ENDING WITH WALTER H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE

AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH ROGER S. AKINS AND ENDING WITH TINGWEI YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH BRIAN J. ELLIS AND ENDING WITH MATTHEW L. TUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2009.

NAVY NOMINATIONS BEGINNING WITH ANTHONY T. COWDEN AND ENDING WITH JARED E. SCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2009.

NAVY NOMINATIONS BEGINNING WITH NERI B. BARNEA AND ENDING WITH WILLIAM O. VOELKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

NAVY NOMINATIONS BEGINNING WITH ANITA AMINOSHARIAE AND ENDING WITH DENNY MARTIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

NAVY NOMINATIONS BEGINNING WITH TRACY D. EMERSON AND ENDING WITH DAVID K. SHELLINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.



## EXTENSIONS OF REMARKS

CONGRATULATING COMMUNITY CHRISTIAN CHURCH IN THEIR CELEBRATION OF THEIR 100TH ANNIVERSARY

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Community Christian Church on their 100th anniversary. The church, located in Fort Worth, Texas, will be hosting centennial services on October 11, 2009.

Community Christian Church was founded in 1909 by the Reverend William M. Alphin, who held services before a 40-person congregation on the rented second floor of the local Masonic Hall. The Christian Church denomination today maintains a membership of nearly 700,000 across North America.

Through a commitment to service and fellowship, Community Christian Church continues to enrich the community of Fort Worth as well as the surrounding areas. The church has expanded and grown over time, acquiring their proud home on East Vickery St. in 1971. Under the leadership of current Pastor Rueben Thompson, the church remains committed to serving as a "bridge" between Christians of a diverse denominational background.

Madam Speaker, today it is my honor to recognize the Community Christian Church. They have demonstrated a level of commitment to community that is well appreciated, and it serves as an example for us all. It is a privilege to represent the congregation of Community Christian Church in the 26th District of Texas. I look forward to observing the positive impact they will continue to have on our communities at home and abroad.

RECOGNIZING MICHAEL LAKIN

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. REICHERT. Madam Speaker, I rise today in recognition of a true hero, Michael Lakin. Michael, a former student at Cascade Christian high school in Puyallup, Washington, and an Eagle Scout, saved his classmate Allen, a quadriplegic, from choking to death last November.

Madam Speaker, because of Allen's condition he was unable to draw attention to himself when he was choking while eating lunch with his mother, Cathy, and his friends at Cascade Christian. Thankfully, Michael noticed something wasn't right and sprang into action. He picked Allen out of his wheelchair and performed the Heimlich maneuver on him successfully, no doubt saving a precious young life.

Michael graduated from Cascade Christian this past summer and is now attending class-

es at a local community college. I thank him for his courageous actions, I thank him for his service and determination as an Eagle Scout and I wish him the best in the future.

PERSONAL EXPLANATION

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. CLARKE. Madam Speaker, on rollcall No. 735, had I been present, I would have voted "yes."

IN HONOR OF CAROL WALTON, PRESIDENT OF THE LADIES AUXILIARY OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Carol Walton, the outgoing President of the Ladies Auxiliary of the Delaware Volunteer Firemen's Association (LADVFA).

Before her role as President of LADVFA, President Walton previously served as the President of the Ladies Auxiliary of the Elsmere Fire Company and the New Castle County Firefighters Association.

The LADVFA has grown significantly since its inception in 1937. Today, as a result of the leadership and hard work of President Walton and others before her, there are 56 auxiliaries in the State Association—19 from New Castle County, 17 from Kent County, and 20 from Sussex County. Nevertheless, the State Auxiliaries have contributed to the community with the same dedication since the very beginning. The LADVFA provides resources and assistance to burn centers, so-called "burned out families," and scholarship funds for firefighters. They also assist each of their communities with many other worthy causes.

When called to action during alarms, LADVFA assist the firemen by serving meals or snacks while the companies are fighting fires or assisting with another emergency. The service they provide both the fireman and the community are invaluable.

The LADVFA serve such an important function in our community, and to be as effective as possible, they must have dedicated and organized leaders. President Walton has been exactly that over the past year and the State of Delaware and our nation are greatly indebted to her for all of her past and future hard work.

A TRIBUTE TO CARMICHAEL, CALIFORNIA ON ITS 100TH ANNIVERSARY

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to pay tribute to Carmichael, California, in honor of its 100th anniversary on September 26, 2009.

In 1909, Daniel Webster Carmichael bought 6½ square miles of land in a part of unpopulated Sacramento County—land that would grow to over 10 square miles and be known as Carmichael. It is said that he initially bought this remote mass of territory for \$30 per acre, with the intent to populate the area by selling 10-acre lots to American families moving west. Drawn by the lure of building citrus orchard fortunes, these divisions quickly sold. Three hundred families lived in Carmichael by 1927, and the population hit 2,000 by the time of the Great Depression.

In the ensuing decades, wheat, barley, alfalfa, peaches, and almonds were being grown interspersed with horse and poultry farms. Farmers have found success in good times and have battled through the tough ones, and have increasingly been sharing the community with an expanding suburban area. Once a collection of open properties, Carmichael now quarters businesses and families in addition to the traditional farm and occasional horse property.

Carmichael continues to be attractive to people from all walks of life because of its peaceful, family oriented community lifestyle—setting Carmichael in stark contrast to the more populous areas of Sacramento County. Although very close to a major metropolitan area, Carmichael boasts roaming wildlife such as deer, coyote, and wild turkey. The American River flowing through Carmichael accentuates the serenity and beauty of the region. Although many of the original 10-acre lots have been subdivided over the years, some still remain as a reminder of its rural and agricultural past.

Over the past 100 years, Carmichael has also been home to other advancements. Governor Ronald Reagan built a State mansion on California Avenue. Mark Spitz and Debbie Meyer based their successful Olympic training in the local country club. Also, Carmichael is proud to have the world's largest geranium club, and the "Fourth of July Elks Parade" is the longest enduring Independence Day procession in Northern California.

Let me also say that one of the most admirable traits I find in Carmichael is the humble yet rich tradition and history it embraces.

Now, as Carmichael has grown to a population of 72,000, Carmichael continues its legacy as a home to traditional American life.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

IN HONOR OF CITY MANAGER  
LARRY CUNNINGHAM

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today to honor the former City Manager Larry Cunningham for his years of service to the City of North Richland Hills and the North Texas region.

After a public service career that spans more than four decades, Larry Cunningham retired this year from his position as City Manager of North Richland Hills, which he has held since 1997. Prior to being appointed City Manager, he served as the North Richland Hills Finance Director, as well as City Manager in Lubbock, Texas.

During his tenure, City Manager Cunningham was known for his integrity, dedication, and enthusiasm. Under his leadership, North Richland Hills has remained financially stable and continued to grow, even during changes in the economy. The City's bond rating ranks it among the top 2 percent in the state and top 10 percent nationwide.

Larry Cunningham's service to the City includes a number of initiatives that improved the quality of life for the residents of North Richland Hills. Under his leadership, over 30 Parks and Recreation Facilities were constructed in the city. Mr. Cunningham also worked to improve public safety, enacting drainage improvements and flood control, upgrading Fire Department facilities, and supporting increased police patrol and crime prevention programs. He was also instrumental in the creation of the North Richland Hills' Art in Public Spaces Program, helping to create a distinctive community identity. Many of his projects will continue to develop long after Mr. Cunningham's retirement.

It is with great honor that I recognize City Manager Larry Cunningham for his years of hard work and dedication given to the citizens of North Richland Hills and North Texas. I am proud to represent him in Washington. His service sets a standard of devotion and true leadership, one that will endure.

FEDERAL SPENDING

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. JORDAN of Ohio. Madam Speaker, if federal spending is not reigned in—we will find it more and more difficult to avoid the looming financial crisis that lies ahead. Getting a handle on the out-of-control spending in Washington D.C. is my top priority. Families and businesses across the country are tightening their belts in these tough economic times, but Congress continues to spend like there is no tomorrow. For the sake of future generations, we have to restore a sense of fiscal responsibility to this town.

Over the August recess, the Congressional Budget Office, CBO, released an updated budget projection showing the federal government running deficits equal to \$8.7 trillion over the FY 2009–FY 2019 period.

The continued spending by this Congress is unacceptable and must be stopped. This is a path we should not have gone down; first it was the \$700 billion financial bailout, then the so-called \$787 billion stimulus. America's hardworking taxpayers deserve better—a Congress that is accountable and one that shows restraint.

During the debate on the FY 2010 Budget Resolution, I proposed a balanced budget. It was a first step in setting our nation's fiscal priorities and getting spending under control.

After the Congress adopted the budget resolution, I offered a modest next step by offering a series of "fiscal discipline amendments" to hold the line on runaway federal spending during the FY 2010 appropriations process. These amendments would force the government to live on last year's income.

Yesterday, I offered an amendment in the Rules Committee to the Continuing Resolution for FY 2010, in order to once again attempt to hold the line on spending by saving taxpayers \$84 billion. This amendment reflects our values. The American people are tired of this blank check and this bailout mentality that has got a hold of Washington. The people are sick of bailouts and rising deficits. And furthermore, they are tired of the piling debt that is crushing the future of our children and grandchildren.

AMENDMENT OFFERED BY MR. JORDAN OF OHIO

In section 101 (relating to rate for operations under CR)—

(1) insert "(a)" after the section designation; and

(2) insert at the end the following new subsections:

(b) Except as provided in subsection (c), whenever the amount that would be made available under subsection (a) for a project or activity is greater than the amount that was made available for such project or activity in appropriations Acts for fiscal year 2008, the project or activity shall be continued at a rate for operations as provided in such Acts and under the authority and conditions provided in such Acts.

(c) Whenever the amount that would be made available under subsection (a) for a project or activity covered by the Department of Defense Appropriations Act, 2010, the Department of Homeland Security Appropriations Act, 2010, or the Military Construction and Veterans Affairs Appropriations Act, 2010 is less than the amount that would be made available for such project or activity by such appropriations Acts as passed by the House of Representatives, the project or activity shall be continued at a rate for operations as provided in such appropriations Acts, as passed by the House.

In section 106(3) (relating to period covered by CR), strike the specified date and insert "September 30, 2010".

HONORING SENIOR SPECIAL  
AGENT AND RETIRED LIEUTENANT  
COLONEL KRAIG E.  
HANKINS

**HON. GEOFF DAVIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor Senior Special Agent and retired Lieutenant Colonel Kraig E. Hankins, a resident of Ashland, Kentucky.

After more than thirty years of Federal service, Senior Special Agent Hankins is retiring

from the Bureau of Alcohol, Tobacco, Firearms and Explosives to accept the position of Operations Officer and Training Manager with the Tri-State Airport Authority in Huntington, West Virginia.

Senior Special Agent Hankins began his federal investigative career in Columbia, South Carolina, and has since held a number of positions both domestically and abroad.

He has served as a senior instructor and Chief of the Academy Operations Branch at the ATF National Academy in Glynco, Georgia. Senior Special Agent Hankins has also held positions in ATF Field Offices in New Hampshire, Guam, and most recently, in Ashland, Kentucky, where he worked with bomb squads and investigators throughout the Commonwealth as a Certified Explosives Specialist.

In 2008, Senior Special Agent Hankins retired from the USAF Reserve as a Lieutenant Colonel after thirty-four years of service. He served in Operation Enduring Freedom as the Senior Designated Military Officer, Office for the Administrative Review of Detention of Enemy Combatants at Guantanamo Bay, Cuba.

Madam Speaker, I ask my colleagues to join me in applauding Senior Special Agent Hankins for his distinguished career and offer our thanks for his service and sacrifice. I wish him and his family all the best as they enter this new chapter of their lives.

IN MEMORY OF JEFFERY R.  
"PUFF" ADAMS

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. SKELTON. Madam Speaker, it is with sadness that I inform the House of the death of Jeffery R. "Puff" Adams, Ray County's presiding commissioner.

Mr. Adams was born in Richmond, Missouri, in 1957. After graduating from Richmond High School, he became involved with many Richmond community activities. For example, he was a lifetime member of the Richmond All Sports Club. He also served on the Spartan Football Chain Gang for several years. Since 1990, he was responsible for painting the Spartan football field before every football game. Additionally, he was past president of the Richmond Little League Baseball program. He also coached several of Richmond's Parks and Recreation girls' softball teams. In 2008, Jeff was named the grand marshal of the Richmond Spartan Homecoming Parade. He was a loyal alumni and lifetime supporter of the Richmond sports community.

In addition to his involvement with Richmond athletics, Mr. Adams served in a variety of community roles. He served on the Mid-America Regional Council for Presiding Commissioners Board, Ray County's 911 Board, Ray County's Rural Fire Department Board, and Ray County's Planning and Zoning Board. He was past president and served on the Shirkey Golf Club Board, and was very active on the Club House Building Association. Jeff was co-owner of Adams and Howell Floor Covering in Richmond.

Madam Speaker, Jeffery Adams was a respected leader in the Richmond community. I

am certain that the members of the House will join me in extending their heartfelt condolences to his family and friends. He will be greatly missed.

REMEMBERING JIM BRADSHAW

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today to remember former Forth Worth City Councilman Jim Bradshaw, who helped to positively shape his community by serving its citizens.

Mr. Bradshaw graduated from Baylor University and soon after began his career in North Texas. He was elected Mayor Pro Tem by the city council, serving beside Hugh Parmer in 1977. Mr. Bradshaw resigned from the city council to challenge House Majority Leader Jim Wright, who remembered Bradshaw as being tough competition. Bradshaw also ran against Tom Vandergriff for the 26th District seat in the House of Representatives. He was not successful in the bid, but it did not deter him from continuing in public service.

Mr. Bradshaw's service to his community went far beyond his time spent on the city council. He sat on advisory boards for the Recovery Resource Council and the Betty Ford Center. Bradshaw's own experiences led him to help others battle addiction, and in 2005 President George W. Bush awarded him The President's Call to Service Award. Mr. Bradshaw also served on the board of the United Way, March of Dimes, and was the recipient of Bank of America's Local Hero Award for Neighborhood Excellence in 2006.

It is with great honor that I remember Mr. Jim Bradshaw for his tenacity in public service as well as his strong commitment to his community. We will always remember the example he set, and he will be greatly missed.

RECOGNIZING SOUTH TEXAS  
ACADEMIC RISING SCHOLARS

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CUELLAR. Madam Speaker, I rise today to recognize the leadership of the South Texas Academic Rising Scholars (STARS) organization. This nonprofit organization has been critical in helping local students obtain higher education at schools of their choosing.

The South Texas Academic Rising Scholars was established in October 2002, with the goal of making higher education accessible to the students of south Texas.

Higher education is the gateway to advancing one's future. As one of eight children born to migrant parents in the border town of Laredo, Texas, I value the significance education has in our lives. There's no doubt that my education has charted the course of my public service career. As a Hispanic-American, education helped me defy odds which still exist for millions of minorities today.

As we celebrate Hispanic Heritage Month we should recognize the role higher education

plays in progressing minority communities and dissolving the disparities. With education comes opportunity; it's an undeniable equation that makes a difference in people's lives.

The STARS Student Scholarship Fund awards scholarships to qualified students of south Texas annually and partners with area colleges and universities to better serve the students of south Texas. To this day, STARS has been able to award thousands of scholarships to south Texas students. I join the organization in the belief that education is essential to the growth and enhancement of our community.

The success of STARS is not only due to those managing the program, but also in large part due to generous individuals, businesses, and organizations that support the organization. I am proud to say that 100 percent of every dollar contributed by sponsors goes toward student scholarships. The board of directors is comprised of a diverse group of community leaders dedicated to helping south Texas students achieve higher education.

This truly is a grassroots effort that has given thousands students in south Texas opportunities that wouldn't have existed otherwise.

Madam Speaker, I am honored to have had the time to recognize the goals and endeavors of the South Texas Academic Rising Scholars.

IN HONOR OF VERNON J. BRYANT  
ON THE OCCASION OF HIS RE-  
TIREMENT

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BUTTERFIELD. Madam Speaker, I rise today to honor my friend and constituent, Mr. Vernon J. Bryant, for nearly 30 years of public service to the people of the State of North Carolina in the Department of Correction.

Since joining the North Carolina Division of Community Corrections in 1981, Mr. Bryant has steadily advanced in his responsibilities. He currently serves in the Probation/Parole division of the Department of Correction as District Manager of District 6A where he manages about 30 corrections staff. Vernon Bryant began his career as a Court Intake Officer and performed admirably over the next 19 years as Probation and Patrol Officer, Intensive Officer and as Chief Probation and Parole Officer. It was in these capacities that I became most acquainted with Mr. Bryant while I served as a Superior Court Judge presiding over the Courts of District 6A. Mr. Bryant interacted with me on a daily basis and I came to believe that he is one of the finest corrections officials in North Carolina. He is a true professional.

Madam Speaker, the Speaker of the North Carolina House of Representatives appointed Vernon Bryant to the North Carolina Criminal Justice Education and Training Standards Commission, which is responsible for the issuance, suspension, and revocation of law enforcement and criminal justice officers' certification. He has also served as a member of the North Carolina Probation and Parole Association and Criminal Justice Partnership Advisory Board for Halifax County.

In addition to his work at the North Carolina Division of Community Corrections, Mr. Bryant

provides community service through Church, boards, commissions and other activities. He is a member and Chairman of the Roanoke Rapids Board of Education. He was first appointed to the Board of Education 1997 and has served as Chairman of the board since 1999. Mr. Bryant also serves as a volunteer youth coach for basketball and soccer, serves on the Halifax Regional Medical Center Board of Directors as Vice Chairman, and is Board Chairman for the State Employee's Credit Union Advisory Board.

Vernon Bryant is a devout Christian and demonstrates his values and beliefs in every aspect of his life. He serves as a member of the Roanoke Rapids Recreation Department Advisory Board and is president and co-founder of Exodus of Youth, Inc., a volunteer nonprofit organization that mentors 75 at-risk youth in four northeastern North Carolina counties. Mr. Bryant continues to give countless hours to bettering his community and there is no doubt that he will continue his community service following his well deserved retirement.

Vernon Bryant is married to Sandra W. Bryant and is the father of two adult children, Kendel and Kevin, who are also distinguishing themselves with their educational pursuits.

Madam Speaker, on Monday, September 28, 2009, friends and colleagues will join together to celebrate Vernon Bryant's three decades of exemplary service to the people of Halifax County and the State of North Carolina.

I ask my colleagues to join me in wishing Mr. Vernon Bryant much success in his retirement and thank him for all his years of outstanding public service.

RECOGNIZING RICK SCHEWE,  
LABOR MAN OF THE YEAR FOR  
THE SOUTHWESTERN ILLINOIS  
CENTRAL LABOR COUNCIL

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing Rick Schewe and congratulating him on being named the "George R. Badgley Labor Man of the Year" for the Southwestern Illinois Central Labor Council.

Rick Schewe comes from a union family. In fact, his father was honored with this same award in 1978. Upon joining the Laborers Union in 1973, Rick quickly assumed a leadership role within his local. He served as Secretary-Treasurer for 29 years, assistant business manager for nine years and business manager for 13 years. Rick has represented his local at seven International Conventions and currently is president of the Twelve Counties Southwestern Illinois Laborers District Council.

In addition to his many activities and responsibilities in representing the working men and women of our area, Rick has found time to volunteer within his community, including organizing blood drives and volunteering for the Salvation Army fund-raising campaign.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation and congratulations to Mr. Rick Schewe, a true champion of organized labor.

CONGRATULATING NORTH CENTRAL TEXAS COLLEGE ON THEIR 85TH ANNIVERSARY

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today to congratulate North Central Texas College on their 85th year of providing quality education. NCTC will be hosting an anniversary celebration on September 25, 2009.

North Central Texas College, originally Gainesville Junior College, was created when Randolph Lee Clark received authorization from the Gainesville City Council to create the college as part of the Gainesville school system on May 20, 1924.

By the 1950s the college had outgrown its original location in the old Newsome-Daugherty mansion and moved to a new location thanks to the support of citizens like W.T. Bonner, who not only voiced support for funding of the new campus but also donated land. The college eventually changed its name to Cooke County College and then, on June 1, 1994, the Board of Regents voted for the current name, North Central Texas College.

NCTC has seen steady enrollment increases over the years. Since 1980, the student population has nearly quadrupled to a current total of more than 6,000 students. With the addition of campuses in Corinth, Bowie and Graham, the institution has positioned itself as a key provider of quality workforce education and training in areas such as nursing, law enforcement, agriculture, and computer sciences. The college also provides a foundation of academics to propel students to higher degrees.

The college is home to the Small Business Development Center which offers assistance and training to owners, managers and employees of area businesses. The Bowie campus houses the Oil and Gas Technology Center to help meet the technological demands of the energy industry. And with the new addition of the Career and Technology Center, students will be trained to rapidly adapt to ever changing industry needs.

This all gives North Central Texas College a significant role in the economic development of Cooke County and the North Texas region.

I am honored to represent North Central Texas College as part of the 26th District and I congratulate Dr. Eddie Hadlock, the faculty and students as they celebrate their 85th anniversary.

PERSONAL EXPLANATION

**HON. KAY GRANGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. GRANGER. Madam Speaker, on rollcall Nos. 728, 730, 731, 732, and 733, I was absent from the House. Had I been present, I would have voted "nay" on all.

HONORING COLE PELLETER

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cole Pelleter, 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 66, and in earning the most prestigious award of Eagle Scout.

Cole Pelleter has been very active with his troop participating in many scout activities. Over the many years Cole Pelleter has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Cole Pelleter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING A SALUTE TO VETERANS AT ST. RICHARD PARISH

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. LIPINSKI. Madam Speaker, I rise today to honor St. Richard Parish in Chicago, Illinois. Saint Richard Parish is hosting its tenth annual Salute to Veterans on Sunday, September 27, 2009.

This celebration, which honors all veterans living and deceased, was started ten years ago by a group of veterans led by Joseph Pierce, William Izquierdo, George Vescovi, and Daniel Costa. All members of the community have been invited to join in honoring the men and women who served our country in the past and those who continue to serve today.

Veterans groups and organizations from throughout the community will come together for this special celebration, which will include a Mass to be followed by a program honoring veterans. I look forward to the honor and privilege of participating in this event for our brave veterans.

Prior to the service, a special ceremony will be held in remembrance of all who have lost their lives in the Iraq and Afghanistan conflicts, including Pfc. Omar Torres, a member of the parish who was killed in Iraq in 2007.

I ask you to join me in honoring the members of St. Richard for their civic dedication and the veterans who will be celebrated for their incredible and selfless service to our nation.

IN HONOR OF WARREN JONES, PRESIDENT OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute

to Warren Jones, the outgoing President of the Delaware Volunteer Firemen's Association (DVFA).

President Jones' career began at the Elsmere Fire Company, where he rose to the rank of Chief and President while serving the town. President Jones' distinguished career did not stop there, however; he then went on to become President of the New Castle County Firefighters Association, as well. After moving from New Castle County to Rehoboth Beach, he became an active member of the Rehoboth Beach Volunteer Fire Company. His continued dedication to serving his community is an inspiration to all Delawareans.

This past January, President Jones had the honor of leading the DVFA contingent in the Inaugural Parade in Washington D.C. I commend President Jones on his exceptional career of service and dedication and I am glad that he had this once-in-a-lifetime opportunity.

Firefighters fulfill a vital need in our society, and to be as effective as possible, they must have dedicated and organized leaders. President Jones has been exactly that over the past year, and the State of Delaware and our nation are greatly indebted to him for all of his hard work.

RECOGNIZING BELLEVUE, WASHINGTON COCA-COLA FACILITY

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. REICHERT. Madam Speaker, today I want to applaud the Coca-Cola facility, located in Bellevue, Washington, for their remarkable efforts and leadership in sustainability and conservation.

In August, I toured this Coca-Cola facility in my district in order to see for myself the extraordinary environmental efforts going on there. In May, the facility was the recipient of the Business Generator Recycler of the Year Award, presented by the Washington State Recycling Association, after finishing 2008 with a recycling rate of 99.7 percent! The tour was impressive, to say the least, and I am so proud to represent such a great example of corporate responsibility and stewardship.

I also understand Coca-Cola is celebrating Corporate Responsibility and Sustainability in Action week in Bellevue soon and I hope CEO John Brock and his employees will enjoy their visit to the Eighth District of Washington. I know the Coca-Cola Corporation and their facility in Bellevue will continue to provide sound environmental leadership and I thank them for their earnest investment in sustainability, stewardship and conservation.

RECOGNIZING LAWRENCE J. JENNINGS, HERNANDO COUNTY, FLORIDA

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize Lawrence J. Jennings of Hernando County,

Florida. After 36 years of dedicated service to Hernando County, Larry will retire this fall.

Throughout his tenure, Larry has been a dedicated steward of Hernando County. He has involved himself in the creation of numerous growth management regulations and comprehensive planning strategies to accommodate the rapid growth in the county. His resume alone makes him worthy of this proclamation: He has held the positions of Planning and Zoning Administrator; Deputy Director of the Development Department; Planning Director; Assistant County Administrator for Growth and Development Services; and the Director of Growth and Development for Hernando County. He will retire as the Deputy County Administrator for Hernando County.

However, it is his genuine ability to work with both the public and business communities, and numerous Federal, State, and local officials, including myself, which has brought me to the floor today.

I worked with Larry from 1988 to 1990 when he was the Planning and Zoning Administrator and again from 1990 to 1992 when I was the County Commissioner. I always found him to be thorough, incredibly accurate and, despite his serious demeanor, he was quick to laugh at a good joke.

I wish him the very best of health and happiness in his retirement. However, I must take this opportunity to remind him that he is far too young to sit in a rocking chair.

COMMEMORATIVE CLASSIC FOOTBALL GAME BETWEEN JOHNSON C. SMITH UNIVERSITY AND LIVINGSTONE COLLEGE

**HON. MELVIN L. WATT**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. WATT. Madam Speaker, on December 27, 1892 the first college football game between two historically black institutions of higher education was played in Salisbury, North Carolina. On October 3, 2009 the Livingstone College and Johnson C. Smith University football teams will extend this 117-year rivalry in the 2009 Commemorative Classic Football Game.

I rise to recognize and pay tribute to Livingstone College and Johnson C. Smith University as they prepare to participate in this historic game which is being held in my Congressional District.

Collegiate sports provide a backdrop for a multitude of life's lessons and a crucible in which many of society's leaders are shaped. To quote former Livingstone College president S.E. Duncan, "The claim that football engenders school spirit has seldom been challenged. For the stimulation of academic improvement, for its impact on the citizenship of our students and the outcomes of physical fitness, football comes increasingly to the attention for consideration . . . May we remember those who learned how to win and lose."

I wish continued success to Livingstone College and Johnson C. Smith University, and best of success in this year's game to Dr. Jimmy Jenkins, President of Livingstone College, and to Dr. Ronald Carter, President of Johnson C. Smith University. I am honored and privileged to represent these institutions

and their outstanding scholars-athletes in Congress.

25TH ANNIVERSARY OF THE  
WAXMAN-HATCH ACT

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. WAXMAN. Madam Speaker, twenty-five years ago, President Ronald Reagan signed the landmark Waxman-Hatch law, delivering generic drug competition to the American marketplace. Since that time, generic drugs have provided millions of American consumers with access to low-cost, yet safe and effective drugs. In the last decade alone, generics have saved consumers, businesses, and state and federal governments \$734 billion. American consumers fill more than six of every ten prescriptions with safe and effective generic medicines. During these difficult economic times, generic pharmaceuticals are critical to assuring that patients continue to have access to lifesaving medicines. Making sure that Americans have access to, and can afford, life-saving medicines has been one of my chief goals as a Member of Congress, and I am proud of the success of generic competition in helping achieve that goal.

Since passage of the Hatch-Waxman law, we have seen a shift in the pharmaceutical marketplace to permit greater competition and innovation—a win-win for purchasers and manufacturers alike. As a result, millions of Americans have access to safe and affordable generic medicines and our health care bill is much lower than it otherwise would have been. There is still much more we can do to increase savings from generic drugs. We should not only celebrate the 25th anniversary of Hatch-Waxman, but we should use it as motivation to ensure there is real generic competition for biotech medications. Let us show Americans that we understand that they deserve access to affordable medicine and give them a pathway that provides reasonable incentives for innovation, but does not pose unnecessary barriers to competition.

PERSONAL EXPLANATION

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. CLARKE. Madam Speaker, on rollcall No. 718, had I been present, I would have voted "no."

IN HONOR OF REBY CARY

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today in recognition Reby Cary, a man who has contributed extensively to the Fort Worth community. His life achievements are being celebrated this month by family and friends at New Rising Star Baptist Church.

Mr. Cary's life has been one of patriotism, service and achievement. After graduating from I. M. Terrell High School, he earned a B.A. in History and Political Science at Prairie View A&M University. He started the path to a higher degree, but would first answer the call to duty. While forced to endure the numerous social inequalities of the time, Mr. Cary served ably and honorably as one of the first African American Radiomen First Class in the Coast Guard, supporting combat operations in the Pacific Ocean aboard the U.S.S. *Cambria* during World War II.

Mr. Cary returned to complete his Master of Science degree at Prairie View A&M University in 1948. He later participated in graduate studies at Texas Christian University and North Texas State University. He would then go on to educate future generations as an instructor at Dunbar High School and as a professor at numerous institutions. He served as Dean of Personnel at McDonald College of Industrial Arts, and Associate Dean of Student Life and Director of Minority Affairs at the University of Texas in Arlington.

He also broke barriers in public service as the first African American on the Fort Worth ISD School Board, as well as serving as the Texas State Representative from District 95. Mr. Cary has also given back to his community through his service with many area organizations, including volunteering with the Boy Scouts, United Way, Rotary Club of Arlington, and President of the Fort Worth Metropolitan Black Chamber of Commerce. And through all of this, he also found time to be an accomplished author.

He continues to have an impact on the community through his insight and advice. Mr. Cary has always been available to take my phone calls and he has been a rich source of information and history regarding Tarrant County and the City of Fort Worth. He has a unique ability to bring the correct historical context to some of the more contentious debates today. His commitment to the community has continued through his daughter, Faith Ellis' active political and community advocacy in issues such as infant mortality and support for medical research.

It is with great honor that I recognize Reby Cary as a man who has served the Fort Worth community for over a half century as someone dedicated to the education and advancement of all. His is a legacy of service to the City of Fort Worth, the State of Texas and this great Nation, and one that will endure. I am proud to represent him the U.S. House of Representatives.

OBSERVATION OF NATIONAL  
HISPANIC HERITAGE MONTH

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CALVERT. Madam Speaker, I rise today in recognition of National Hispanic Heritage Month. The observation of September as National Hispanic Heritage Month began in 1968 with the designation of Hispanic Heritage Week. It was expanded by President Ronald Reagan in 1988 to cover a 30-day period. Now, every year from September 15 to October 15, we proudly celebrate the histories, cultures and contributions of Americans whose

ancestry includes Spain, Mexico, the Caribbean, and Central and South America.

The founding of the United States of America was predicated on the idea that all men are created equal and that America would be a place where anyone could achieve and succeed. That success should know no boundaries.

This year's theme for National Hispanic Heritage Month recognizes the role Hispanic Americans have played in making that dream a reality. Their strength and hard work, anchored by a deep love for family and country, has helped shape our society for the better.

I commend the proud history of all Hispanic Americans and ask that all Americans honor National Hispanic Heritage Month. The richness of Hispanic culture and the contributions of Hispanic Americans have made our country a better nation.

### STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. LARSON of Connecticut. Madam Chair, I rise today in support of H.R. 3221—the Student Aid and Fiscal Responsibility Act of 2009. This bill makes the single-largest investment in student aid in our nation's history and will increase opportunities for our workforce to expand their skills through community colleges. I would like to thank Chairman MILLER for working with me to include in the bill legislation that I offered to expand the mission of community college computer labs as a hub for training our nation's workers. Specifically the addition of Section 503 (f)(8) allows funds for community college reform to be used for the purpose of "providing information technology training for students and members of the public seeking to improve their computer literacy and information technology skills through public accessibility to community college computer labs and information technology training providing on weeknights and weekends by an employee of a community college who is capable of basic computer instruction."

I am a strong supporter of our nation's community colleges and believe they represent an invaluable and untapped information hub within our communities. By participating in the program set forth by the bill and simply keeping their computer labs open to the public for 20 hours a week on weeknights and 10 hours a week on weekends, our community colleges would provide individuals the ability to gain the skills they need to move into a new job or advance in their current job. Further, to ensure that the time spent in the computer labs will help build those information technology skills, the community colleges should be required to have an instructor from the college present to provide basic computer instruction during those hours. Access to this instruction should also be free of charge and accessible to students and members of the public.

In order to provide this access to the computer labs my intent when drafting this language was to allow community colleges to access funds for the maintenance, administration and improvement of computer labs, which includes: staffing facilities; purchasing computer equipment, which includes hardware and software; maintaining, repairing, and replacing technology equipment; maintaining and securing facilities; and providing utilities for the facilities and computer equipment.

Once again, I thank Chairman MILLER for his hard work on this legislation and urge its passage.

IN HONOR OF KEVIN WILSON, INCOMING PRESIDENT OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Kevin Wilson, the incoming President of the Delaware Volunteer Firemen's Association (DVFA). President Wilson began his career at the Clayton Volunteer Fire Company No. 1, beginning as a junior member, and moving up to Chief before taking on leadership roles in Kent County and the State of Delaware.

President Wilson's life has been dedicated to protecting others. Along with his distinguished career in the Fire Service, President Wilson served with the Delaware State Police as a Trooper Medic. He is currently an investigator for the Delaware State Police's Sex Offender Division.

During the four decades that President Wilson has served his community, he has been recognized by his peers for heroic work. These honors include being named Clayton Fire Company Fireman of the Year in 2006 and co-winner of the State Fireman of the year in 1997.

I commend President Wilson on his exceptional career of tireless dedication and selflessness. DVFA is fortunate to have such a man filling this important role. I am confident that President Wilson's experience and leadership will help DVFA continue on the path of exceptional service for which they are known across our State.

CELEBRATING 125 YEARS OF MAUMEE VALLEY COUNTRY DAY SCHOOL

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. KAPTUR. Madam Speaker, I rise to recognize the 125th birthday celebration of Maumee Valley Country Day School in Toledo, Ohio. As noted in the school's history, "While the world has changed dramatically since the founding of our School in 1884, essential characteristics of our school have remained constant."

Since its founding in 1884, Maumee Valley has seen itself as "a warm, family-centered,

comfortable environment that encourages passion and creativity in our exceptional student body." The school is built on the foundation of a visionary board, supportive parents, and the dedication and commitment of our talented faculty and staff, and has never lost focus on its core purpose, to provide the best educational opportunities for its students.

Maumee Valley Country Day School's original school was on North Summit Street in downtown Toledo and known as the Smead School for Girls. The school soon moved to the Judge John Fitch Homestead in Toledo's Old West End. The current school's Smead building was completed in 1934. Beginning in the 1950s, the school saw increasing construction and expansion to its present day. Now in the 21st Century, Maumee Valley embarks on new transformations to further develop education in the new century.

Maumee Valley Country Day School's mission is "to enable students to become enlightened, compassionate and contributing citizens of our global community, while preparing graduates for their best opportunities in higher education." Over three centuries, the school and its leadership, parents and students, have carried forth this mission. As they pause to mark this milestone 125th year celebration, I join the school families past and present in looking toward a bright future.

TRIBUTE TO ANNE WHITEMAN

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today in recognition of a brave American; Anne Whiteman. Anne was born September 5, 1956 to parents who met and married in Tubingen, Germany. Her father was born and raised in Germany and fought as a soldier in the German Army during WWII and was later held captive by the American Forces. During Anne's childhood, he recounted many fascinating stories that led to his love for America and his becoming a U.S. citizen.

Though Anne was born in Virginia she completed high school in Germany and worked at the American Consulate in Frankfurt. After college and various jobs she applied with the FAA in 1981 and was the first woman certified Air Traffic Controller to work at El Paso. In those days, pilots were not used to speaking with a female controller but she quickly earned their respect. She was selected for a position at DFW in 1984 where she started in the Tower but later moved downstairs to work in the Terminal Radar Approach Control, TRACON, radar room. Anne believes that her move to the TRACON gave her the best gift as it was there that she met her husband. No one thought they could survive working together every day but not only did they survive but they thrived. Anne was certified on all positions in February of 1986 and became the first female controller to certify at DFW TRACON.

Anne has worked many aircraft in distress and has assisted pilots as she grew in her knowledge of aircraft and skills. As a result, she was encouraged to bid on a supervisor's position and after much encouragement bid on a temporary supervisor detail and was selected for the 120 days in August 1985 and

became hers permanently and the rest is history.

While Anne Whiteman received numerous awards throughout her career and became recognized as a valued FAA team member, this all changed when the safety concerns she reported were compromised and covered up which led to her blowing the whistle. As a result, she was ostracized at the job she loved. During Anne's career, she has supervised or trained at least 30 air traffic controllers at the DFW Tower or in TRACON and was recognized by the Department of Transportation Inspector General who found her egregious reports were well-documented. Twice during a three-year period, these reports were submitted to the President. This reporting activity also led to her being awarded the Office of Special Counsel's 2005 Public Service Award and later sharing the Public Servant of the Year in 2008 for her contribution to air safety. She was also nominated for the 2006 Service to America medal while the reprisals continued along with her safety concerns. After some 30 years of service with the FAA, Anne Whiteman is no ordinary hero for she put her job and well-being on the line for what she believed was needed in order to protect the flying public.

As a Member of Congress it has been my honor to serve this valiant American who not only helped pave the way for women controllers but also serves as a courageous example in the protection of air travel and she did not flinch at such a great personal loss. This record serves to honor this service as she retires from the job she loves on September 3, 2009.

A PROCLAMATION HONORING  
ABBY FROMAN FOR WINNING  
THE GIRLS DIVISION IV STATE  
SOFTBALL CHAMPIONSHIP

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. SPACE. Madam Speaker,

Whereas, Abby Froman showed hard work and dedication to the sport of softball; and

Whereas, Abby Froman was a supportive team player; and

Whereas, Abby Froman always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Abby Froman on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship she has demonstrated during the 2008–2009 softball season.

IN MEMORY OF MR. JAMES H.  
DONNEWALD OF BREESE, ILLINOIS

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to honor the life of a distinguished public servant, devoted husband and loving father.

James Donnewald, a man who spent his career serving the people of Illinois as a legislator and state treasurer, passed away September 18th, at the age of 84.

From an early age, Mr. Donnewald had a desire to serve his country. Before beginning his career as a lawmaker, he volunteered for military service in both World War II and the Korean War, but was honorably discharged due to a heart murmur.

After returning from the service, Mr. Donnewald attended St. Louis University and later Lincoln College of Law. In 1960, he was elected to the Illinois state House of Representatives, where he served two terms. After serving as a Representative, James Donnewald was elected to the state Senate in 1964. Throughout his distinguished tenure, he garnered the respect of his colleagues rising to the office of assistant Democratic leader and chairman of the Reapportionment Committee.

In 1982, Mr. Donnewald was elected to one term as Illinois State Treasurer. After his time in public office, he continued to serve our community through his law practice in Breese, IL.

I extend my heartfelt condolences to Mr. Donnewald's daughter Jill, his sons Craig and Eric, his sisters Irene and Juanita and his five grandchildren. He was a respected member of his community and will be deeply missed.

STUDENT AID AND FISCAL  
RESPONSIBILITY ACT OF 2009

SPEECH OF

**HON. ALAN GRAYSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 16, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. GRAYSON. Madam Chair, the U.S. House of Representatives has passed a bill including prohibitions on federal funds and other activities with respect to certain organizations. The intent of Congress with respect to those provisions is as follows:

The purpose of this bill is to cleanse federal contracting and grant-making, completely and permanently. The purpose is to put an end to the invidious practice of rewarding those who steal taxpayer money by giving them more taxpayer money. The bill imposes, and is intended to impose, a corporate death penalty on contractors who fall within the scope of its prohibitions. This is remedial legislation. The primary intention is not merely to penalize such organization, since other laws perform that function. Rather, the intention is to protect the Government and the taxpayers from losses in the future, and to deter misconduct on the part of federal fund recipients. The intention of deterrence, in particular, requires that these prohibitions be construed broadly, and enforced strictly.

By this bill, Congress intends to exercise the full extent of its Constitutional authority, both express and implied. This includes, but is not limited to, Congress's express authority under the Appropriations Clause of the Constitution.

Notwithstanding the heading on the part of the bill containing these provisions, it is not

Congress's intent that these prohibitions apply only to organizations that have been indicted. Rather, Congress intends that the prohibitions apply to all "covered organizations," as defined in the bill.

With respect to the prohibitions set forth in paragraph (a), Congress intends that these prohibitions be automatic and permanent. In this context, "automatic" means not subject to alleviation by administrative action. Regarding such prohibitions, Congress intends to substitute a "per se" rule in place of any rule requiring a balancing of factors, or exercise of discretion or judgment, to the full extent permitted for Congress by the U.S. Constitution. "Permanent" means lasting for the entire time that the organization remains in existence. If a principal, or principals, of a covered organization form(s) or attempt(s) to form a new organization, then that new organization may be deemed, through administrative action, to be a covered organization. "Principal" means an officer, a director, or an owner of at least five percent of the shares of a covered organization.

It is the intent of Congress that any organization seeking or receiving a federal contract, grant, cooperative agreement, any other form of agreement, federal funds, or promotion by a Federal employee or contractor shall certify, both when seeking and when receiving such a benefit, that the organization is not a covered organization as that term is defined in this bill. Any organization falsely making such a certification shall be deemed a covered organization (and, in fact, already is one), and shall be subject to prosecution under 18 U.S.C. 1001 or any similar provision in the Criminal Code. Any individual making such a false certification on behalf of a covered organization shall be similarly liable. Congress strongly recommends to federal prosecutors that they execute their prosecutorial discretion in a manner that holds such organizations and individuals accountable, to the fullest extent permitted by law.

Congress intends that all covered organizations be added to the "Excluded Parties" list maintained by the Federal Government, with a prescribed duration on that list of "permanent." Whenever the U.S. Department of Justice (DOJ) learns or has reason to believe that an organization is a covered organization, it shall be the duty of DOJ to apprise the debarring officials of all relevant federal agencies of such information. Congress intends that any person or organization shall have standing to request that any debarring official shall identify an organization as a covered organization, and add that organization to the "Excluded Parties" list. Congress also intends that the contention that any federal offeror or contractor is a covered organization is a contention that is a valid basis for a bid protest. Such a contention may be asserted at the Government Accountability Office, the U.S. Court of Federal Claims, and any other tribunal with bid protest authority.

The term "covered organization" includes parent companies, subsidiaries and subsidiaries of parent companies of a covered organization. Such affiliation is to be determined by legal ownership of at least 50%.

The term "organization" in paragraph (a) means only a covered organization. The enumerated prohibitions apply to covered organizations only.

In subparagraph (a)(1), the term "other form of agreement" includes, but is not limited to, the execution of contract options, the award of task orders, and any other form of action that establishes or increases the legal rights of any federal contractor or grantee.

In subparagraph (a)(2), the term “[n]o Federal funds in any other form may be provided” shall mean that all contracts and grants that have been awarded to a covered organization with a remaining duration of more than one year on the date of enactment shall, within that one-year period, be terminated for the convenience of the Government.

In subparagraph (b)(1) of the prohibitions, Congress recognizes that the denial of liberty or property on the basis of an indictment, without conviction, raises Constitutional due process issues. If it is determined that such denial is unconstitutional, or otherwise contrary to law, then it is the intent of Congress that subparagraph (b)(1) be held void, but that the remainder of the prohibitions remain intact and enforceable.

In subparagraph (b)(3) of the prohibitions, it is the intent of Congress that this subparagraph be construed expansively. The term “Federal or State regulatory agency” shall include any agency authorized by law to issue regulations, whether or not such regulations have been issued. For instance, the term includes, but is not limited to, the U.S. Departments of Defense, Health and Human Services, and Labor. The term “filed a fraudulent form” includes, but is not limited to, actions that would establish liability under 18 U.S.C. 1001 or 31 U.S.C. 3729. A conviction or judgment under these laws, or any similar law, is sufficient per se to establish that an organization is a covered organization.

The term “filed a fraudulent form” is derived in part from a report dated July 23, 2009 and issued by the Ranking Member of the Committee on Oversight and Government Reform. Page five of that report discusses allegations, not resulting in a conviction or judgment, that “ACORN has submitted false filings to the Internal Revenue Service and the Department of Labor.” The report states that: “All of these fraudulent acts would constitute a violation of 18 U.S.C. 1001 by presenting false documents to the United States government.” A fortiori, any acts that actually do (not merely “would”) constitute such a violation, or a violation of similar provisions such as those appearing in 31 U.S.C. 3729, as determined by a conviction or judgment, shall per se constitute the “fil[ing] of a fraudulent form” within the meaning of these prohibitions. As the Ranking Member’s report describes, however, the term “filed a fraudulent form” extends to all organizations that have filed such a form, whether or not such a filing has resulted in a conviction or judgment. The Ranking Member issued a statement yesterday, which said: “For far too long, recipients of federal dollars have been given free reign [sic] and some have acted in a reckless and cavalier way and whether it be ACORN or anyone else—abuse and fraud will not be tolerated.” He added, “frankly, I don’t know how anyone can successfully argue [that] those who actually perpetrate fraud and misuse taxpayer dollars should not be” subject to these prohibitions.

The term “form” is to be construed broadly. It includes all communications, in any form or format, which include any information required by law. For instance, a request for payment under a cost reimbursement contract that includes a statement of incurred costs is a “form” within the meaning of subparagraph (b)(3), because (among other reasons) such a statement is required by law. Whenever the Government finds that such a request is excessive, and reduces it, then this means that the form that was filed was fraudulent, unless the contractor possessed no information whatsoever that did allow or

should have allowed the contractor to know that the form was excessive. No proof of specific intent to defraud is required. It is the intent of Congress that the term “form” include, but not be limited to, the term “claim” under 18 U.S.C. 287, the terms “claim,” “record” and “statement” in 31 U.S.C. 3729, and the terms “statement,” “representation” and “entry” under 10 U.S.C. 1001.

In all administrative or judicial proceedings regarding whether a party has “filed a fraudulent form,” in cases based on a conviction or judgment, the inquiry shall be limited to whether there is any evidence in the record on which the finder of fact could have determined that the organization filed a fraudulent form. Under no circumstances shall the burden of proof be anything beyond “adequate evidence” in administrative proceedings, or “support by any evidence in the record” in judicial proceedings, when such judicial review of such administrative action is allowable at all.

It is the intent of Congress that administrative action to add an organization to the “Excluded Parties” list is ministerial. For that reason, and otherwise, such administrative action is committed to agency discretion under 5 U.S.C. 702(a)(1). In all judicial proceedings, it is the intent of Congress that the prohibitions apply to an organization that has been found to be a covered organization unless and until a final judgment has been entered in favor of the organization. Specifically, it is the intent of Congress that in determining whether the organization should be granted interim relief in such proceedings, the greatest weight be the public interest in having the Government issue contracts and grants only to organizations with unquestioned integrity.

It is the intention of Congress that the term “covered organization” apply to all organizations qualifying within the definitions of subparagraphs (b)(1) through (b)(4), without regard to when the acts establishing such qualification occurred. Specifically, it is not the intent of Congress that such acts be limited to acts following enactment of these prohibitions. If, for instance, an organization filed a fraudulent form with any Federal or State regulatory agency in 2006, that organization is a covered organization as of the date of enactment, and subject to all prohibitions from the date of enactment onward.

Regarding paragraph c, if it shall be ruled or held that this provision, or any other provision in these prohibitions, is a bill of attainder, or constitutionally infirm for any other reason, it is the intent of Congress that these prohibitions nevertheless apply to all covered organizations for which these prohibitions are not a bill of attainder, or constitutionally infirm.

Regarding paragraph (d) of the prohibitions, the revision of the Federal Acquisition Regulation (FAR) shall include the revisions set forth above, including but not limited to revision of Parts 3, 9, 15 and 33 of the FAR.

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COMMENDING THE CLASS OF '59

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. FARR. Madam Speaker, Members of the House, I rise to commend an era that many Members of this body fondly remember.

It was the 1950s. This year, the last class of that era, students of the class of '59, celebrate their 50th high school reunions. I am one of those students, and I would like to submit for the record the thoughts of a classmate—Lucinda Lloyd—on those formative years. It was a historic and poignant time for all of us.

Carmel High School Class of '59. That was our identity.

After leaving Sunset School, we entered the hallowed halls of Carmel High School as timid Freshmen. Progressing through the awkward Sophomore stage, we survived being Juniors until we ruled the school as mighty Seniors.

Ours was an age of innocence and happy days, unbeaten athletic teams, and scholastic success. We rocked around the clock, danced cheek-to-cheek to Unchained Melody, hung out at Konrad’s, wore Bass Weejuns or Spaulding oxfords, congregated at the Youth Center, cheered our teams to victory, occupied the Senior Steps and looked forward to years of accomplishment. After all, we were told that the world was ours, all we had to do was go for it.

Leaving Carmel behind to forge our paths in the Big World, we attended colleges and universities, went to MPC, joined the military or began another career. Or we got married and had children. Some of us got divorced, while other marriages survived. Some of us distinguished ourselves in careers and chosen fields of work. And some of us died.

Our common bonds of shared childhood experiences glued us together, more as cousins than classmates. Today we anticipate our 50th reunion with mature interest, warmed by the knowledge that we’ve softened the sharp edges that may have separated us, that we are more alike than different, that we can laugh at ourselves and with each other.

We’ve made it! We’re adults with grown children who have children. We no longer care if our hair styles droop or frizz in the fog, that our loose clothing covers softened curves, or if we have a date for Saturday night. Accepting ourselves as we are has allowed us to accept everyone else, no matter what.

With warmth in our hearts, smiles on our faces and arms ready to hug, the Class of '59 reunites to remember old times, renew bonds of friendship and forge closer relationships for the coming years. The longer we live, the more we need one another.

Ours was a magic time in a magic place. It is with the perspective of age that we finally realize how lucky we were, how lucky we are. Let us give thanks and enjoy our time together. God bless America.

Go Padres! Forever friends, Class of '59.

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PERSONAL EXPLANATION

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. MOORE of Kansas. Madam Speaker, on July 17, 2009, I inadvertently voted “nay” on final passage of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act of 2010. I should have voted “aye” as I strongly support the projects and programs funded through this important piece of legislation.



A TRIBUTE TO SAFETY CENTER  
INCORPORATED, ON THEIR 75TH  
ANNIVERSARY

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today in celebration of Safety Center Incorporated's 75th anniversary occurring on October 19, 2009, and in praise of their many contributions to the State of California. Safety Center Incorporated, originally established as the Sacramento Safety Council in 1934, was initially recognized by civic leaders "to combat (the) unprecedented wave of motor vehicle fatalities and injuries" in the Sacramento region. This was in reaction to the front page headline of the Sacramento Bee on October 8, 1934, which read, "Local auto deaths soar to 6."

Over the past 75 years, Safety Center Incorporated has expanded well beyond traffic safety programs and is now among the most respected providers of safety leadership and training throughout California and Nevada.

In just the past 5 years alone, SCI has trained 88,925 people amongst a diverse collection of programs. Children and developmentally disabled adults have been given tours of 'Safetyville'—which is celebrating its 25th anniversary this year. Teens have been taught defensive driving and have been given an education in alcohol and drugs. Enthusiasts of all ages have completed basic and experienced rider motorcycle courses. Professionals have been certified for first aid, CPR, forklift operations, work zone safety, commercial construction, and other courses designed to provide "training solutions that fit" for a diverse array of occupations.

Throughout their history, SCI has been a dependable partner to the public by providing the assistance needed with the changing times. When the Federal Government passed the "Occupational Safety & Health Act of 1970" creating OSHA and authorizing the creation of the first mandatory safety standards for the nation—SCI was there to help lead the community in accountability and preparedness. When the State of California first mandated that drunken drivers attend remedial classes—SCI offered the first classes in the State to educate Californians.

Today, Safety Center Incorporated has locations throughout California. Along with the main campus in Sacramento, there are now campuses in Modesto, Citrus Heights, and Claremont.

I thank Safety Center Incorporated on behalf of my fellow Californians for the untold impact that they have had on the well-being of our home.

RECOGNIZING HOWARD  
UNIVERSITY SCHOOL OF LAW

SPEECH OF

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 2009*

Ms. RICHARDSON. Mr. Speaker, I thank Congresswoman KILPATRICK for introducing

this resolution honoring Howard University School of Law's 140-year legacy of social justice and commitment to training social engineers.

If it were not for the legal battles waged by and won by lawyers from the Howard University School of Law, it is very unlikely that neither the progress or individual accomplishments obtained would have reached the heights we enjoy today.

As the first law school dedicated to educating African Americans, the doors of Howard University School of Law opened in 1869. The school was created to meet the need to train African Americans in protecting their newly established rights granted by the 13th and 14th Amendments of the Constitution. During this first year, six students committed to legal activism met in the homes and offices of part-time faculty.

As the years progressed and the number of students and the number of faculty grew, the school's commitment to public service was unwavering.

The mission of this school is guided by the wise words of Charles Hamilton Houston, who is widely regarded as the "man who killed Jim Crow." He later went on to serve as the NAACP litigation director and Dean of Howard University School of Law. Charles Hamilton Houston once said, "A lawyer's either a social engineer or a parasite on society." These inspiring words have led many students to enroll in the law school because of their interest and devotion to public service.

This quote and many other quotes from African American leaders line the halls of the school to inspire students, professors, and visitors every day.

Indeed, the men and women who graduated from Howard University School of Law became early pioneers and changed the fabric of our Nation.

The law school served as a training ground for graduates such as Oliver Hill, Spottswood Robinson II, and Thurgood Marshall who all played important and influential roles in the Supreme Court case, *Brown v. Board of Education*. Thurgood Marshall was the lead litigator in *Brown*, where the Supreme Court ruled that the segregation of students in public schools ultimately led to unequal educational opportunities. This case, which was decided in 1954, led to the abolishment of racial segregation.

The very halls of this Congress are filled with Howard Law School alum who are dedicated to social change and public service.

Mariel Lim, an able and exceptional attorney who is a member of my staff, spent her most formative year of law school at Howard and applies the formidable skills she acquired there in the service of the residents of the 37th Congressional District of California and the Nation.

My Legislative Director, Gregory Berry, taught Torts, Legal Methods, Legal Writing 2, Legal Reasoning, Research and Writing to hundreds of students who graduated and became social engineers. During the 8 years he taught at Howard, Gregory coached Howard's acclaimed National Moot Court Team, which afforded students the opportunity to hone their writing and advocacy skills in intercollegiate competitions. Additionally, Gregory Berry was counsel of record on the amicus curiae brief he and two faculty colleagues submitted to the U.S. Supreme Court on behalf of Howard's

law students in the *Grutter v. Bollinger* case, which upheld affirmative action in law school admissions.

I am not the only Member who benefits from these dedicated graduates. There are numerous other Howard alumni serving the cause of justice here on the Hill.

I congratulate the Howard University on their 140th anniversary of its extraordinary law school.

I know our Nation will be well-served for years to come by its graduates who will continue to provide, "Leadership for America and the Global Community."

TRIBAL LEADER OF THE TACHI  
YOKUT TRIBE, CHIEF CLARENCE  
ATWELL, JR.

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. COSTA. Madam Speaker, I rise today to acknowledge the esteemed and cherished Tribal Leader of the Tachi Yokut Tribe, Chief Clarence Atwell, Jr., as he embarks upon his journey of retirement.

The Tachi Yokut Tribe, now 300 members strong, enjoys a rich California history, inhabiting the San Joaquin Valley for centuries. Chief Atwell has provided leadership, advice and spiritual guidance for his tribe and sister tribes across our great Nation for over 40 years.

Born in the early morning hours under a lone tree on the Rice Ranch, Clarence Atwell would grow to lead an extraordinary life. Raised by his grandmother on the reservation, Clarence spoke only his native language of Tachi. It was only when he began to attend school that he taught himself to learn and speak the English language. During his adolescent years, Clarence developed a strong passion for caring for the tribal elders. He would spend days hunting for food; sometimes walking several miles in order to bring the nourishment of rabbit, deer and fish to the elders. As he grew into a young man, his love of the land allowed him to work in the fields where he drove a tractor and worked from sunup to well beyond sundown each day.

Always strongly connected to his tribe, it was in his early 20s that he was first elected Tribal Chairman, a position he would hold for over 40 years. Under the powerful and wise Tribal Leadership of Chief Atwell, the Tachi Yokut Tribe has prospered. The members have grown into self-sufficiency and they have worked hard for many years to grow their Tachi Palace in Lemoore from a small gaming facility into one of the San Joaquin Valley's top destinations. Tribal members now have access to housing, a particularly significant accomplishment, the elders receive lunch each day and the members have dental and medical care.

Renowned for his spiritual as well as his political leadership, the Kings County of California acknowledges Chief Atwell as an official Spiritual Leader. He has been blessed to perform countless life-changing ceremonies including weddings, baptisms and funerals. Chief Atwell is a Bear Clan Leader for California, one of the highest native spiritual honors afforded to any individuals. The Bears

were part of the official inauguration ceremony of then California Lt. Governor Cruz Bustamante where they performed in full regalia at the State's Capitol. Chief Atwell has met many political leaders, including having had the honor to talk with Vice President Al Gore and President Bill Clinton at the White House. Certainly known for his candor and forthrightness, though always in a quiet manner, Chief Atwell had the occasion to meet Governor Schwarzenegger where he shared some very pointed comments, causing a national news story; a moment he remains proud of, on behalf of his tribe. Tribes across the country have come to count on Chief Atwell for his political savvy, keen knowledge and intense wisdom.

Wed to his sweetheart, Jeanette, Clarence and Jeanette's blended family includes sons, Rufus, Aub and Curtis and daughters Cheryl and Kimberly.

Chief Clarence Atwell, Jr., has endured much in his lifetime, and it is at this crossroads that I ask my colleagues to join me in acknowledging the fine deeds of Chief Clarence Atwell, Jr. and wish him and his family well as he embarks upon his retirement.

**HONORING EARLVILLE  
ELEMENTARY SCHOOL**

**HON. BRUCE L. BRALEY**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by Earlville Elementary School in Earlville, Iowa by being named a 2009 No Child Left Behind-Blue Ribbon School.

The program honors elementary, middle and high schools that are superior academically or that demonstrate dramatic gains in student achievement to high levels. Students at Earlville Elementary School ranked in the top 10 percent on state tests.

Earlville Elementary School is one of six Iowa Schools receiving the honor this year. This is a true credit to the staff and teachers who continually challenge students to want more and be better.

Madam Speaker, I am extremely proud of the accomplishments of Earlville Elementary School and its Principal, JoAnn Swinton. Earning this award shows strength and persistence and I am proud to serve these fine students in Congress.

**RECOGNIZING THE ONE HUNDRED  
FIFTH BIRTHDAY OF ROWENA  
ELLISON**

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the one hundred fifth birthday of Rowena Ellison on September 25, 2009.

Rowena Ellison was born in Minnieville, Virginia at the Windsor Farm on September 25, 1904. Rowena was the fourth of eight children born to Luther Windsor and Minnie Alexander.

She married Roy Ellison from Texas and moved to Alexandria, Virginia in 1936. Together they raised five children, each of whom graduated from George Washington High School. Rowena Windsor has 13 grandchildren and 16 great-grandchildren. Rowena was widowed in 1969. She continues to live in Alexandria with the help of her children.

**100TH ANNIVERSARY OF SALINAS  
PUBLIC LIBRARY, SUNDAY, SEP-  
TEMBER 27, 2009**

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. FARR. Madam Speaker, I rise today to celebrate the 100th anniversary of the Salinas Public Libraries in Salinas, California. In 1907, the Salinas Civic Club received \$10,000 from Andrew Carnegie to create a public library. Over the next 2 years they raised another \$4,000, purchased a site and collected books from the Odd Fellows, the Women's Christian Temperance Union, and Daughters of the American West libraries. On September 5, 1909, the doors opened for the first time to the Carnegie Public Library.

A city-wide financial crisis in 2005 threatened closure of the library. This very real danger was nationally publicized and was featured in the movie *The Hollywood Librarian*. The residents of Salinas passed a measure to fund all library operations for 10 years. Today the Library Commission and Friends of the Salinas Public Library raise thousands of dollars for children's programs, and partner with other community organizations and foundations to ensure that the libraries remain open, giving needed services to the community.

All through this year the library celebrated the rich history of the people of Salinas, gathering and displaying over 5,000 historic photographs, paintings of old Salinas adobes, oral histories of prominent residents, historical papers, and other documents. The anniversary was the catalyst for public programs and exhibits of the memories of the people and places of Salinas. The Centennial voices of children, youth and adults became part of the new collection of voices in the Library.

Madam Speaker, the three branches of the Salinas Library—John Steinbeck, Cesar Chavez and El Gabilan—encourage reading, and provide materials and services to help members of the community meet their personal, informational, educational, and cultural needs. This is the mission statement of the library, and the 42 dedicated employees more than live up to this goal. I know I speak for the whole House in saluting the community of Salinas on this joyous occasion.

**PERSONAL EXPLANATION**

**HON. TIM MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 733 had I been present, I would have voted "no."

**UNEMPLOYMENT COMPENSATION  
EXTENSION ACT OF 2009**

SPEECH OF

**HON. LOIS CAPP**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 22, 2009*

Mrs. CAPP. Mr. Speaker, I rise today in strong support of H.R. 3548, the Unemployment Compensation Extension Act.

This critical legislation would extend unemployment benefits by up to 13 weeks in states with high unemployment, such as my home state of California, where the unemployment rate has reached a record 12.2 percent.

In California alone, this bill will provide additional benefits for over 150,000 jobless workers who would otherwise exhaust their unemployment benefits before the end of this year.

These new benefits will help the millions of Californians who have lost their jobs through no fault of their own feed their families, heat their homes and pay their mortgages.

Extending these benefits is also one of the most cost-effective and fast-acting ways to stimulate the economy because the money is spent quickly. According to Moody's Economy.com, every \$1 spent on unemployment benefits generates \$1.63 in new economic demand.

There is no question that this legislation is needed. Yes, our economy is beginning to recover. But millions are still out of work and struggling to stay afloat.

I support this bill because it will provide real money for real workers who need it in California and across the nation.

I urge my colleagues to join me in voting yes on H.R. 3548.

**CONGRATULATING SAINT MARK  
MISSIONARY BAPTIST CHURCH  
AS THEY CELEBRATE THEIR 130-  
YEAR ANNIVERSARY**

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Saint Mark Missionary Baptist Church on their 130-year anniversary. The church, located in McKinney, Texas, will be hosting anniversary services on October 9, 2009.

Saint Mark Missionary Baptist Church was founded in 1879 by Reverend Jones and Reverend Dick White, who conducted prayer services in the homes of their members, many of whom were freed American slaves.

Through a commitment to ministry and mission work, the church serves to enrich the community within its own congregation as well as the surrounding Dallas-Forth Worth areas. The church has undergone numerous expansions, helping them grow to provide more resources for their community. Recently they acquired over 2 acres in north Texas to accommodate a growing membership.

Madam Speaker, today it is my honor to recognize the Saint Mark Missionary Baptist Church. They have demonstrated a level of commitment to community that is well appreciated, and serves as an example for us all.

MEDICARE PREMIUM FAIRNESS  
ACT

SPEECH OF

**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 24, 2009*

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H.R. 3631—Medicare Premium Fairness Act. I commend Congresswoman TITUS for her efforts on this issue and also would like to recognize Chairmen RANGEL, WAXMAN, STARK, DINGELL and PALLONE for their tireless work.

Today Congress acted to ensure that some of our nation's most vulnerable citizens do not face a dramatic increase in their Medicare Part B premiums. During these difficult economic times we must make the right choices to protect our senior citizens and individuals with disabilities. Without this measure that we are acting on today, many of my constituents in the First Congressional district and individuals and families across the country would be faced with an increase in the cost of their health care that they simply can't afford.

I am pleased that there is bipartisan consensus on this legislation and hope to build upon this effort to protect and strengthen Medicare as we move forward with health care reform. Once again I thank my colleagues for their hard work on this issue and urge the bill's passage.

IN HONOR OF LORRAINE MADDEN,  
INCOMING PRESIDENT OF THE  
LADIES AUXILIARY OF THE  
DELAWARE VOLUNTEER FIRE-  
MEN'S ASSOCIATION

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize

Lorraine Madden, the incoming President of the Ladies Auxiliary of the Delaware Volunteer Firemen's Association (LADVFA).

President Madden has been a life-long member of the Bowers Fire Company Auxiliary. Like many other members of the Auxiliary and Fire Departments, President Madden's father was the Fire Chief, and her mother was President of the Auxiliary. It has been said that being part of these organizations is like being part of a family—in Lorraine Madden's case, this rings particularly true.

Prior to being elected to this new post, President Madden served as President of the Auxiliary at Bowers and was also the President of the Auxiliary to the Kent County Volunteer Firemen's Association. Her record of service and leadership is commendable, and I believe her worthy of the honor of holding the presidential office.

The LADVFA serves such an important function in our community, and to be as effective as possible, they must have dedicated and organized leaders. I have every confidence that President Madden will provide the LADVFA the leadership it requires and is known for. I wish her the very best in her new role.

PERSONAL EXPLANATION

**HON. KAY GRANGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Ms. GRANGER. Madam Speaker, on rollcall Nos. 727, 729, & 734, I was absent from the House.

Had I been present, I would have voted "yea" on all.

HONORING RONALD BOEHM ON HIS  
INSTALLATION AS COMMANDER  
OF AMERICAN LEGION WILLIAM  
MCKINLEY POST 231

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 25, 2009*

Mr. LIPINSKI. Madam Speaker, I rise today to honor Commander Ronald Boehm on the occasion of his installation as Commander of American Legion William McKinley Post 231.

Ronald Boehm has served as Commander of Post 231 eight times and his exemplary service is a model of leadership and devotion. In the summer of 2007, Commander Boehm aided in the construction of a beautiful and moving monument to all war veterans, especially those from Post 231 who gave the ultimate sacrifice for our nation. This monument sits outside the McKinley Post and is visible to all who pass by on 35th Street.

In 2001, as Commander, Ronald Boehm led a fundraising effort for the widows and orphans of policemen and firefighters. The fundraiser was a great success and amassed over \$10,000 for the cause.

Even outside of his work with the American Legion, Ronald Boehm has dedicated his life to the service of others, and recently retired after 40 years as a Chicago firefighter. His outstanding civic service was recognized this year by the McKinley Park Civic Association, which named Ronald Boehm "Man of the Year."

Today, I ask my colleagues to join me in recognizing the years of exceptional service and dedication of Commander Ronald Boehm. We acknowledge his service to our nation and to his community, and we express our gratitude.

# Daily Digest

## HIGHLIGHTS

Senator-Designate Paul Grattan Kirk, Jr., of Massachusetts, was administered the oath of office by the Vice President.

House agreed to the conference report to accompany H.R. 2918, Legislative Branch Appropriations Act, 2010.

## Senate

### Chamber Action

*Routine Proceedings, pages S9861–S9894*

**Measures Introduced:** Seven bills and two resolutions were introduced, as follows: S. 1715–1721, and S. Res. 288–289. **Page S9868–69**

#### Measures Reported:

Special Report entitled “Legislative and Oversight Activities During the 110th Congress by the Senate Committee on Veterans’ Affairs”. (S. Rept. No. 111–81)

S. 801, to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, with an amendment in the nature of a substitute. (S. Rept. No. 111–80) **Page S9868**

#### Measures Passed:

**National Mesothelioma Awareness Day:** Senate agreed to S. Res. 288, designating September 26, 2009, as “National Mesothelioma Awareness Day”. **Page S9866**

**VA Medical Facility Leases:** Senate passed S. 1717, to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010. **Pages S9889–90**

**Small Business Investment Act:** Senate passed H.R. 3614, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, after agreeing to the following amendment proposed thereto: **Page S9890**

Reid (for Landrieu/Snowe) Amendment No. 2556, to improve the bill. **Page S9890**

#### Measures Considered:

**Department of Defense Appropriations Act—Agreement:** Senate continued consideration of H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010. **Pages S9861–63**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill at approximately 1:30 p.m., on Tuesday, September 29, 2009. **Page S9892**

**Viken Nomination—Agreement:** A unanimous-consent-time agreement was reached providing that at 4:30 p.m., on Tuesday, September 29, 2009, Senate begin consideration of the nomination of Jeffrey L. Viken, to be United States District Judge for the District of South Dakota, and that there be 60 minutes of debate with respect to the nomination; with the time equally divided and controlled between the Chairman and Ranking Member, or their designees; and that at 5:30 p.m., on September 29, 2009, Senate vote on confirmation of the nomination. **Page S9890**

**Nominations Confirmed:** Senate confirmed the following nominations:

- 3 Air Force nominations in the rank of general.
  - 46 Army nominations in the rank of general.
  - 4 Marine Corps nominations in the rank of general.
  - 8 Navy nominations in the rank of admiral.
- Routine lists in the Air Force, Army, and Navy. **Pages S9892–94**

**Nominations Received:** Senate received the following nominations:

Marisa Lago, of New York, to be an Assistant Secretary of the Treasury.

Stephanie M. Rose, of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years.

Richard G. Callahan, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Michael W. Cotter, of Montana, to be United States Attorney for the District of Montana for the term of four years.

Nicholas A. Klinefeldt, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

Robert R. King, of Virginia, to be Special Envoy on North Korean Human Rights Issues, with the rank of Ambassador.

Linda Gore Ross, of New York, to be an Alternate Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations.

A routine list in the Foreign Service.	Page S9892
Messages from the House:	Page S9868
Measures Referred:	Page S9868
Additional Cosponsors:	Page S9869
Statements on Introduced Bills/Resolutions:	Pages S9869–72
Additional Statements:	Pages S9867–68

Amendments Submitted:	Page S9872
Authorities for Committees to Meet:	Page S9872
Privileges of the Floor:	Pages S9872–73
Text of H.R. 2996 as Previously Passed:	Pages S9873–90

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 4 p.m., until 11:30 a.m. on Tuesday, September 29, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9892.)

## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

*Committee on Finance:* Committee continued consideration of an original bill entitled, "America's Healthy Future Act of 2009", but did not complete action thereon, and recessed subject to the call and will meet again on Tuesday, September 29, 2009.

### INTELLIGENCE

*Select Committee on Intelligence:* Committee held a closed briefing with the Committee on Foreign Relations to examine Iran's nuclear program.

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# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 9 public bills, H.R. 3650–3658; and 4 resolutions, H. Con. Res. 191; and H. Res. 779–781 were introduced.

Pages H9998–9999

**Additional Cosponsors:** Pages H9999–H10000

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Baldwin to act as Speaker Pro Tempore for today. Page H9963

**Energy and Water Development and Related Agencies Appropriations Act, 2010—Motion to go to Conference:** The House agreed to the Pastor motion to disagree to the Senate amendment and agree to a conference on H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010. Pages H9969–70

Agreed to the Frelinghuysen motion to instruct conferees on the bill by voice vote. Pages H9969–70

The Chair appointed the following conferees: Visclosky, Edwards (TX), Pastor (AZ), Berry, Fattah, Israel, Ryan (OH), Olver, Davis (TN), Salazar, Obey, Frelinghuysen, Wamp, Simpson, Rehberg, Calvert, Alexander, and Lewis (CA). Page H9970

**Legislative Branch Appropriations Act, 2010—Conference Report:** The House agreed to the conference report to accompany H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, by a yea-and-nay vote of 217 yeas to 190 nays, Roll No. 739. Pages H9965–69, H9970–76

H. Res. 772, the rule providing for consideration of the conference report, was agreed to by a yea-and-nay vote of 209 yeas to 189 nays, Roll No. 738. Page H9970

Agreed to the McGovern amendment to the rule by voice vote, after it was agreed to order the previous question without objection. Page H9969

Pursuant to the provisions of H. Res. 772, H. Con. Res. 191, directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918, is adopted. **Page H9977**

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, September 29th for morning hour debate.

**Page H9979**

**Senate Messages:** Message received from the Senate today and a message received from the Senate by the Clerk and subsequently presented to the House today appear on page S9977.

**Senate Referrals:** S. 1599 was referred to the Committee on the Judiciary; S. 832 and S. 1707 were held at the desk. **Page H9996**

**Quorum Calls—Votes:** Two yea-and-nay votes developed during the proceedings of today and appear on pages H9970, H9976. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 2:19 p.m.

## Committee Meetings

### FEDERAL RESERVE TRANSPARENCY ACT OF 2009

*Committee on Financial Services:* Held a hearing on H.R. 1207, Federal Reserve Transparency Act of 2009. Testimony was heard from Scott G. Alvarez, General Counsel, Board of Governors, Federal Reserve System; and a public witness.

## Joint Meetings

No joint committee meetings were held.

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### CONGRESSIONAL PROGRAM AHEAD

Week of September 28 through October 3, 2009

#### Senate Chamber

On *Tuesday*, at approximately 1:30 p.m., Senate will resume consideration of H.R. 3326, Department of Defense Appropriations Act. Also, Senate will begin consideration of the nomination of Jeffrey L. Viken, to be United States District Judge for the District of South Dakota at 4:30 p.m., and after 60 minutes of debate, vote on confirmation of the nomination at 5:30 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

## Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Agriculture, Nutrition, and Forestry:* September 30, to hold hearings to examine the nominations of Bartholomew Chilton, of Maryland, Jill Sommers, of Kansas, and Scott D. O'Malia, of Michigan, all to be a Commissioner of the Commodity Futures Trading Commission, Edward M. Avalos, of New Mexico, to be Under Secretary for Marketing and Regulatory Programs, Edward M. Avalos, and Harris D. Sherman, of California, to be Under Secretary for Natural Resources and Environment, both to be a Member of the Board of Directors of the Commodity Credit Corporation, both of the Department of Agriculture, and Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, 9:45 a.m., SR-328A.

*Committee on Appropriations:* September 29, Subcommittee on Financial Services and General Government, to resume hearings to examine the use, impact, and accomplishments of Federal appropriations provided to improve the education of children in the District of Columbia, 10:30 a.m., SD-192.

*Committee on Banking, Housing, and Urban Affairs:* September 29, to hold hearings to examine strengthening and streamlining Prudential Bank supervision, 2 p.m., SD-538.

September 30, Subcommittee on Security and International Trade and Finance, to hold hearings to examine international cooperation to modernize financial regulation, 2:30 p.m., SD-538.

*Committee on Energy and Natural Resources:* October 1, to hold hearings to examine energy and related economic effects of global climate change legislation, 9:45 a.m., SD-366.

October 1, Subcommittee on Public Lands and Forests, to hold hearings to examine managing Federal forests in response to climate change, including for natural resource adaptation and carbon sequestration, 2:30 p.m., SD-366.

*Committee on Environment and Public Works:* September 29, Subcommittee on Children's Health, to hold hearings to examine promoting and improving children's health protections, 9:30 a.m., SD-406.

*Committee on Finance:* September 29, business meeting to resume consideration of an original bill entitled "America's Healthy Future Act of 2009", 9:30 a.m., SH-216.

October 1, Full Committee, to hold hearings to examine the nominations of Jim R. Esquea, of New York, to be Assistant Secretary, and Bryan Hayes Samuels, of Illinois, to be Commissioner on Children, Youth, and Families, both of the Department of Health and Human Services, 10 a.m., SD-215.

*Committee on Foreign Relations:* September 30, Subcommittee on African Affairs, to hold hearings to examine exploring United States policy options toward Zimbabwe's transition, 10:15 a.m., SD-419.

September 30, Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine United States policy

toward Burma, focusing on its impact and effectiveness, 2:30 p.m., SD-419.

October 1, Full Committee, to hold hearings to examine Afghanistan's impact on Pakistan, 10 a.m., SD-419.

October 1, Full Committee, to hold hearings to examine violence against women, focusing on global costs and consequences, 2:30 p.m., SH-216.

*Committee on Health, Education, Labor, and Pensions:* September 30, business meeting to consider an original bill entitled "Ryan White HIV/AIDS Treatment Extension Act of 2009", and the nominations of Brenda Dann-Messier, of Rhode Island, to be Assistant Secretary for Vocational and Adult Education, and Alexa E. Posny, of Kansas, to be Assistant Secretary for Special Education and Rehabilitative Services, both of the Department of Education, and George H. Cohen, of Virginia, to be Federal Mediation and Conciliation Director, Federal Mediation and Conciliation Service, and any pending nominations, 10 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* September 29, Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine improving transparency and accessibility of federal contracting databases, 10 a.m., SD-342.

September 29, Full Committee, business meeting to consider the nominations of Richard Serino, of Massachusetts, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security, and Daniel I. Werfel, of Virginia, to be Controller, Office of Federal Financial Management, Office of Management and Budget, 5:30 p.m., S-216, Capitol.

September 30, Full Committee, to hold hearings to examine eight years after 9/11, focusing on confronting the terrorist threat to the homeland, 10 a.m., SD-342.

September 30, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine controlled substance abuse in Medicaid, 3 p.m., SD-342.

October 1, Full Committee, to hold hearings to examine the nomination of David S. Ferriero, of North Carolina, to be Archivist of the United States, National Archives and Records Administration, 2:30 p.m., SD-342.

*Committee on the Judiciary:* September 29, Subcommittee on Crime and Drugs, to hold hearings to examine body building products and hidden steroids, focusing on enforcement barriers, 2:30 p.m., SD-226.

September 30, Full Committee, to hold hearings to examine advancing freedom of information in the New Era of Responsibility, 10 a.m., SD-226.

September 30, Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine responding to the growing need for federal judgeships, focusing on the Federal Judgeship Act of 2009, 2:30 p.m., SD-226.

October 1, Full Committee, business meeting to consider S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 1692, to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security

letters, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and the nominations of Roberto A. Lange, to be United States District Judge for the District of South Dakota, Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, Irene Cornelia Berger, to be United States District Judge for the Southern District of West Virginia, and Charlene Edwards Honeywell, to be United States District Judge for the Middle District of Florida, 9:30 a.m., SD-226.

*Committee on Veterans' Affairs:* September 30, to hold hearings to examine Veterans Affairs contracts for health services, 9:30 a.m., SR-418.

*Select Committee on Intelligence:* October 1, to hold closed hearings to consider certain intelligence matters, 2:30 p.m., S-407, Capitol.

*Special Committee on Aging:* September 30, to hold hearings to examine how successful health systems keep costs low and quality high, 11 a.m., SD-106.

### House Committees

*Committee on Agriculture,* September 30, Subcommittee on Conservation, Credit, Energy, and Research, hearing to review the implementation of the research title of the 2008 Farm Bill, 10 a.m., 1300 Longworth.

*Committee on Armed Services,* September 30, hearing on the status of ongoing U.S. efforts in Iraq, 10 a.m., 210 HVC.

October 1, hearing on the President's new plan for missile defenses in Europe and the implications for international security, 9 a.m., 210 HVC.

*Committee on Education and Labor,* September 30, hearing on Teacher Equity: Effective Teachers for All Children, 11 a.m., 2175 Rayburn.

October 1, hearing on Ensuring Economic Opportunities for Young Americans, 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce* October 1, Subcommittee on Energy and Environment, hearing on the following bills: H.R. 3258, Drinking Water System Security Act of 2009 and H.R. 2868, Chemical Facility Anti-Terrorism Act of 2009, 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* September 30, hearing entitled "Perspectives on the Consumer Financial Protection Agency," 10 a.m., 2128 Rayburn.

September 30, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing entitled "Reforming Credit Rating Agencies," 2 p.m., 2128 Rayburn.

October 1, full Committee, hearing entitled "Federal Reserve Perspectives on Financial Regulatory Reform Proposals," 9 a.m., 2128 Rayburn.

*Committee on Foreign Affairs,* October 1, Subcommittee on the Middle East and South Asia, hearing on the Afghan Elections: Who Lost What? 9 a.m., 2172 Rayburn.

*Committee on Homeland Security,* September 30, Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled "The Future of the Registered Traveler Program," 2 p.m., 311 Cannon.

October 1, Subcommittee on Emergency Communications, Preparedness and Response, hearing entitled "Preparedness: State of Citizen and Community Preparedness," 10 a.m., 311 Cannon.

*Committee on the Judiciary*, September 29, Subcommittee on Crime, Terrorism and Homeland Security, hearing on Crime Victims Rights Act of 2004, 4 p.m., 2141 Rayburn.

September 30, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on Cyberbullying and other Online Safety Issues for Children, including the following bills: H.R. 1966, Megan Meier Cyberbullying Prevention Act; and H.R. 3630, Adolescent Web Awareness Requires Education Act, 3 p.m., 2141 Rayburn.

*Committee on Natural Resources*, September 30, to mark up the following bills: H.R. 2489, AmericaView Geospatial Imagery Mapping Program Act; H.R. 1471, To expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Part, and for other purposes; H.R. 2213, To reauthorize the Neotropical Migratory Bird Conservation Act; H.R. 3537, Junior Duck Stamp Conservation and Design Program Reauthorization Act of 2009; H.R. 3433, To amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes; H.R. 1065, White Mountain Apache Tribe Water Rights Quantification Act of 2009; H.R. 3254, Taos Pueblo Indian Rights Settlement Act; and H.R. 3342, Aamodt Litigation Settlement Act, 10 a.m., 1324 Longworth.

October 1, Subcommittee on National Parks, Forests and Public Lands, hearing on the following bill: H.R. 86, To eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California and meet the original Congressional intent of preserving Orange County's rocks and small islands; H.R. 118, To authorize the addition of 100 acres to Morristown National Historical Park; H.R. 1925, America's Red Rock Wilderness Act of 2009; H.R. 2689, To authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System; H.R. 2781, To amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System; and H.R. 2888, Devil's Staircase Wilderness Act of 2009, 10 a.m., 1334 Longworth.

*Committee on Oversight and Government Reform*, September 29, hearing entitled "The Administration's Flu Vaccine Program: Health, Safety and Distribution," 2 p.m., 2154 Rayburn.

September 30, hearing entitled "Credit Rating Agencies and the Next Financial Crisis," 10 a.m., 2154 Rayburn.

October 1, Subcommittee on Information Policy, Census, and National Archives, hearing entitled "Requirements and Compliance with the Federal Advisory Committee Act," 2 p.m., 2154 Rayburn.

October 1, Subcommittee on National Security and Foreign Affairs, hearing entitled "Transnational Drug Enterprises Threats to Global Stability and U.S. National Security from Southwest Asia, Latin America, and West Africa," 10 a.m., 2154 Rayburn.

*Committee on Science and Technology*, September 30, Subcommittee on Energy and Environment, to consider the following measures: Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2009; H.R. 3585, Solar Technology Roadmap Act; and H.R. 3598, Energy and Water Research Integration Act, 10 a.m., 2318 Rayburn.

October 1, Subcommittee on Energy and Environment, hearing on Finding the Building Blocks of the Universe, 1 p.m., 2318 Rayburn.

October 1, Subcommittee on Technology and Innovation, hearing on the Department of Homeland Security's R&D Priorities for Fiscal Year 2010, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, September 30, hearing entitled "Expiring Tax Incentives: Examining Their Importance for Small Businesses on the Road to an Economic Recovery," 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, September 29, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on Final Breakthrough on the Billion Dollar Katrina Infrastructure Logjam: How Is It Working? 2 p.m., 2167 Rayburn.

September 30, Subcommittee on Coast Guard and Maritime Transportation, hearing on A Review of the Coast Guard's Search and Rescue Mission, 10 a.m., 2167 Rayburn.

September 30, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on This is NOT a Test: Will the Nation's Emergency Alert System Deliver the President's Message to the Public? 2 p.m., 2167 Rayburn.

October 1, full committee, hearing on Recovery Act: 225-Day Progress Report for Transportation Infrastructure Investment, 9:30 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs*, September 30, hearing on Energy Efficiency at the U.S. Department of Veterans Affairs, 10 a.m., 334 Cannon.

October 1, Subcommittee on Health, hearing on the following: H.R. 1017, Chiropractic Car Available to All Veterans Act; H.R. 1036, Veterans Physical Therapy Services Improvement Act of 2009; H.R. 2504, to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans; H.R. 2559, Help Our Homeless Veterans Act; H.R. 2735, To amend title 38, United States Code, to make improvements to the comprehensive service program for homeless veterans; H.R. 3073, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs establish a grant program to provide assistance to veterans who are at risk of becoming homeless; H.R. 3441, To provide for automatic enrollment of veterans returning from combat zones into the VA medical system; and a Draft Discussion on



Homelessness and Graduate Psychology Education, 10 a.m., 334 Cannon.

*Committee on Ways and Means*, October 1, hearing on funding levels of defined benefit pension plans and the rules that apply to investment advice, 10 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence*, September 30, Subcommittee on Terrorism. Human Intelligence, Analysis, and Counterintelligence, executive, briefing on Hot Spots, 4 p.m., 304 HVC.

October 1, Subcommittee on Intelligence Community Management, hearing on Update on Security Clearance Reform, 10 a.m., 2253 Rayburn.

### Joint Meetings

*Commission on Security and Cooperation in Europe*: September 29, to hold hearings to examine the Western Balkans, focusing on policy responses to today's challenges, including current United States and the European Union efforts to maintain stability in the Western Balkans and prepare the countries of the region for European and Euro-Atlantic integration, 10:30 a.m., SVC-212/210.

*Joint Economic Committee*: October 2, to hold hearings to examine the employment situation for September 2009, 9:30 a.m., SD-106.

*Joint Economic Committee*: September 30, to hold hearings to examine women and the economy, 10 a.m., 210, Cannon Building.

*Next Meeting of the SENATE*

11:30 a.m., Tuesday, September 29

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12:30 p.m., Tuesday, September 29

## Senate Chamber

**Program for Tuesday:** After the transaction of any morning business (not to extend beyond 1:30 p.m.), Senate will resume consideration of H.R. 3326, Department of Defense Appropriations Act. Also, Senate will begin consideration of the nomination of Jeffrey L. Viken, to be United States District Judge for the District of South Dakota at 4:30 p.m., and after 60 minutes of debate, vote on confirmation of the nomination at 5:30 p.m.

## House Chamber

**Program for Tuesday:** To be announced.

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# Congressional Record

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